

**BEFORE THE HON'BLE LOKAYUKTA  
Justice Manmohan Sarin**

**Complaint No. C-2023/Lok/2013**

**In the matter of inquiry under Section 2 (b) of the Delhi Lokayukta and  
Upalokayukta Act, 1995 into the allegations against Respondent  
Municipal Councillor, for unauthorized occupation of Community Hall.**

**AND**

**In the matter of conduct of the Respondent Sh. Jitender Singh Shunty,  
Municipal Councillor, Ward No. – 238, Jhilmil.**

**AND**

**Sh. Parshadi Lal Balmiki**

**Complainant/Informant**

**Vs.**

**Sh. Jitender Singh Shunty, Municipal Councillor,**

**Ward No. – 238, Jhilmil**

**Respondent**

Present :-

1. Sh. Parshadi Lal Balmiki, Complainant in Person alongwith his son Sh. Jai Prakash.
2. Sh. S.L. Sharma, Dy. Director, DUSIB, New Delhi.

**JUSTICE MANMOHAN SARIN (ORAL)**

**ORDER**

(1) A copy of communication dated 11.03.2013 addressed to the Lt. Governor, by one Sh. Parshadi Lal Balmiki R/o 56, Janata Quarters, Near Vivek Vihar, Delhi – 110095, was received in this office. It was alleged in the said communication that Sh. Jitender Singh Shunty, Municipal Councillor, had occupied a Community Hall, unauthorisedly. The residents of 252 houses of Janta Quarters were totally deprived of its use for any function or marriage, etc.

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The Community Hall, it was urged, was constructed for the benefit of the residents of Janta Quarters. Complainant/Informant prayed that the Community Hall be got vacated from the unauthorized occupation of Municipal Councillor.

(2) Asstt. Director (Investigation) i.e AD(I) of this office was asked to make an inquiry into the matter by visiting the site. The Informant reiterated the contents of his letter before AD(I) and explained that the Community Hall was located near the Janta Quarters, comprising one set of room, kitchen and washroom at the ground floor, and same setup on first floor. It was claimed that the first floor was occupied by an NGO called 'Shaheed Bhagat Singh Sewa Dal' for the last 8-9 years. The ground floor of Community Hall was found locked.

(3) Respondent Sh. Jitender Singh Shunty, was the founder president of the NGO and Sh. Ramesh Goyal is its present President. The NGO provides free ambulance, hearse van service and free cremation service for the dead. This is besides providing other community services.

(4) A notice was issued to the Delhi Urban Shelter Improvement Board, to ascertain whether the Community hall has been allotted to any person/NGO and whether the premises on the 1<sup>st</sup> floor had been allotted to Sh. Jitender Singh Shunty or to its NGO 'Shaheed Bhagat Singh Sewa Dal'?

(5) In response to the notice issued to the Informant as well as to Sh. Jitender Singh Shunty, their statements were recorded on 07.05.2013. Sh. Jai Prakash S/o Sh. Parshadi Lal Balmiki claimed that the Community Centre which is meant for the welfare of the members of the community for holding functions etc. was not available to the members of the community. The entire 1<sup>st</sup> floor of the Community Centre was in the occupation of the NGO, whose president was Sh. Jitender Singh Shunty. One room and toilet on the ground floor of the community centre was also under the control of the said NGO. He further claimed that ground floor of the community hall is small and not sufficient to hold a function etc.

It would be useful only when the 1<sup>st</sup> floor was also made available for use with the ground floor. He claimed that the space of the ground floor can hardly accommodate about 50 persons.

Statement of Informant was also recorded, who stated that his son's statement was correct and he was in agreement thereto.

(6) Sh. Jitender Singh Shunty, the founder president of NGO 'Shaheed Bhagat Singh Sewa Dal' deposed that the premises on the 1<sup>st</sup> floor had been allotted to the NGO and they were using it for providing services to the community by running ambulances, hearses vans for the cremation and burial of dead. He tendered a pamphlet describing their activities. He submitted that the members of the RWA also joined them and requested that they should not be disturbed from their location. They have no problem with regard to the availability of the community centre. It is available whenever the people of the area need it. He stated that he had no control over the room and toilet on the ground floor. The keys of the ground floor of the community centre remain with the concerned JE. Members of the NGO may use the toilet on the ground floor otherwise they have a toilet on the 1<sup>st</sup> floor. There is no access to the roof as there are no stairs to go to the roof. He even offered that he had no objection in vacating the first floor of the community centre, if suitable alternate accommodation was made available.

(7) In view of the aforesaid allegations and counter allegations, a notice was issued to CEO, DUSIB to submit a report to this forum as to whether the ground floor of the community centre in itself was sufficient to hold functions or the first floor was also required for holding functions? Further, who is in control of one room and the toilet on the ground floor of the Community Centre? DUSIB was also to report if any other suitable space could be allotted to the NGO namely 'Shaheed Bhagat Singh Sewa Dal', who were willing to vacate the first floor of the community centre if alternate place was made available so that the entire community centre can be available to the residents for holding functions.

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(8) Today, Sh. S. L. Sharma Dy. Director (DUSIB) is present and has tendered a report. As per the report, he had personally inspected the community hall at A-Block, Vivek Vihar on 05.07.2013. He found that the ground floor of the community centre is sufficient to hold functions for approximately 200-250 persons. One room along with toilet and kitchen was also available on the ground floor of the community centre for functions and the control of these spaces is with the concerned area Engineer who is in-charge of the bookings for the functions. The possibility of alternative suitable space was explored with the help of EE (C-8), but no space was found available in Vivek Vihar or in the vicinity, to accommodate Sh. Jitender Singh Shunty and his NGO 'Shaheed Bhagar Singh Sewa Dal'. A report from the EX. Engineer (C-8) to that effect, is also enclosed.

(9) From the foregoing versions of the Informant as well as of Sh. Jitender Singh Shunty and facts which have come on record, it is reported that the community centre on the ground floor can be utilized for about 200-250 persons and there is one room along with toilet and kitchen provided on the ground floor. In addition. Sh. S.L. Sharma, Dy. Director, DUSIB was candid enough to state that the toilet and kitchen were in a state of disrepair with door, etc. being broken. It is hoped and expected that without any loss of time, CEO (DUSIB) would issue instructions for getting the premises repaired immediately and advise the Engineers that these have to be properly maintained so that the same are freely available to the residents. These places should not be lying open without supervision by Engineer. Councillor was alleged to be having the control of the Community Hall on the ground floor. This part has been denied by the Respondent as well as DUSIB who have stated that it is in the control of the Engineer concerned. The premises should be kept properly under the lock and key of Engineer concerned and periodically cleaned and opened only for functions booked and closed thereafter. An honest endeavour was made by the department to see if some alternate space could be allotted and 1<sup>st</sup> floor space also added to the Community centre. However, there is no such place available at present in the vicinity even though the 1<sup>st</sup> floor occupants had graciously offered to shift if an alternate space is available so that the entire premises can be

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available for the purpose of Community Hall. It has also been recognized that the NGO is said to be otherwise providing services to the community which have their own value and can not be undermined.

(10) Sh. S.L. Sharma, Dy. Director, DUSIB, who is present says that he would issue necessary instructions for bringing about improvement in the maintenance of the community centre so that its usefulness and utility to the community and residents is known at large.

**The allegation against the Respondent, is not established and the complaint is dismissed with the above observations.**

  
(Justice Manmohan Sarin)  
Lokayukta

**Date: 19. 07. 2013**

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