

**BEFORE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1806/LOK/2012**

Inquiry under Sec.7 r/w Sec. 2 (b) of the Delhi Lokayukta & Upalokayukta Act, 1995

In the matter of - Complaint regarding illegal unauthorized construction and encroachment on Government land - Shri Subhash.

-----Complainant

Versus

Shri Ravinder Singh @ Kaploo, Nephew of Sitting MLA,
Shri Tarvinder Singh Marwah.

-----Respondent

And

Inquiry in to the conduct and involvement of sitting MLA,
Shri Tarvinder Singh Marwah

-----Respondent

Present:-

1. Shri Bhushan Kumar, Central Zone Executive Engineer, SDMC.
2. Shri Vinod Kumar, AE (B), Central Zone, SDMC.
3. Shri R.K. Sharma, Advocate, Counsel for, Interventionists / Applicants Shri Arvinder Singh & Anr.

And

COMPLAINT NO.C-2001/LOK/2013

Shri Monu Chadha Complainant

V/s

Shri Tarvinder Singh Marwah, MLA ... Respondent

Present:-

1. Complainant in person.
2. Mr. G.S. Oberoi and Mr. Varun Mathur, Advocates, Counsel for Respondent.
3. Shri Bhushan Kumar, Central Zone Executive Engineer, SDMC.
4. Shri Vinod Kumar, AE (B), Central Zone, SDMC.

1. This Forum, pursuant to Complaint / 'other information' received through one Subhash, giving particulars of unauthorized constructions as well as unauthorized constructions on encroached public land, alleged to have been done by one Ravinder Singh @ Kaplu, nephew of sitting MLA Shri Tarvinder Singh Marwah, has been inquiring into the involvement and conduct of the concerned 'public functionary'. This Complaint was registered as C-1806/Lok/2012.
2. Shri Monu Chadha, President of the Jangpura Resident Welfare Association (RWA), filed another Complaint, registered as No.C-2001/Lok/13, against Shri Tarvinder Singh Marwah, accusing him, inter alia, of misusing his influence to get false case registered against him.
3. Mr. Chadha has produced on record several complaints made by him to the Dy. Commissioner, MCD (Central Zone), complaining about the aforesaid unauthorized constructions without sanctioned plan and construction on encroached Public/Govt. land, in these property, namely 2/53, 2/54, 2/56, 2/57, 2/58 etc. as President of Jangpura Resident Welfare Association Colony Ward No. 156. Both the complaints, for facility of proceedings and having common issues are clubbed together for hearing.

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Mr. Chadha mentioned in the several communications that the builder namely Ravinder Singh @ Kaplu, in active connivance with the local politician is carrying out illegal constructions day and night. The Complainant finding inaction by the Corporation had even complained to the Lt. Governor on 3rd Sept., 2012. It was mentioned that four double storey flats on two L&DO properties measuring 32 Sq. yds. each have been amalgamated with public land meant for lavatory block and encroached upon. Instructions were issued by the Lt. Governor's office for necessary action on unauthorized constructions on public land being carried out by builder / mafia.

4. It may be noted that originally for double storey, Type C-Flats, Lease and Conveyance Deeds were executed by the L&DO in Re-habilitation Colonies. In the present case, in Jangpura, 70 tenements, 35 on ground floor and 35 on first floor had been built, with plot areas of 32.06 sq. mtrs. approx. each, along with 1/70th share in staircase and lavatory block to be built in the Rehabilitation Colony. The ground floor and first floor are of a standard design and changes therein or further construction is not permissible. At present the situation is that instead of the original ground floor and first floor flats, unauthorisedly four storey constructions have been built with a basement also in one of them. Not only this, similar constructions on the plot of lavatory block have been made, by amalgamating the same with these Flats.
5. It was confirmed by the Corporation that the massive structures in the heart of Delhi, i.e. Jangpura, bearing

property Nos. 2/53, 2/54, 2/55, 2/56 & 2/57, were unauthorized without sanctioned plan. Unauthorized constructions were also found in building adjoining building Nos. 55 & 56, Jangpura-A, and adjoining 2/53.

