

BEFORE THE HON'BLE LOKAYUKTA  
JUSTICE MANMOHAN SARIN

COMPLAINT NO. C-1256/Lok/2012

Shri L.G. Dass, Advocate ..... Complainant

Versus

Shri Raj Kumar Chauhan, Minister,  
Govt of NCT of Delhi. .... Respondent

Present:-

1. Shri L.G. Dass, Advocate, Complainant in person.
2. Shri S.K. Saxena, Spl. Secretary, Department of Urban Development.
3. Shri Hira Lal, Office Superintendent, Department of Urban Development.

Shri S.K. Saxena, Special Secretary (UD) and Shri Hira Lal, Superintendent (UD) are present today. Mr. Saxena has handed over a noting which spells out the efforts made to trace the file as under:-

- i) Orders were issued to all Dealing Assistants of unauthorized colony to trace the file on 09-03-2012.
- ii) Request has been made to DDA to give certified copy of ELD-98 namely Wazirpur Village, Ashok Vihar Ph-I.
- iii) The Report of Dealing Assistants have been received according to which file is not traceable.
- iv) Shri P.K. Shukla, Gr.II (DASS) was specially ordered again to trace the file once again. His report has also been received according to which the file is not traceable”.

Mr. Saxena says that inspite of these efforts, the file in relation to Wazirpur Village, Ashok Vihar, Phase-I, registered at ELD No.98, has not been traced. Mr. Saxena, however, states that as soon as the certified copy is received from DDA of the file ELD No.98 or from the Revenue Department, the same shall be made available. He further clarifies that the applicant for regularization of unauthorized colony would submit the application in 5 sets in terms of regulations of

regularization. One set used to be sent to DDA and another to the Revenue Department. This is apart from the sets sent to Forest Department, Archeological Survey of India and the MCD.

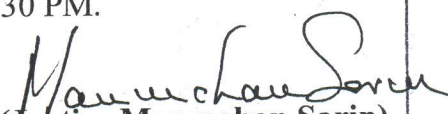
Even if the copy from DDA is made available, the significance and necessity of tracing the Department's own file cannot be overlooked. This is because the Department's own file would contain complete comments and notings with regard to processing of the application.

Mr. Dass, Complainant in person, states that he is basing his case that the notings would reveal the involvement of the Respondent and possible instructions, if any, given by him for clearance of non-existent colonies or issuance of Provisional Regularization Certificates without verification simply on submission of application with documents.

In view of the foregoing, since considerable time has been given for tracing of the missing file which has not been traced and the Spl. Secretary (UD) informs that the Department is considering filing an F.I.R, it is high time that the same is done without any further loss of time.

In the meanwhile, for whatever it is worth, the Department of UD shall obtain from DDA or the Revenue Department, a copy of their file as received. Mr. Saxena explains that from the Revenue Department the land status report is sought. Mr. Saxena would ascertain and inform this Forum whether the Department used to await feedback from the Revenue Department on the land status report before issuing the Provisional Certificate of Regularization or the Provisional Regularization Certificates were issued simply on the basis of application.

It has also been put to Mr. Dass that he should scrutinize the records, at least with regard to the colonies in relation to which files have been made available, to make his preliminary submissions on the complaint. Re-notify on 25-04-2012 at 1 2.30 PM.

  
(Justice Manmohan Sarin)  
Lokayukta

**Date: 04-04-2012**