

**BEFORE THE HON'BLE LOKAYUKTA**  
**Justice Manmohan Sarin**  
**Complaint No. C-1473/Lok/2012**

Issues regarding large scale irregularities in issue of PRCs in unauthorized colonies

Present:

1. Sh. Vijay Singh Lochav, Ex. MLA.
2. Sh. Shalabh Kumar, SE (SW), DJB.
3. Sh. N.K. Tomar, EE (SW) II, DJB
4. Sh. Raghu Rak Khatana, SHO, IP Estate

Sh. Raghu Raj Khatana, SHO, I.P. Estate is present. He says that since the Complainant Additional Secretary Sh. Udai Kumar had simply lodged the report as 'missing of file', the information as given has been noted and registered u/s 155 Cr. PC for a non cognizable offence.

The submission being that in terms of section 155 Cr. PC, the Investigation Officer is precluded from investigating the matter without the leave of magistrate.

It has been explained to the learned SHO that the above does not correctly represent the entire conspectus of controversy and the facts as have been noted and brought out in the orders dated 27.7.12, 7.8.12, 16.8.12 and 23.8.12, wherein it has been clearly brought to the notice of the SHO that file contains documents granting administrative approval for works on the basis of tampered Cabinet decision.

It has been pointed out that an inquiry is going on under section 7 of the Delhi Lokayukta and Upalokayukta Act, 1995. In this case on allegation is made by an Informant that the Cabinet Note No. 1311 dated 20.11.2007, notified vide letter No. F.No. 3/32004-GAD/CN-4563-4574 dated 26.11.2007, was tampered with by a letter bearing No. 103(31)/UC/UD/MLA/2004/Pt.-1/ 7631-7635 dated 25.4.2008, which was issued by the then Joint Secretary, UC cell, Deptt. of UD, quoting the tampered Cabinet Decision.

Curiously the words in the Cabinet Decision regarding cement concreting of roads in unauthorized colonies being done where water lines and sewage lines have 'already been laid' were substituted by the words "are to be laid". It is the allegation of the Informant that

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substantial works worth over around 50 crores were carried out on the basis of this tampered Cabinet Decision in 11 colonies, where public representative had vested interests.

Secondly, the letter of 25.4.2008 conveying tampered decision had been addressed to the Chief Engineer, DSIDC, with copies to Sh. Vijay Singh Lochav, MLA, PS to Minister of UD, PS to Secretary, UD and PA to Spl. Secretary, UD.

Search/efforts made administratively to trace this file have drawn a blank. It is stated that last movement of file was with the Town Planner.

Curiously the copies which are said to have been endorsed to Vijay Singh Lochav, MLA, PS to Minister of UD, PS to Secretary, UD and PA to Spl. Secretary, UD have either not been enquired into or are reported as not available with the respective addressees. It being claimed that the said copies with comments thereon are returned to the sections sending the letter. This appears to be a rather strange procedure. Normally a copy addressed to addressee would find place in the addressee's record and if there are comments made thereto a separate communication would follow, especially when the notings may be expected to be made or instructions be given as is normally done with files sent to the Minister.

Be that as it may, in these circumstances where tampering and forgery of Cabinet Decision are apparent, it is almost idle for Inquiry officer to contend that since Complainant has lodged complaint only under section 155 Cr. PC, investigation is hampered or precluded. It is bounden duty of the Inquiry officer to take note of the fact as disclosed and the offence made out by such facts as disclosed and to proceed with investigation thereof irrespective of the section under which the original information may have been noted or recorded. It would be for the Inquiry Officer to further see whether facts disclosed or revealed during his enquiry also disclose commission of offence under section 201 IPC. It may also further be noted that Chief Engineer, DSIDC in his deposition has confirmed that but for the receipt of the letter dated 24.4.2008 from the Joint Secretary, UC, UD conveying tampered Cabinet decision, the work in these colonies could not have been taken up.

It is hoped and expected that the Delhi Police would perform its statutory duty sincerely. A copy of this order be endorsed to the Commissioner of Police Sh. Neeraj Kumar to ensure that needful is done.

Vijay Singh Lochav, Ex. MLA is present. He has handed over in court the letter dated 25.4.2008, Ex. VSL-I, which he received. The same

is taken on record. His statement has already been recorded separately on SA.

Sh. Salabh Kumar , SE, DJB is present. He has handed over in court the letter Ex. SK-I. His statement has also been recorded.

To come up for further proceedings on **19<sup>th</sup> October, 2.30 PM.**

  
(Justice Manmohan Sarin)  
Lokayukta

**Dated: 27.09.2012**