

**BEFORE THE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1755/LOK/2012**

In the matter of : Inquiry under Section 2 (b) (1) read with Section 7 of the Delhi Lokayukta and Upalokayukta Act, 1995 and others.

Complaint received from one Sh. S.C. Bansal & Ors.

.....**Complainants/Informants.**

And

In the matter of : Unauthorized construction being carried out in Sectors-11,16 and 17, Rohini, Delhi, alleging involvement and protection of Sh. Pravesh Wahi, Councillor, former Chairman of Rohini Zone and the Municipal Staff.

And

In the matter of : Inquiry under Section 2(b) (1) r/w Section 7 of the Delhi Lokayukta and Upalokayukta Act, 1995.

REPORT

1. Number of complaints purporting to be from Sh. S. C. Bansal, Sh. Jitender Kumar and others were received in this Forum, alleging massive unauthorized constructions in Rohini area. Numerous DDA Flats and plots were being amalgamated for unauthorized constructions from upper ground floor to 3rd floor. Encroachment on public land, projections on municipal land, etc., were rampant. Details and numbers of prime properties were also mentioned, in the various sectors of Rohini, in the complaints.

2. It was alleged that Municipal staff namely, Sh. Ramesh Meena, Jr. Engineer from MCD etc. were charging illegal gratification of Rs. 5 lakhs per plot for unauthorized constructions. Nexus of the builders/owners with the Municipal

staff and collusion and support of the Chairman of Rohini Zone of the Municipal Corporation, Mr. Pravesh Wahani was claimed in unauthorized constructions.

3. Assistant Director, (Investigation) of this Forum was directed to enquire into the matter regarding allegations of unauthorized constructions and encroachments. He confirmed the factum of unauthorized constructions in Sector-11, 16 and 17 of Rohini. A report was therefore called from Deputy Commissioner, North Delhi Municipal Corporation. Report was received which confirmed the unauthorized constructions of the properties, except few. It was stated in the report that action had been initiated under Section 343 and 341 of the Delhi Municipal Corporation Act, 1957. Demolition action had also been taken in respect of some properties. Report was found to be lacking in material particulars as it did not indicate the extent of unauthorized construction and whether the same was compoundable or not and did not give the state of structures after demolition.

4. These were pseudonymous complaints. None of the Complainants came forward or appeared before the Lokayukta. A letter was received from Sh. S. C. Bansal, Complainant/Informant, purporting to claim that he had not made any complaint. Cognizance was taken u/s 7 r/w Section 2(b) of the Act, as "other information".

5. Prima facie, view was taken that constructions at such a massive scale are not done over night and could not be carried out without the knowledge and complicity of Municipal staff and without the Municipal Councillor being aware of or having knowledge of the same.

6. In the meantime, more pseudonymous complaints were received from others, mentioning particulars of more properties having unauthorized

constructions in the above sectors. Status report was also called from the Corporation in respect of additional properties.

7. It is not necessary to record various proceedings taken from time to time and the status reports received, except to observe that report was also called from the SHO, Police Station, K. N. Katju Marg, Delhi to ascertain whether intimation had been sent by the police to the Corporation, regarding the unauthorized constructions activity noticed by the beat constable. The action being taken by the Corporation and further action that was required to be taken was brought to the attention of the Municipal Engineer while monitoring status reports. It was also pointed out that once opportunity to owners/builders to remove the unauthorized constructions themselves, was given, upon their failure, Corporation could do so at their cost. Further, the desirability of carrying cosmetic demolitions like puncturing the roof, which is rectified/ reconstructed by the owners/builders, at the first opportunity, should be avoided.

8. On 15th July, 2013, this Forum noted that it was not possible for the Forum to continuously monitor the progress in these unauthorized constructions numbering over 50. This Forum had already done its duty by bringing it to the attention of the Municipal Corporation and its functionaries and goading them into action. It was the statutory responsibility and duty of the Officers of the Municipal Corporation, to take the matter to its logical conclusion.

Mr. S. K. Chauhan, EE (B)-II, Rohini Zone, North MCD, stated before the Forum that he would take the unauthorized constructions to their logical conclusion and the matter was left at this by the Forum.

9. In the meanwhile, no direct evidence regarding involvement of Sh. Parvesh

Wahi and Sh. Kulwant Rana, MLA, in these unauthorized constructions was

