

**BFORE THE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-2140/LOK/13**

MD. ANWAR

... COMPLAINANT

VERSUS

MUNICIPAL COUNCILLOR, LAXMI NAGAR,
OFFICERS OF EDMC AND THE POLICE
OFFICIALS OF PS LAXMI NAGAR/
SHAKARPUR

.... RESPONDENTS

PRESENT:-

1. Mr. Mobin Akhtar, Advocate, Counsel for the Complainant with Md. Anwar, Complainant, in person.
2. Mr. P.R. Meena, EE(B)-II, Shahdara South, EDMC
3. Mr. D.P. Sharma, AE (B), Shahdara South, EDMC.

JUSTICE MANMOHAN SARIN (ORAL)

ORDER

1. The Complainant, Md. Anwar, filed a complaint in Form-II under Rule-6 of The Delhi Lokayukta & Upalokayukta (Investigation) Rules, 1998, wherein he complained of corrupt practices and unauthorized illegal constructions in Laxmi Nagar, alleging that the Councillor of Laxmi Nagar as well as police officials of concerned police stations and the East Delhi Municipal Corporation are involved in it.

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2. No particulars or names of the officials of either the police or of the Corporation or the Councillor were furnished. Support was sought to be drawn from the Lalita Park / Laxmi Nagar building collapse and the recommendations made by the Commission inquiring into the said collapse.
3. It was alleged in Para-7 of the Complaint that private builders, local goondas and land grabbers of Laxmi Nagar, Delhi, are constructing large buildings. Particulars of buildings were given in Para (a) to (i). It was alleged that they are running a racket of illegal, unlawful and unauthorized constructions and are earning in crores.
4. On 4th July, the Counsel for the Complainant prayed for time to amend the Complaint stating that he desired to implead the Municipal Councillor of the area as a respondent and would also specify his role in the unauthorized, illegal construction being carried out in the area. Fifteen days time was granted to file amended complaint.
5. Amended complaint has been filed. In the body of the amended complaint, the name of the Councillor has not been mentioned, except in the Memo of Parties, where the first respondent is East Delhi Municipal Corporation, the name of Brij Bhushan Teyagi, Councillor is mentioned as Respondent No.2.
6. From a reading of this complaint, it appears that the Complainant has been inspired and motivated to file this Complaint, following the death of his friend and family members in the Lalita Park building collapse. He has accordingly extensively quoted from the inquiry commission report, in the Complaint.

7. The Complaint, while mentioning about rampant unauthorized illegal construction, is lacking in specific particulars and details of premises and is bereft of allegations against 'public functionary'. A bald averment that unauthorized constructions are being carried out with connivance of concerned police staff, Councillor of Laxmi Nagar etc. No specific particulars or details of any particular building or incident where the Councillor is allegedly involved have been mentioned.
8. When time was granted to file amended complaint, by the Order dated 4th July 2013, it was clearly pointed out that report submitted by Shahdara South Zone, in respect of certain properties, stating, namely "from their look and also from local enquiry it appears to be old property", was hardly satisfactory. The report was lacking in all material particulars. It was not a report using scientific or engineering methods to determine age of the property.
9. Even in the case of tampering of seal, this Forum had desired to know whether a report with the police had been lodged. It appears that only after the Order of 4th July 2013, the report was lodged on 8th July 2013.
10. The report as filed even today by the Corporation leaves much to be desired. The Executive Engineer, who is present, confirms that he has not personally inspected the properties. This Forum is neither equipped, nor is desirous of monitoring each and every case of unauthorized construction. However, what is expected is that the officials of the statutory Corporation would perform their duties and discharge their obligations in accordance with the statute.

11. In the present case, the report is found to be wanting. There has been no sincere attempt made by the Engineering staff of the Corporation to ascertain the vintage of the construction by scientific or engineering methods or through collateral record. Complainant had alleged on-going construction. In one case, he had even submitted proof by way of photograph. The said building is described as an old building. However, the photographs of building No.39, produced by the Engineering staff, itself belie the same as it appears to be of recent origin. The photographs produced by the Complainant show ongoing construction with scaffoldings and pads in position.
12. It is ironical that the Department chooses to describe it as "the construction over the property is old and occupied". The said photograph is enclosed along with this Order to show the casual and biased manner in which the report has been prepared.
13. In these circumstances, the Ld. Commissioner, East Delhi Municipal Corporation, in order to fulfil his statutory obligation of the Corporation would ensure that the buildings, particulars of which have been given in the complaint of the Complainant, are inspected by an independent Officer not less than the rank of an Executive Engineer from a different Zone under the supervision of the Superintending Engineer and the report of the same is submitted to the Commissioner for necessary action. This Forum be advised of the outcome.
14. As far as this complaint is concerned, as there are no specific allegations against any public functionary, the complaint is not maintainable before this Forum and is dismissed as not disclosing any cause of action.

However, in the line of its public duty, this Forum considers it appropriate to bring this to the attention of the Commissioner, East Delhi Municipal Corporation, the massive unauthorized constructions going on, for corrective action.

15. Registry shall forward a copy of this Order to the Commissioner, EDMC, and thereafter the file be consigned to record.


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA

Date: 18th JULY, 2013

HEMANT