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

Date of decision: September 20, 2016

+ W.P.(C) 7676/2016

SHAHID ALI

.....Petitioner

Through : Mr. Anwar Khalil, Advocate.

Versus

GOVT. NCT OF DELHI & ORS.

....Respondents

Through : Mr. Rahul Mehra, Standing Counsel
with Mr. Anupam Shrivastava, ASC,
Mr. Devender Dedha, Ms. Niharika, Advocates
for GNCTD along with Dr. Raheja, Additional
Director.

Mr. Amrit Pal Singh, R-2/EDMC.

Mr. Mukesh Gupta, Advocate for R-3/SDMC.

Mr. Vinod Kapoor, Advocate with Mr. Trinayan,
Advocate for Mr. Sanjeev Ralli, Advocate for
DPCC.

Mr. Tarveen Singh Nanda and Mr. Ankit Sharma,
Advocates for Delhi Cantt. Board.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

Ms. G. ROHINI, CHIEF JUSTICE

1. The present writ petition has been filed by way of Public Interest Litigation by the petitioner seeking appropriate directions to the respondents

to control the menace of dengue and prevent the breeding of mosquitoes in Delhi specifically in certain areas named therein allegedly covered by unauthorized colonies. The petitioner further prays for directions to the respondents to take appropriate preventive measures such as fogging and spraying of anti-mosquito chemicals to check the widespread of the epidemic.

2. In response to the notice ordered by us, the respondent No.1/Government of NCT of Delhi filed a detailed affidavit explaining the steps that were taken which included prevention and control of breeding of mosquitoes since the mosquito is the vector for dengue and *chikungunya*, public health and hospital related measures, community mobilization efforts, and etc. even before the monsoon was set in. While denying the allegations that Delhi has been facing the worst dengue crisis due to failure of GNCTD to take necessary measures, the details of initiatives taken by GNCTD for controlling the outbreak of dengue have been furnished. It is explained that on account of the preparatory steps that were taken by GNCTD well in time, the number of dengue cases reported are far less when compared to previous years in spite of heavy rains during this monsoon season. The steps taken to strengthen the hospital system by establishing dedicated fever clinics in Delhi Government Hospitals, Government dispensaries and etc. to cater to large number of patients, by increasing the surge capacity of all hospitals in NCTD, by dedicating additional beds in three major hospitals which have been designated as Nodal Hospitals, by directing private hospitals to take

steps to augment the capacity for management of dengue, by formation of Dengue Death Review Committee and etc. have also been explained.

3. The respondent Nos.2, 3 and 4/East, South and North Delhi Municipal Corporations also filed their Action Taken Reports together with the supporting documents.

4. The writ petitioner has also filed an affidavit suggesting additional measures to combat dengue and other vector borne diseases stating *inter alia* that the existing Municipal Wards may be sub-divided for better identification and easy implementation of preventive measures, a dedicated complaint board may be constituted and the same be empowered to take punitive actions against the guilty and negligent officials/*safai karamcharis*, the occupants of the houses/premises where the breeding of mosquitoes is reported by the checking officials should be heavily penalised, fogging/spraying of anti-mosquito chemicals should be directed to be commenced every year with effect from June onwards, more places should be identified for dumping garbage and sufficient number of dustbins should be provided with proper maintenance, the National Service Scheme (NSS) should be revived, all *nalas* should be ordered to be covered and that polyclinics in each and every ward should be provided and properly maintained, etc.

5. The issue raised in this petition was dealt by us in W.P.(C) No.8917/2015 titled "***Gauri Grover v. Government of NCT of***

Delhi & Ors." and by order dated 17.08.2016 we issued the following directions:

“(i) The Government of India as well as Government of NCT of Delhi shall take effective steps to ensure that the dengue patients are not denied treatment/admission in any of the hospital (Government/ Private) of Delhi.

(ii) Steps be taken by the Government of India and the Government of NCT of Delhi to increase the strength of doctors, nurses, other staff by engaging retired personnel, if so required to meet the exigencies. Assistance of NGOs who are involved in such like activities may also be taken.

(iii) Appropriate steps for periodical visits of the houses, more particularly those located in slum areas for prevention of breeding of mosquitoes by adopting the necessary anti-mosquito measures such as fogging operations and spray of insecticides shall be taken by the Municipal Corporations of Delhi and NDMC.

(iv) The Government of India/GNCTD/Municipal Corporations of Delhi/ NDMC shall conduct awareness campaigns and advertise through various modes viz. hoardings, television, newspapers, radio etc. to make the public aware of the life threatening disease and the preventive measures to be taken to control dengue cases in Delhi.”

6. In addition to the abovesaid directions, we further direct that -

(i) All the measures being taken by the respondent No.1 as explained in the affidavit dated 14.09.2016 shall be continued both regarding prevention of breeding and control of mosquitoes and the functioning

of the hospitals, clinics, dispensaries, and etc. to ensure that proper medical care is provided to the needy public.

- (ii) The respondent No.1 shall consider the feasibility of the implementation of the various measures suggested by the petitioner vide his affidavit dated 16.09.2016 and take an appropriate decision within four weeks from today.

7. Accordingly, the writ petition stands disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 20, 2016

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