

**BEFORE THE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1754/LOK/12**

Shri Rajesh Garg Complainant

Versus

Shri Raj Kumar Chauhan, Minister, GNCTD

&

Shri Vijender Gupta, Ex-Municipal Councillor Respondents

Present:-

1. Shri Rajesh Garg, Complainant in person.
2. Shri Vivek Tandon, Advocate, Counsel for Respondent No.1 and Secretary, PWD, Govt of Delhi.
3. Shri Ajay Diggpaul, Advocate, Counsel for Respondent No.2.
4. Shri P.K. Aggarwal, Advocate, Counsel for DDA.
5. Shri S.N. Goel, AE (MCD)

Shri Ajay Diggpaul, Advocate, is present on behalf of Shri Vijender Gupta. He seeks one week's time to file reply. Opportunity for this purpose has already been given. No further opportunity would be given and in case reply is not filed on or before 13th Feb 2013, with advance copy to the Complainant, the right to file reply shall stand closed.

Similarly, reply on behalf of Respondent No.1, Raj Kumar Chauhan, by his Counsel Shri Vivek Tandon, be filed within one week i.e. by 13th Feb 2013, with advance copy to the Complainant, failing which his right to file reply shall stand closed.

A status report on behalf of DDA has been filed giving the complete historical perspective and development till date. A copy of the status report as filed has been given to the Complainant, who may file appropriate response or otherwise bring to the attention of this Forum any particular aspect which he wishes to highlight from the status report. The Complainant, in case he is

filing a response, shall do so by the 13th Feb 2013, with an advance copy being sent to the Counsel for DDA.

The upshot of the status report filed by DDA is that even if we leave the background with regard to the encroachment done in respect of Plot No. 3 & 4 apart, which is now stated to have been partly removed, the admitted position as of January 2013, is recapitulated by reproducing sub-para 1(i) (m) of the report, which is as under:-

“That as per letter dated 2-1-2013 of Ex. Engineer, Northern Division-10, DDA, addressed to the Superintending Engineer, Civil Circle-12, DDA, copies of which are endorsed to Dy. Director (Institutional Land), Deputy Director (Land Management) and concerned Assistant Engineer, it has been informed that the lessee of Plot No.2 has encroached the DDA land approx. 2200 Sq. Mtrs by constructing the pucca structure in the form of canteen and printing press machine etc. As per the layout plan, this DDA land is proposed for allotment to Institute of Printing Technology. Accordingly, a reference has also been made by Director (CL) to Director (Lands) DDA, who is the concerned officer to take action for retrieval of the said land. Copy of the said Plan is annexed as Annexure R-21”.

From the foregoing, the factum of unauthorized construction in the form of Canteen, Printing Press etc. on the encroached land of approx. 2200 Sq. Mtrs is stated by DDA. However, on the question of action being taken for removal of encroachment, the Counsel states that a letter has been written to the Director (Lands) DDA to do the needful.

However, it was his submission that as far as the internal constructions are concerned, the same would need to be removed by MCD, since as per his information as of now, the building activities stand transferred to MCD.

At this juncture, Shri Suraj Prakash AE(C) Civil Lines Zone, MCD, who is present in Court states that the building activities have not been transferred to MCD and they had re-checked this position from their Headquarters and the building activities remain with DDA.

The whole genesis of this complaint by the Complainant has been that M/s. Punjab Kesri, a powerful media house, having friends in influential

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even when the encroachments and unauthorized constructions are writ large. Mr. Garg, the Complainant, refers to his experience, in his averments in the complaint and his statement, when the matter used to be delayed by non-response to his RTI queries on account of influence wielded by the media house and the Respondents.

It is essential for the health of our democratic system that the faith of the common man is reposed in the system as also in the enforcement agencies. The impression or feeling that those who are wielding influence or are in position of power are beyond law needs to be dispelled. This could happen when rigours of law come down heavily on them in the same manner as they are done for ordinary citizens.

Keeping in light the above, I consider it necessary in this case, to prevent further loss of time in determining jurisdiction between DDA and MCD. Director (Lands) DDA and Deputy Commissioner (Civil Lines Zone), MCD shall both, by or before the next date, file their affidavits clearly stating their action plan and time frame for removal of encroachments with specific dates there-for.

In case the affidavits are not filed, the Director (Lands) DDA and Deputy Commissioner (Civil Lines Zone) MCD shall both be personally present on the next date of hearing.

Re-notify on **21-02-2013 at 2.30 PM.**


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA

Date: 06-02-2013

Hemant