

BEFORE THE LOKAYUKTA, DELHI  
JUSTICE MANMOHAN SARIN  
COMPLAINT NO. C-1865/LOK/2012

In Re:-

Sh. Sandeep Mehra ... Complainant  
Vs.  
Smt. Raj Kumari,  
Municipal Councillor ... Respondent

Present: Sh. Satish Mehra for Sh. Sandeep Mehra, Complainant

Sh. Narendra Gautam Advocate for Respondent

Ms. Raj Kumari, Respondent in person.

Sh. Balraj Singh, Naib Tehsildar, LM,WZ/DDA

**Justice Manmohan Sarin (Oral)**

ORDER

1. By this order, I would be deciding the above complaint into the allegations against the Respondent Public Functionary. The enquiry was initiated on the complaint dated 29.11.2012 filed by Sh. Sandeep Mehra R/o WZ-436, Village Tihar, Hari Nagar, Delhi against the Respondent Municipal Councillor. The Complainant alleged that the Respondent Raj Kumari, Municipal Councillor Ward No. 111, alongwith her family members i.e. her brothers has encroached on DDA land bearing Khasra No. 2078/1, adjacent to his property WZ-436, Village Tihar, Hari Nagar, Delhi. Complainant alleged that the brothers of the Respondent Councillor were running a dairy on the DDA land and they had built a wall on DDA property. Complainant claimed that in Writ Petition No. 1720/2001, MCD was directed to remove the illegal encroachment, which were accordingly cleared in the year 2003. Complainant alleged that after Respondent was elected as Municipal Councillor, she alongwith her milk vendor brother, Sh. Balli Dhillon, reconstructed the said kacha shelter, converting it into a godown and rented it to tenants for commercial purposes. Police complaint was also lodged by the Complainant pursuant to which the police verified

the situation, after inspection of site. The Complainant also vaguely alleged that the Respondent had assets disproportionate to her known sources of income, without giving any specific particulars.

2. While issuing notice for enquiry under section 7 read with section 2 (b) of the Delhi Lokayukta and Uplokayukta Act 1995, to Respondent, notices were also issued to the Deputy Commissioner, West Zone, SDMC and the Director LM, DDA to carry out inspection of the property and submit the report as to the current status regarding persons in occupation, nature of activity carried out etc.

3. Director LM, DDA reported that no factory or dairy was found at the site. The land adjoining the Complainant's land was found to be vacant. Five temporary structures in an area of about 50 sq. yards were found locked. There was also a Rehri at site.

4. As per SDMC, old structures in dilapidated condition were found in the area of about 150 sq. yards. Three rooms were locked. Some building material in the shape of small heaps was lying. Rehris, Rickshaws, three trolleys and three tables were also found. It appeared that the premises was being used by few persons for residence. Property was reported to be in possession of Balli Dhillon, brother of the Respondent Councillor. The land, it was stated, belonged to the DDA.

5. Complainant in his additional affidavit explained the position regarding Writ Petition No. 1621/12. He clarified that the said Writ Petition was a Criminal Writ Petition filed by him challenging the Show Cause Notice and the orders of the SDM. It had nothing to do with the public land in occupation of the Respondent's family.

6. Complainant also gave the number of five vehicles which he claimed belonged to the Respondent. Complainant's statement was recorded on oath. It is the case of the Complainant that

MS

encroachments made earlier were removed. It is only after Respondent got elected as a Municipal Councillor that the encroachments have been carried out again and made functional.

