

**BEFORE THE HON'BLE LOKAYUKTA**  
**Justice Manmohan Sarin**  
**Complaint No. C-2277/LOK/2013**

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In the matter of complaint by  
Sh. S.K. Saxena , Director Nishpaksh NGO .....Complainant/Informant

Vs.

1. Sh. Pawan Rathi, Municipal Councillor Ward No. 148
2. Sh. Rajesh Gehlot, Municipal Councillor Ward No. 136
3. Sh. Dharamdev Solanki, MLA
4. Sh. Sumesh Shoken, MLA
5. Sh. P.R. Rajpoot, MLA

Re: In the matter of complaints dated 7/06/2013 and 22/07/2013 for enquiry under Section 7 read with sub section 2(b) of Delhi Lokayukta and Uplokayukta Act-1995 against the respondents for allegedly protecting and encouraging encroachments on Public Pathways and Roads.

**ORDER**

1. Sh. S. K. Saxena, Director, Nishpaksh NGO, Complainant, sent emails dated 7<sup>th</sup> June, 2013 and 22<sup>nd</sup> July, 2013, alleging that in the area Dwarka from Madhu Vihar Bus Stand (Dwarka Sector-2) to Rajapuri Bus Stand (Dwarka Sector 3/ 4 Palam-Matiala Road), the footpath and the roads are being occupied by showroom of branded automobiles, Car dealers, Dhabhas and Rehriwalas. These are in the form of encroachments and illegal parking. In support, he enclosed photographs taken from his mobile. He alleged that Municipal Councillors namely Sh. Pawan Rathi Ward No. 148, Sh. Rajesh Gehlot Ward No. 136 and local MLAs namely Sh. Dharamdev Solanki, Sh. Sumesh Shokeen and Sh. P. R. Rajpoot are directly or indirectly giving protection to this rampant encroachment and illegal parking.
2. While it is true that the Complainant sent copies of photographs, showing illegal encroachment on public pathways and roads, he

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also stated that he is unable to fulfill the formalities of filing a proper complaint in prescribed form. He prays for action against the Public Functionaries by holding a proper enquiry which would reveal and support the allegations made by him.

3. The allegations made against the Public Functionaries are general and sweeping in nature without any specific averment regarding the collective or individual role of each of the Public Functionaries, named by him. There are only bald averments that Public Functionaries appear to be directly or indirectly giving protection to encroachments and illegal parking on footpaths. There is no basis or foundation laid for supporting such allegations. None of the photographs depict a Public Functionary having parked his vehicle or otherwise being present there. Such sweeping and general allegations on flimsy grounds cannot be made a basis for initiating inquiry into the allegations against Public Functionaries. There is nothing to support the allegations of MLA / Councillors having directly or indirectly encouraged the illegal parking or encroachment on footpaths.
4. Accordingly, no case is made out for initiating an inquiry on the basis of the information and complaint as sent by the informant against the Public Functionaries. The complaint against "Public Functionaries" is held not to be disclosing any cause of action and is dismissed.
5. However, from the photographs which have been sent it appears that the factum of parking on footpath is rampant and pervasive in the area mentioned.
6. Accordingly, let a copy of this order and the complaint of Sh. S. K. Saxena, Director, Nishpaksh NGO, be sent to the Commissioner South Delhi Municipal Corporation as also the Commissioner of Police for action in accordance with law for

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action against illegal parking and for removal of encroachments on  
footpath & road where ever they find it.

Copy of this order be sent to the complainant for information.

File be consigned to Record Room.

*Manmohan Sarin*  
Justice Manmohan Sarin  
Lokayukta

02-08-2013