

BEFORE THE LOKAYUKTA
Justice Manmohan Sarin

Complaint No. C-1754/Lok/2012

Sh. Rajesh Garg

Complainant

Vs.

Sh. Raj Kumar Chauhan, Minister PWD,
Welfare of SC/ST, GNCTD of Delhi

Respondent No.....1.

Sh. Vijender Gupta, Municipal Councillor/
Chairman Standing Committee, MCD

Respondent No.....2.

ORDER

The Complainant has filed the above complaint alleging \Respondents to have abused their position to obtain gain or favour to themselves and to their family members, to cause undue harm to public and Government. Further, failure to act in accordance with the norms of integrity and conduct, which ought to be followed by the Public Functionaries and the class to which they belong, is alleged.

The Complainant avers that on learning of encroachment on public land, unauthorized construction in the building by the owners of Newspaper 'Punjab Kesari' he had moved RTI applications seeking information. The Complainant avers that 2025 sq. mtrs. plot was allotted to M/s Hind Samachar Ltd. by DDA for publishing the daily newspaper 'Punjab Kesari' being plot No. 2 in the Lay out Plan of printing press Complex, Ring Road, Wazirpur DTC Depot, Delhi - 35.

MS

The Complainant claims that the Media House, 'Punjab Kesari' has encroached upon public land and constructed pucca boundary walls and two big Iron Gates and a room have been built on 1469 sq. mtrs of PWD road as shown in red/orange colour. Apart from this, they have constructed pucca structures on 2200 sq. mtrs of DDA land shown in green colour in the said plan, Exhibit CW-1/4.

The Complainant has filed the responses received to his RTI queries and applications which prima facie support the allegations of encroachment on public land and unauthorized constructions.

It is the Complainant's case that the appeals preferred by him against the non supply/delay in supply of information, the concerned officials before the Appellate Authorities disclosed and took names of the Respondent Public Functionaries being the persons desiring that no action be taken against the Media House for encroachment on public land and unauthorized construction and that is why the unauthorized construction had been continuously going on for the last four years.

The Complainant claimed that he was contacted personally by the colleagues of the above mentioned Public Functionaries on their behalf and asked him not to press the complaints/RTIs against 'Punjab Kesari'. The Complainant claimed that the inaction by the PWD, DDA & MCD and other Enforcement Agencies against the owners of 'Punjab Kesari' is on account of the influence of the above mentioned Public Functionaries who are acting against and contrary to the oath taken by them on taking charge of the office MLA, Minister in the GNCTD of Delhi, as Councillor in the MCD. The act of the Public Functionaries in supporting these illegal actions is motivated to help someone who can be helpful to them in fulfilling their political end and is in violation of the norms of integrity and conduct.

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As the above averments simply stated the bare assertion and allegation, it was considered expedient to record the statement of the Complainant on oath for elaboration and to gather further details in support of his allegations, before considering issuance of notice.

The statement of the Complainant was recorded on 16.10.2012. The Complainant in support of his allegations stated that both the Respondent Public Functionaries had been regularly attending functions organized by Sh. Ashwani Kumar Chopra to commemorate the birth and death anniversaries of latter's father and grandfather Late Sh. Ramesh Chopra and Lala Jagat Narain. The photographs showed the active participation of both the Public Functionaries in the functions organized at the place where there is encroachment on the public road and unauthorized constructions.

He has further produced Invitation Card showing Ms. Kiran Chopra W/o of Sh. Ashwani Kumar Chopra, owners of Media House being Guest of Honour in a function organized by Sh. Vijender Gupts's wife, NGO Sampurna in support of their close social relationship. The Complainant has also disclosed the details of the hearings before the Appellate Authority i.e the Chief Engineer of PWD, the names of concerned officials who had given the reason for delay as being the interest of the Minister, in the matter while undertaking to abide the decision of the First Appellate Authority. Similarly, in the hearing of the RTI before the Dy. Commissioner, Rohini Zone, he named the official who had mentioned Sh. Vijender Gupta being interested in the matter and that any action being taken by them for demolition etc. would create problems for them.

Lastly, he had deposed regarding visits of a close associate 'Man Friday' of Respondent No. 2 who warned the Complainant that he had already annoyed Sh. Vijender Gupta by instituting proceedings against Sh.

Jai Bhagwan Aggarwal and advised him not to go against him it would tantamount to going against BJP itself. He told the Complainant that if the building was demolished Sh. Vijender Gupta would be very annoyed with him. Similarly, he named the official who had advised him on behalf of Sh. Raj Kumar Chauhan, not to proceed against the owners of 'Punjab Kesari'.

On consideration of the averments made in the complaint, the documents produced along with it namely Exhibits CW -1/1 to 12 being responses received from the RTI, the photographs Mark A-1 to 10 showing social contact and in particular the statement of the Complainant recorded on oath giving particulars and details of how he was approached in the matter on behalf of the Respondent, a prima facie case for issuance of Show Cause notice to both the Respondents as to why an inquiry under Section 7 read with Section 2 (1) (b) of the Delhi Lokayukta and Upalokayukta Act, 1995 be not held against them, is made out.

Let notice to show cause issue to Respondent No. 1 & 2 to show cause why an inquiry under Section 7 read with Section 2 (1) (b) of the this Act, be not held against them, returnable on **26.11.2012 at 12.30 P.M.** Copy of the complaint and the documents filed along and copy of the statement of the Complainant as recorded, be sent with the notice to the Respondents.


(Justice Manmohan Sarin)
Lokayukta

Dated : 18.10.2012.