

**BEFORE THE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN**

COMPLAINT NO.C-151/LOK/2009

IN THE MATTER OF:-

Shri Ranjeet Choudhary Complainant
Versus
Shri Naseeb Singh, MLA. Respondent

AND

COMPLAINT NO.C-315/LOK/2010

Shri Ranjeet Choudhary Complainant
Versus
Shri Naseeb Singh, MLA. Respondent

ORDER

1. By this common Order, the above complaints are being decided, together with applications moved by the Complainant Shri Ranjit Choudhary and the Respondent for taking on record the Settlement Deed executed between them, and for disposing of the complaints in terms thereof.

The Complainant seeks withdrawal of these complaints. The issue of not permitting withdrawal of the complaints in terms of the settlement, as being opposed to public interest and policy is also being considered.

2. Here are the essential facts for disposal of the applications for withdrawal of the complaints and their disposal in terms of the Settlement Deed:-

C-151/LOK/2009

- 3(i). The Complainant alleges that vide Notification dated 13-11-1959, 107 Bighas and 19 Biswas of land in Village Ghazipur was notified

for acquisition. The Declaration under Sec.6 and Award No.94/86-87 was made on 17-09-1986. The father of the Respondent Shri Naseeb Singh, MLA, i.e. Shri Bhagat Singh and his brother Shri Virender Singh, Padam Singh and others owned 11 Bighas and 8 Biswas out of the said land. Shri Bhagat Singh and other owners challenged the acquisition by Writ Petition No. 430/1983. Status quo order was passed on 08-03-1983. Writ was finally allowed by the Court on 01-08-2002.

- (ii) It is alleged in the complaint that the Writ petitioners did not implead DDA as a party in the petition and by concealing the factum of the passing of the Award misled the Court in allowing the Writ Petition. DDA has filed an application for review of the order allowing the Writ Petition and for impleadment. Status quo order with regard to the nature, title and possession of the subject property has been passed in the review petition.

Land fell in the institutional area and part thereof had been allotted to various Institutions including Sahitya Academy who deposited Rs. 1,16,000,00/- with CPWD and were paying rent of Rs. 2.5 Lacs to NDMC for the land.

- (iii) It is alleged that earlier despite the orders of status quo, the Writ petitioners flouted the orders by entering into an assignment deed dated 8-7-2002 and sold part of land to East Delhi Health & Education Society, managing St. Peters Convent School, for a consideration of Rs. 92,000/-. The Writ Petition was allowed by the High Court on 01-8-2002, i.e. after sale of the land. The main vendor was Shri Bhagat Singh, father of Shri Naseeb Singh, while Shri Naseeb Singh, was President of the East Delhi Health & Education

Society during the execution of the assignment deed. Respondent tendered his resignation from the Society and his brother Sunil Kumar was appointed President in his place.

- (iv) The allegation is that the land was sold amongst the family members in collusion with each other through the device of assignment deed and to cause financial gain to Respondent and family and financial loss to the Government and other private parties and public exchequer. A Contempt Petition had been preferred, where notices were issued to the contemners.
- (v) The second limb of the allegation in the complaint is with regard to the breaking of seal and carrying out unauthorized construction. After the Monitoring Committee had directed the sealing of St. Peters Convent School, the Respondent exercising his influence to get the unauthorized construction done had got a wall constructed on the land, when there was no boundary wall. With the enclosure by wall, the nature and character of the land was changed. The Respondent was, at that time, the Parliamentary Secretary to the Chief Minister, even though in 2008, he became a Member of the DDA. It is alleged that as a result of the influence exercised by the Respondent, Sahitya Academy who had been allotted land and had made considerable amount of payment was suffering.
- (vi) Pleadings were completed with the Respondent refuting the allegations. The Complainant had led evidence and examined himself as well as various official witnesses to prove the correspondence produced on record.

