$~1(SDB)

* **IN THEHIGH COURTOF DELHIAT NEW DELHI**

Date of Decision: 5th November, 2026
Uploaded on: 10th November, 2026

\# **CNRNo : DLHC010561582023**

\+ **LPA 851/2023 & CM APPL. 77268/2026**

LOKESH KUMAR AND ORS .....Appellants

Through: Mr. Lokesh Kumar, Mr. Tanishq Juneja and Mr. Shashwat Sharin, Advs.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Prabhsahay Kaur (Standing Counsel), Mr. Aditya Verma, Advocates for DDA.
Mr. Tushar Sannu, Standing Counsel for MCD with Ms. Rajbala, Ms. Payal Rajput, Mr. Vaibhav Tripathi, Advs. and Mr. Vinay Kumar Tripathi, Deputy Secretary IDMC.
Ms. Manisha Agrawal Narain, CGSC with Mr. Divanshu, Adv.
Mr. Mukesh Gupta, Standing Counsel for MCD with Mr. Raghav Gupta, Ms. Shashi Gupta and Mr. Arnav Gupta, Advs. for MCD.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 77268/2026

2. This is an application moved by the Appellants under Section 151 of

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the Code of Civil Procedure, 1908 seeking withdrawal of the present LPA.

3. The present case relates to the **Sriniwas Puri drain**, wherein the Appellants, who are residents of the said area had sought various reliefs in the writ petition, which was filed by them *i.e.,* being ***W.P.(C) 10459/2021*** titled '***Lokesh Kumar & Ors. v. Union of India & Ors'***. The prayers in the said writ petition were for proper maintenance of the drain, cleaning of the drain, for removal of the silt, construction/repair of the drain at Sriniwas Puri. The prayers in ***W.P.(C) 10459/2021*** read as under:

> *"A. Issue a writ of mandamus or any other appropriate writ, order and time bound direction to the Respondents to reconstruct all drains in Srinivaspuri area by taking level of floor/bed of drains with high capacity within specific time.*
>
> *B. Issue a writ of mandamus or any other appropriate writ, order and time bound direction to the Respondents to ensure proper flow of water and to connect the road side drains to the main drain.*
>
> *C. Issue a writ of mandamus or any other appropriate writ, order and time bound direction to the Respondents to cover the road side drains and the main drain in Srinivaspuri area.*
>
> *D. Order for an enquiry into the public funds spent in the name of cleaning, construction, repair and maintenance of drains in Srinivaspuri by PWD in the last 10 years.*
> *e) Pass any further order(s) which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case, in the interest of justice."*

4. Order dated 1st September, 2023 was passed by the ld. Single Judge of this Court in this matter, wherein the ld. Single Judge had taken on record

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various reports filed by the Delhi Jal Board (hereinafter, *'DJB'*), Public Works Department (hereinafter, *'PWD'*), Municipal Corporation of Delhi (hereinafter, *'MCD'*), etc. and disposed of the writ petition.

5. In the present LPA, various orders have been passed from time to time. On 18th September, 2026, an inspection was ordered under the aegis of Integrated Drain Management Cell (hereinafter, *'IDMC'*) along with all the concerned agencies.

6. Mr. Sandeep Mishra, Special Secretary, IDMC had got the entire area inspected and a report was replaced before this Court. Thereafter, a detailed order was passed on 30th October, 2026. The matter is now listed on 17th December, 2026.

7. In the meantime, the Appellants have filed this application stating that they would not like to press the present appeal in view of the continuous threats they are facing from the local residents.

8. In view of the application of the Appellants, the present appeal is dismissed as withdrawn.

9. However, owing to the large scale impact of the drain on the general water logging in the area, as also the rampant illegal construction upon and around the drain, this is a fit case for the Court to not ignore the facts that have come to light in the various reports including the recent inspection report of the IDMC. Accordingly, the Court takes *suo moto* cognisance of the situation relating to the Sriniwas Puri Drain. Let the inspection report which was filed by the IDMC and the status report filed by the DJB and other authorities in this case shall now be moved into the new file of writ petition titled ***Re: Suo Moto Sriniwaspuri Drain***. The record of the entire appeal shall now be a part of the said writ petition. Let a fresh number be allocated by the Registry to

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the said writ petition.

10. Mr. Sashwat Sarin, ld. Counsel is appointed as *amicus curiae* to assist the Court in this new writ petition. Respondents in memo of parties of the present LPA shall become the Respondents in memo of parties of the said writ petition.

11. List ***Re: Suo Moto Sriniwaspuri Drain*** on 17th December, 2026.

12. Next date of hearing in this matter stands cancelled.

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

NOVEMBER 5, 2026/*dk/ck*

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