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BEFORE THE HON'BLE LOKAYUKTA

JUSTICE MANMOHAN SARIN

COMPLAINT NO. C-1748/LOK/2012

In Re- Complaint by Shri Vijay Kumar, Secretary, Avaidh Nirman and Pradhushan Niyantaran Sanstha, against Shri Rajesh Liloithia, MLA, SHO, Anand Parbat, DDA Officials and Shri Ashok Kumar for grabbing land in Anand Parbat Area - Encroachment on public land meant for public conveniences at Sandhora Khurd, Anand Parbhat, Kh. No. 1041/353.

Present:

1. Shri D.S. Khatri, Advocate, Counsel for Pratap Singh, Land owner.
2. Ms. Puja Klra, Advocate, Counsel for MCD.
3. Shri S.K. Chauhan, EE(B), KBZ.
4. Shri S.C. Sharma, EE/ND-10
5. Shri B.M. Thareja, Deputy Director (LM), WZ, DDA
6. Shri NK Aggarwal, AE/ND-10
7. Shri S.L. Garg, AE/ND-10
8. Shri Pushpender Kumar, AE (B) KBZ.
9. Shri Dharampal, Nb Tehsildar/DDA

Shri D.S. Khatri, Advocate, appears for Shri Pratap Singh and others, owners of the land and seeks to intervene in the matter. Mr. Dharampal, Nb Tehsildar from DDA is present. Mr. BM Thareja, Deputy Director (LM) WZ, DDA, is also present.

Notices in this case were issued on a pseudonymous complaint received to the effect that land mafia was trying to occupy public utility land measuring 09

Big. 10 Biswa in Anand Parbat area. Allegations were also made that this was being done in connivance with the MLA, Patel Nagar, Shri Rajesh Liloithia.

Reports have been received from DDA as also MCD. The DDA has confirmed that Kh. No. 1041/353 was de-notified. In this case compensation had also not been deposited. Hence, it continues to be private land. Statement of Deputy Director (LM) in this regard has been recorded separately. It has also been stated by the Deputy Director and Nb. Tehsildar that Kh. No.1041/353 is not DDA land, while Kh. 1040/353 had been acquired.

It is the contention of Mr. Khatri that since compensation was not paid and land has been de-notified vide Notification No. F.11/(32)/80/L&B dated 9-10-1985, by the Land & Building Department, it continues to be private land as per LG's orders.

In view of this situation, the only surviving question is whether the alleged encroachment is on Kh. 1040 or Kh. 1041. It is stated by the Deputy Director (LM) that as a result of demarcation, it has been found that the construction and other activities being carried out are in Kh. 1041 and not 1040 which belongs to DDA.

Ms. Puja Kalra, Counsel for MCD under instructions from Mr. S.K. Chouhan, EE(B) KB Zone, states that since the construction on Kh.1041 is unauthorized, they had booked the property for unauthorized construction.

From the foregoing narration, it is clear that there is no ground to proceed on the basis of encroachment on public land and the complaint, insofar as it so alleges, appears to be without foundation. Moreover, nothing has come on record to show the involvement of the public functionary Mr. Rajesh Liloithia, MLA.

As regards, MCD proceeding against the applicant/interventionist for unauthorized construction, the applicant/interventionist has his legal remedies in law in case the same is without following due process of law or the structures are protected. Moreover, it is clarified by Mr. Chouhan, that the property was booked much before even the Lokayukta had entertained the present complaint.

In view of the foregoing, it is held that the allegations made in the complaint are not established and the case is closed.


(JUSTICE MANMOHAN SARIN)

LOKAYUKTA

Date: 21-02-2013