- 4(i) The Complainant had examined himself, his brother Parvesh Choudhary and official witnesses CW-2 to CW-6 & CW-8 in support the allegations made in the complaint.
- (ii) The Respondent examined himself as also the Contractor who had carried out the construction work, based on the orders placed by DDA, which was being described as unauthorized construction. Respondent's real brother Sunil Kumar was also examined. Evidence was concluded in the matter and parties also filed their written submissions, which shall be adverted to in brief while dealing with the applications for withdrawal of the complaints and its disposal in terms of the settlement deed.

C-315/LOK/2010

- 5(i) Complainant, Ranjit Choudhary, filed this complaint dated 9-3-2010 against the Respondent Shri Naseeb Singh, MLA. The substance of the allegations is that the Respondent has carried out unauthorized construction and encroachment on public land in Kh. No. 386 situated at Village Ghazipur. Respondent being 'public functionary' is accused of violation of the norms of integrity, misuse and abuse of position for gain. It is alleged that he has misused his position as an MLA and Member of the DDA.
- (ii) The land in question in Khasra No. 386, Village Ghazipur stands acquired by an Award with owners having received compensation there-for, challenged the acquisition by an earlier Writ Petition No. 1243/79 which had failed. In another Writ Petition filed by the Residents Welfare Association of the Village Ghazipur, which the Complainant alleges is a defunct organization and controlled by the

Respondent's father, a restraint order against the demolition of structures in Village Ghazipur except for new construction or ongoing construction had been passed. Based on the official notings of DDA attached with the complaint, prima facie, encroachment on this Khasra by the Respondent and unauthorized construction being carried out in violation of restraint order and the same being put for office and commercial use is found, which calls for an inquiry.

- (iii) Cognizance was taken. Notices were issued, pleadings were completed. The evidence on behalf of the Complainant was commenced. Official witnesses, CW-1 to CW-3 were examined. Complainant's brother Parvesh Choudhary was also examined. The matter was being directed to be listed for Respondent's evidence on 24-08-2011. It is at this stage, both the Counsel submitted that attempts were being made to resolve the matter amicably and sought the good offices of the Lokayukta. It was urged that the complaint was having many ramifications. It was disturbing the peace and harmony not only of the families of the Complainant and the Respondent but also that of large number of followers of the Complainant and the Respondent. During the period 11-08-2011, till January 2012, the parties reported to the Forum the efforts being made to reach settlement with regard to various disputes between them.
6. The matter was then adjourned to 13-02-2012. On the said date, Settlement Deed, Ex.CW-3/2 was filed. The Settlement Deed is duly signed by the Complainant Ranjit Choudhary and Shri Naseeb Singh, MLA, Respondent and Shri Sunil Kumar Singh, brother of Shri Naseeb Singh. Sunil Kumar Singh is a party to the settlement, since

in terms of the Settlement Deed, he is required to withdraw the criminal cases and complaints filed by him and pending before the Metropolitan Magistrate against the Complainant.

In terms of the Settlement Deed, the Complainant seeks to withdraw the cases before the Lokayukta namely C-151/2009 & C-315/2010. The Respondent and his family have agreed not to act against the interest of the Complainant and his family. Sunil Kumar Singh has agreed to move application for withdrawal of FIR No. 108/05 under Sec. 323/34/341/427/506/54 IPC, P.S. Kalyanpuri, pending before the Metropolitan Magistrate. Parties have agreed not to do any act which would disturb the family harmony and the settlement is sought to be in the larger interest of the families.

7. Curiously, upon the settlement deed being filed, an application was moved on behalf of Shri Bikram Singh and Shri Surender Singh, who, no doubt, are the elder members of the family, for intervention in the matter. The interventionists sought to urge that the settlement should not be approved. The said application was dismissed as admittedly the two had no locus being neither the Complainant nor the Respondent, to urge that the withdrawal of the Complaint should not be permitted. Moreover, it was also impressed upon them that when the younger generation represented by the Complainant and the Respondent was willing to put an end to acrimony and disharmony and end the ongoing litigation, then the elders should support such an endeavour. The said application was dismissed vide orders dated 30-03-2012. Subsequently, the advocates namely, Mr. Rahul Sharma and Ms. Jyoti Sharma who had been appearing for the Complainant, and had also entered appearance for the above interventionists were

