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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 16th February, 2026

+ W.P.(C) 13633/2024 & CM APPL. 57027/2024

RACHIT GUPTAPetitioner

Through:

versus

GOVERNMENT OF NCT OF DELHI AND ORS.Respondents

Through: Ms. Rachit Garg, Advocate for
GNCTD
Mr. Vaibhav Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking the following reliefs:

1. A writ, order or directions in the nature of *Mandamus* do issue Commanding the Respondent no. 2 for Demolition of Unauthorized Kudadaan and Urinal constructed on the eastern walls of 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06;
2. A writ, order or directions in the nature of *Mandamus* do issue Commanding respondent no. 2 to arrange proper covered dustbins for dry and wet waste for house no. 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on the streets of Lal Darwaza;
3. A writ, order or directions in the nature of *Mandamus* do issue Commanding respondent no. 2 daily proper cleaning of the garbage outside the property 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on street of Lal Darwaza;



4. A writ, order or directions in the nature of *Mandamus* do issue Commanding respondent no. 2 Health **Inspector be deployed** to challan the person who throw garbage outside property 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on the streets of Lal Darwaja;
5. A writ, order or directions in the nature of *Mandamus* do issue Commanding both respondent no. 1 & 3 to take steps to maintain proper hygiene by pest-control and plantation outside property 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on the streets of Lal Darwaja;
6. Any other appropriate directions or writs may be issued in favor of the petitioner and against Respondents which may deem fit and equitable in the present conditions.

2. The petitioner, who is an Advocate appears in person and submits that he resides at *House No.3148, Lal Darwaza Bazar, Sita Ram Bazar, Delhi-110006*.

3. The grievance of the petitioner is that the respondents have constructed an unauthorised open garbage bin and urinal on the eastern walls of the property of the petitioner, in which about 150 residents in the neighbourhood of the petitioner throws their garbage and waste and also use the urinal. Photographs of the same have been filed along with the writ petition (*Annexure-D of the petition*).

4. It is averred on behalf of the petitioner that the petitioner made several requests before the officials of the respondent authorities to maintain sanitary conditions in and around the open garbage bin and the public urinal. Till date, no action has been taken in this regard.

5. The status report has been filed on behalf of the respondent no.2/MCD that regular inspection and cleaning work is being carried out in the urinal in question by the officials of the respondent no.2/MCD.

6. In terms of the order passed by this Court on 7th August, 2025, a joint



inspection was carried out to remove/relocate the open garbage bin and urinal. However, the site proposed by the petitioner was not found feasible.

7. In the rejoinder filed on behalf of the petitioner, it is stated that the area in question is residential and all residents are expected to have toilet in their own houses, therefore, there is no requirement for public urinal. Further, insofar as the open garbage bin is concerned, in terms of the Solid Waste Management Rules, the respondent no.2/MCD is required to collect garbage from the house of the residents.

8. I have heard the counsel for the parties.

9. In my considered view, the presence of open garbage bin as well as public urinal is undoubtedly a nuisance to the residents of the area including the petitioner, outside whose house the same is located. This Court empathises with the petitioner as well as other residents inasmuch as presence of a public urinal as well as an open garbage bin would result in stench in the surrounding areas. The residents of the aforesaid locality have been constrained to live in such a deplorable condition. The photographs filed with the petition clearly demonstrate the existing state of affairs.

10. One of the integral aspects of a healthy life is hygienic environment. Absence of a healthy environment would frustrate the right of the petitioner to live with dignity. The presence of a public urinal and an open garbage bin right next to the petitioner's house clearly violates his right to life guaranteed under Article 21 of the Constitution, which includes right to live with dignity in a clean and healthy environment [Please see *State of M.P. v. Kedia Leather & Liquor Ltd.* (2003) 7 SCC 389 and *Chameli Singh v. State of U.P.* (1996) 2 SCC 549].

11. In view thereof, a direction is issued to the respondent no.2/MCD to



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forthwith demolish the open dustbin and the urinal next to the house of the petitioner at *House No.3148, Lal Darwaza Bazar, Sita Ram Bazar, Delhi-110006* within four (4) weeks from today.

12. Further direction is issued to the respondent no.2/MCD to arrange proper covered dustbin for dry and wet waste to be kept at a distance from the petitioner's property.

13. The writ petition stands disposed of with the abovesaid directions.

AMIT BANSAL, J

FEBRUARY 16, 2026/ds