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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12686/2021, CM APPL. 39953-39954/2021

SOUTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Mr. Sanjeev Sagar, St. Counsel for SDMC & NDMC & Ms. Nazia Parveen, Advs. with Mr. B.K. Hazarika, MHO/SDMC, Mr. Dr. Aniket Sirohi, DHO/SDMC & Mr. Dr. Satya Prakash, MHO/NDMC.

versus

GOVERNMENT OF NCT OF DELHI Respondent

Through: Mr. Rahul Mehra, Sr. Adv. with Mr. Gautam Narayan, ASC, Ms. Asmita Singh, Adv. for Resp. Mr. Tushar Sannu, Standing Counsel for EDMC. Ms. Sakshi Popli, ASC for NDMC. Mr. Divya Prakash Pande, Standing Counsel for SDMC & Nr. DMC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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01.12.2021

1. In pursuance to our last order dated 23.11.2021, the status reports/affidavits have been filed by the North Delhi Municipal Corporation, South Delhi Municipal Corporation, East Delhi Municipal Corporation, New Delhi Municipal Council and the Delhi Cantonment Board. The minutes of meeting held in pursuance to our last order have also been placed on record. The concerned officers from three Municipal Corporations are also present. We have heard Dr. Aniket Sirohi, Deputy Health Officer, SDMC as well. It has been disclosed by Mr. Sagar, learned counsel for the petitioner-SDMC, that another writ petition being

W.P. (C) 5569/2021 is also pending consideration before the Bench of Hon'ble the Chief Justice on the same issue which is listed on 24.12.2021 before Division Bench-I.

2. To assist the Court in dealing with the menace of large scale breeding of mosquitoes in Delhi, which results in vector borne diseases such as Malaria, Chikungunya and Dengue every year and causes numerous fatalities every year, in our view, it is necessary that the said issue regarding mosquito breeding is monitored closely by the Court so that the systems are put in place by all the three Corporations, the New Delhi Municipal Council, the Delhi Cantonment Board, and by the GNCTD, and the said menace can be checked on a more permanent basis. For that purpose, it would be desirable that an Amicus is appointed to assist the Court.

3. We, accordingly, appoint Mr. Rajat Aneja, Advocate as the Amicus to assist the Court in dealing with the aforesaid issue.

4. Since the present writ petition primarily relates to the challenge raised by the petitioner with regard to the Cabinet decisions taken by the GNCTD in relation to Basic Tax Assignment (BTA) and also the other aspect i.e. Grants-in-aid (GIA), we separate the said aspect with regard to mosquito breeding in Delhi, and direct the Registry to register a separate Writ Petition for that purpose. A copy of the last order passed by us, and all the affidavits/reports filed in pursuance thereof, and the minutes of the meeting be taken off from the record of the present writ petition, and be placed in the new writ petition to be registered along with the copy of this order. Thereafter, the matter may be placed before Hon'ble the Chief Justice on the administrative side to mark the present Writ Petition and

W.P. (C) 5569/2021 before the same Bench for hearing.

5. During the course of hearing, it has been suggested by Dr. Aniket Sirohi that this Court may also take the assistance of Dr. Kalpana Barua, National Vector Borne Disease Control Programme (NVBDCP), Government of India, who is an expert in the field. This Court may take the assistance of Dr. Kalpana Barua or any other expert at the hearing of the petition.

W.P.(C) 12686/2021

6. Issue notice. Mr.Tushar Sannu, learned Standing Counsel accepts notice on behalf of the EDMC.

7. Ms. Sakshi Popli, learned ASC accepts notice on behalf of the NDMC.

8. Mr. Divya Prakash Pande, learned Standing Counsel accepts notice on behalf of the SDMC & Nr. DMC.

9. Counter affidavits be filed by the respondents within three weeks. Rejoinder before the next date.

10. List on 12.01.2022, the already fixed.

VIPIN SANGHI, J

JASMEET SINGH, J

DECEMBER 01, 2021

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