7. Respondent in her reply denied the allegations made of having ever been actuated in the discharge of her public functions by improper or corrupt motives. She denied being in possession of assets disproportionate to her known sources of income. It was averred in the reply that her father was owner of free hold property measuring about 150 sq. yards in Khasra No. 2078/2. Her father executed a WILL in favour of his wife Smt. Santokhi Devi who was running a dairy alongwith her son. Because of the decision of the government, her mother Santokhi Devi and brother Balli Dhillon shifted the dairy to Nangli Dairy. Smt. Santokhi Devi also bequeathed her rights in favour of her son Satish Kumar. Sh. Satish Kumar let out three kacha rooms out of the five rooms to different tenants in order to earn his livelihood. It is stated that her brother is bed ridden and getting Rs. 7000/- as rent from the said three rooms. The construction is more than 50 years old. There is no icecream factory, no chemical processing unit, no godown, no warehouse as alleged. There is a tenant who sells icecream and he has three Rehris. The rooms had been in existence for the last over 50 years and no new construction has been carried out recently. Her brother Balli Dhillon is selling milk on a 5'X2.5' wooden stall in morning and evening. No reconstruction has been carried out either by her or by her brother. Respondent is not illegal beneficiary of the income from the said property. She denied having got any benefit from the property which belongs to her brother.

MS  
8. Respondent has also given in para 5 of her reply details and explanation of her assets. The cars belong to her husband and his proprietorship concern. Respondent has claimed that they had declared one of the highest family incomes. Copies of the registration

certificates and income tax returns of the Respondent and her husband etc. have been filed. Respondent in her reply has averred regarding the service station being run by the Complainant without licence being a source of public nuisance on account of garbage, junk and waste collected.

9. It would be seen from the foregoing that the allegations regarding the Respondent being in possession of disproportionate assets to her known sources of income are vague. The Respondent nevertheless has explained her position with regard to the ownership of vehicles and her known sources of income by producing her tax returns. Nothing more has come forward from the Complainant in this regard. The allegation made were vague and lacking material particulars. In the circumstances, the allegations remain totally unsubstantiated.

10. Respondent's statement on oath has been recorded today wherein she has categorically stated that she has no interest or claim whatsoever in the land where her father used to run a dairy. It was never encroached by her brothers and one of her brothers is selling milk, whereas the other has let out dilapidated structures. She has stated that she never interfered in the said matter and has no objection whatsoever, if action is taken with regard to the said structures or the land, in accordance with law. She has never interfered nor will interfere in any manner with any lawful action proposed by the authorities.

11. She has deposed that the reason for Complainant's ire is that residents of the area had complained to her, being an elected representative, about the nuisance being created by the Complainant by dumping garbage and junk of his service station namely M/S. Atul Motors, which is not a licensed activity. Moreover the dumping of garbage and junk is hazardous to the children of the jhuggi dwellers who live in the nearby jhuggi cluster as the workshop of the

Complainant has no boundary wall. It was in these circumstances that she had asked the municipal authorities for removal of the garbage and the nuisance being created by the Complainant. Complainant, annoyed by the said act of the Respondent, filed the present complaint by way of counter blast.

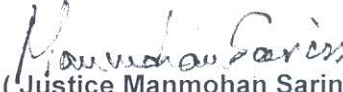
12. The Complainant also verbally alleged that the Respondent has named a park in the name of her deceased brother Phullu Ram illegally. However there is no averment made in the complaint in this regard.

13. From the foregoing, it appears to be a case of Complainant having personal grudge against the Respondent on account of the possible action taken by the municipal authorities for removal of the garbage and unlicensed activity being carried out on the land. This forum cannot be allowed to be used as a tool to settle personal scores. It is meant for enquiry only into acts of public functionaries which are not in accordance with the norms of integrity and conduct expected of a public functionary.

14. Complainant is free to take whatever action he feels necessary to protect his property. Concerned authorities would also be free to take action in accordance with law for removal of any garbage and nuisance being created on the land of the Complainant or in respect of the land in possession of the brothers of the Respondent.

15. In view of the foregoing discussion, particularly the statement of the Respondent Municipal Councillor, nothing survives in the instant complaint. Same is accordingly dismissed keeping in view the statement made by the Respondent. She should remain bound by the said statement. The enquiry proceedings are closed.

12<sup>th</sup> August, 2013  
PKs

  
(Justice Manmohan Sarin)  
Lokayukta, Delhi