

BEFORE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1757/LOK/2012

In the matter of:

Shri Aman Gupta Complainant

Versus

Ms. Surekha Gupta, Councillor, Ward No.80 Respondent

Present:-

1. Shri Ajay Arora, Advocate, Counsel for MCD.
2. Shri M.K. Nijhawan, EE(B)/City Zone
3. Shri KK Kaushik, JE(B)/City Zone
4. Shri Rajesh Kumar Jain (Owner/Occupier of Property No. 1747)

Statement of Shri Rajesh Kumar Jain, owner / occupier of property No. 1747 recorded.

Notices were also issued to (i) Praveen Fabrics, (ii) Shazia Fashions, (iii) Suneeta Fashion, and (iv) Suhag Collections, tenants in premises No. 2786-Mohalla Chira Khana, Nai Sarak, Delhi, with the directions to place on record documents showing their tenancy, the date of inception of tenancy and the particulars of landlord. Said notices were duly served through the concerned SHO. Proprietors of the said concerns are not present despite service.

Let **Bailable Warrants** issue in the sum of Rs. 5000/- against the Proprietors of (i) Praveen Fabrics, (ii) Shazia Fashions, (iii) Suneeta Fashion, and (iv) Suhag Collections, through concerned SHO, returnable on 02-05-2013.

Counsel for MCD, Mr. Arora, states that property No. 1747 as also property No. 2786 have been booked on the

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basis of the existing construction and the documents as produced by the occupants of the property, i.e. sale deed, there is a sea-change and it seems to be a case of total re-construction.

It appears that the information given by a whistleblower, who did not respond to call notices from this Forum to appear, furnished particulars regarding unauthorized constructions which have been, prima facie, found to be with substance.

In the reply filed by the Councillor, she says that she has been working very diligently and honestly and that she has no concern whatsoever with the properties mentioned in the complaint and they do not belong either to her or any member of her family.

It is apparent that from the stand being taken by the Councillor / public functionary that she professes to have no interest whatsoever in these buildings. It would obviously follow as a necessary corollary that pending further inquiry if action in accordance with law is taken, then as far as the respondent is concerned, she cannot object to the same.

It is time that the Corporation sends a clear message to the builders and those involved in unauthorized constructions and re-constructions that the same shall not be countenanced. Even after liberalization of FAR, still unauthorized constructions / re-constructions are being carried out with impunity in the walled city.

This Forum acknowledges the suggestion by the Ld. Standing Counsel for North Delhi Municipal Corporation that in such cases, the NDPL and Jal Board should pass directions for discontinuance of water and electricity supply upon receiving intimation from the NDMC that there is unauthorized construction / re-constructions. This itself would render

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commercially unviable such ventures of unauthorized constructions.

Apart from the above, another aspect which needs to be reckoned is that such re-constructions in the walled city without a sanctioned plan and without adequate safety measures under the supervision of structural engineers and architects being carried out endanger the safety and have the potential of serious mishaps like the Lalita Park collapse in Delhi or the recent tragedy in Mumbai.

Accordingly, NDMC must ensure that cases of unauthorized constructions and reconstructions in the walled city of old buildings being carried out without sanction, are monitored and regulated.

In view of the aforesaid observations, it is hoped and expected that the North Delhi Municipal Corporation will take firm and resolute action with dispatch in fulfilling its statutory obligations.

Mr. Arora says that status report with action taken will be filed within ten days.

Re-notify the matter for further proceedings on **02-05-2013 at 2.30 PM.**


(JUSTICE MANMOHAN SARIN)

LOKAYUKTA

Date: 03-04-2013

HEMANT