

**BEFORE THE LOKAYUKTA
Justice Manmohan Sarin**

Complaint No. C-1754/Lok/2012

Sh. Rajesh Garg

Complainant

Vs.

Sh. Raj Kumar Chauhan, Minister PWD,
Welfare of SC/ST, GNCTD of Delhi

Respondent No.....1.

Sh. Vijender Gupta, Municipal Councillor/
Chairman Standing Committee, MCD

Respondent
No.....2

Present :-

1. Sh. Rajesh Garg, Complainant in Person.
2. Sh. Praduman Kumar Aggarwal, Advocate, Counsel for DDA
3. Sh. Vivek Kumar Tondon, Advocate
4. Sh. Sada Shiv, Asstt. Director (IL), DDA

Sh. Praduman Kumar Aggarwal, Advocate, Counsel for DDA, has shown me the notings wherein the recommendation by Director (IL) following the order passed by this forum were that further action be taken by LM Department regarding removal of encroachment. The proposal forwarded for action by Director (Institutional Lands) and was forwarded by Director (Lands) with a request that the LM Department be asked to undertake the demolition to recover the land under encroachment. The Pr. Commissioner (LD) also approved the same proposal. The Pr. Commissioner (LM) also requested permission for demolition action. Thereafter, OSD to VC, DDA has written the following note :-

“VC has seen it and has directed that a comprehensive self contained proposal be made for taking appropriate directions from Hon’ble LG. The proposal may please be submitted at the earliest within a couple of days” which has been signed by Sh. Arun Mishra, OSD to VC.

On the judicial side, the Lokayukta has done his duty by bringing to the notice of the Vice Chairman, DDA, the inherent irrationality in applying the observations of the Hon’ble Lt. Governor made with reference to the demolition drives in respect of unauthorized colonies enjoying the protection under the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 to the case of a rank encroachment by a private Media House.

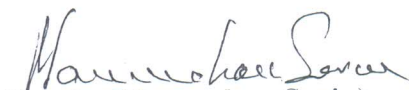
It is considered appropriate accordingly that the Registry on the administrative side would send copies of orders dated 03.05.2013, 16.05.2013 and this order, to the Hon’ble LG who also happens to be the Chairman of DDA, for information.

Mr. Aggarwal has handed over the complaint made to the SHO dated 4th March, 2013 with regard to the order which was passed on 16.05.2013.

Mr. Rajesh Garg, Complainant has moved an application. It has been brought to the attention of Mr. Garg that in this proceedings notice was initially issued when he had claimed that RTI queries were not being answered. Further he had made specific allegations that action on those queries had not been taken on account of interference by the Public Functionaries. This can not be extended to cover all and sundry unlawful acts of a private party for which there are civil and criminal forums unless the involvement of the Public Functionary and their role therein is specifically brought out. The present application filed, does not reveal any such involvement of the Public Functionaries and if Mr. Garg wishes to pursue this application, he will have to provide better and complete particulars regarding the involvement of Public Functionaries.

At this stage, Mr. Garg wishes to withdraw the application and he is permitted to withdraw the same.

Renotify the matter on **17.07.2013 at 2.30 P.M.**


(Justice Manmohan Sarin)
Lokayukta

Dated : 21.05.2013

r.a