6. It is the case of the Respondent / Corporation that constructions which have been raised adjoining 2/55 & 56 and adjoining 2/53 are, in fact, on public land and stated to be to the extent of 225-250 Sq. Yds, which originally was meant for Lavatory Block. Constructions are alleged to have been raised by the original owner of Plot Nos. 55 & 56 namely Sardul Singh and his sons, applicants herein / transferees, with Ravinder Singh @ Kaplu, nephew of sitting MLA of the area, Shri Tarvinder Singh Marwah.
7. Complaint No. C-1806/Lok/12 was received in the year 2012 and showed these buildings at the stage of construction, with the photographs enclosed. As per MCD, some of the constructions raised are on public land and none of the parties has produced sanctioned plan of the alleged constructions as yet.

As per the Corporation, no construction plan has been sanctioned. Therefore, we have a situation where, in the heart of the city, basement and four floors are constructed without sanctioned plan in the year 2012 and then transferred and purchased with impunity.

8. This could not have happened without complicity of Municipal authorities and the local politician. Inaction on the part of the MCD, despite complaints, lends support to the allegation of political support, since the

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construction is alleged to be carried out by the nephew of the sitting MLA of the area.

9. From the documents produced by the applicant it is clear that both the applicants are the sons of Sardul Singh, who had purchased the L&DO flats from the transferees of the original allottees and then raised these constructions.

Corporation has filed status reports, wherein they have reported that they had carried out demolition action to make the unauthorized construction on public land unusable.

10. Mr. Bhushan Kumar, Ex. Eng. & Mr. Vinod Kumar, AE, Central Zone, SDMC, who are present, say that they have written to the L&DO to complete the demarcation, so that if any further construction is found to be on public land, action against the same could be initiated. Mr. Bhushan further states that they determined the extent of public land presently on the basis of the maintenance records available with the Corporation's Maintenance Department.

11. There is an Application under Order-I, Rule-10 CPC, in Complaint No.C-1806/Lok/2012, moved by Arvinder Singh and Maninder Singh, both sons of Sardul Singh, the original owner of the allotted plots of 25 to 50 Sq. Yds. The grievance of the applicants is with regard to the alleged demolition carried out, which they claim was without any notice. However, MCD officers who are present say that notices were issued to the owner / occupier at the time of construction in 2012.

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12. It has been made clear to the applicants' counsel Mr. Sharma that this Forum had only acted as a catalyst and inquired from the MCD as to why unauthorized constructions from basement to four floors had been permitted and what were their plans for demolishing it, so that action in accordance with law is taken. Forum's primary concern is the inquiry into allegations that entire constructions had come up with the involvement of the 'public functionary'.

Accordingly, there is no individual lis pending before this Forum. However, Mr. Sharma, Counsel for the applicants, says that they would like to assist this Forum in the inquiry and disclose facts which are in their knowledge. They are accordingly permitted to intervene only to that extent. The applications stand disposed of in above terms.

13. Mr. Bhushan, Ex. Eng, Central Zone, SDMC, states that they would also be placing on record the photocopies of the notices served by them. Copies of the same with documents, if any, be filed within ten days.
14. In Complaint No.2001/Lok/2013, Complainant has narrated how the father of Ravinder Marwah @Kaplu, and brother of Respondent, Tarvinder Singh Marwah, i.e. Pritpal Singh Marwah, had abused and threatened and attacked his office. He also alleges that Respondent, Tarvinder Singh Marwah, MLA, pressurized the local police to register a fake and frivolous case against the Complainant. He claims that Tarvinder Singh Marwah sat in the police post Jangpura for almost two hours on 20-02-12 with his supporters to pressurize them to register a false case

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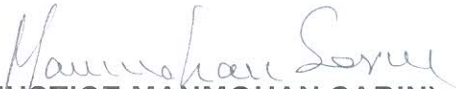
and cross FIR against the Complainant, misusing his influence.

15. Mr. G.S. Oberoi and Mr. Varun Mathur, Advocates, appear for Respondent. They seek time to file reply.

Reply within two weeks with an extra copy in the Registry which the Complainant may collect. Rejoinder within a week thereof with an extra copy, being filed in the Registry, for the respondent. Respondent Shri Tarvinder Singh Marwah, be also supplied copy of information / complaint by Shri Subhash, on which Complaint No.C-1806/Lok/2012 was registered and any other document containing allegation against Respondent.

List the matter after three weeks. Copy of this Order be placed in the Complaint Case File No.C-2001/Lok/2013.

Re-notify on **04-04-2013 at 2.30 PM**


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA

Date: 18th March 2013

Hemant