

**BFOR 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 Dignpaul, Advocate, Counsel for Respondent No.2.
4. Shri P.K. Aggarwal, Advocate, Counsel for DDA.
5. Ms. Mansi Gupta, Advocate, Counsel for North Delhi Municipal Corporation.
6. Shri Sanjeev Mittal, Director, Lands, DDA.

A status report under the signatures of Director (Lands), supported by an affidavit of Mr. Sanjeev Mittal, Director (Lands) DDA has been filed. From the status report filed, it becomes apparent that the programme for removal of encroachment has been returned by the Director (LM) requiring that the demolition order on prescribed format with all details, approved by the HOD, being the Commissioner (LD), be sent.

Mr. Mittal states before me that there is no demolition order required to be sent. It is a prescribed form which is filled up and sent, which was also sent in this case. He says that the requisite information required, with a sketch of the areas from where the encroachments are to be removed, shall be sent.

It is also contended in the status report that the building activities in the area in question have been transferred to

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North Delhi Municipal Corporation from DDA vide Notification dated 20-07-1988, a copy of which is produced. From the foregoing, lack of cohesiveness in action by the various authorities is apparent.

The Complainant in his complaint alleged and claimed that the media house enjoyed the patronage of one of the leaders of national opposition party and a Minister of the Govt. of NCT of Delhi.

It is necessary that in such cases, the administration should act with candour and promptitude to dispel the impression that the rigours of law do not apply to those who are in powerful positions or who exercise influence. Towards this end, it is necessary that this matter does not get embroiled in the quagmire of procedural wrangles and technicalities between the Director (Land Disposal) & Director (Land Management), DDA. It is necessary that the Pr. Commissioner (LD) and Pr. Commissioner (LM), DDA, set the house in order and the procedural objections, which even otherwise, appear to be untenable are removed. Lest another complication arises while removing the encroachments on the land that there are structures to be removed but building activities are transferred to North Delhi Municipal Corporation. By way of abundant caution, the concerned Deputy Commissioner should also be involved in the meeting with the Pr. Commissioner (LM) & Pr. Commissioner (LD), so that a concerted action plan can be decided and acted upon.

It is desirable that the meeting between the Pr. Commissioner (LM) & Pr. Commissioner (LD) and the Deputy Commissioner, North Delhi Municipal Corporation, is held within 10 days.

It is also distressing to note that the North Delhi Municipal Corporation, which claimed that it had checked and re-checked the position and the building activities of the area had not been transferred to them, today finds itself on a false wicket.

Ld. Counsel for North Delhi Municipal Corporation says that North Delhi Municipal Corporation on its part had written to the DDA earlier also to supply the copy of the Notification, if any, transferring the building activities, but they had not received any reply.

The Complainant, at this stage, points out that the encroachment by the media house exists in Plot No.1 which was meant for allotment to the Institute of Printing Technology and was never allotted to the media house in question.

Mr. Mittal also clarifies that these notings were of an intermittent stage and, therefore, has no relevance to the matter in issue and there has been no allotment of Plot No.1 to the media house and encroachments are found there.


Mr. Garg orally complains that the PWD, while removing encroachments has not removed the blockage which would provide access from PWD Road to the Ring Road. He also says that there are some encroachments in the form of certain idols and makeshift temple put up by the Punjab Kesari Group on the road.

Mr. Tandon will look into the same to ensure that there is no blockage, as PWD is committed to remove encroachments on the road.

Mr. Garg may also move a formal application in this regard if the grievance is not redressed.

List the matter after four weeks for further proceedings and for Complainant to file affidavit by way of evidence.

Re-notify on **29-04-2013 at 2.30 PM.**


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA

Date: 21-03-2013

Hemant