

BEFORE THE HON'BLE LOKAYUKTA  
Justice Manmohan Sarin  
Complaint No. C-589/Lok/2010

Lokayukta on its own Motion

In Re:- Inquiry u/s 7 read with section 2 (b) of the  
Delhi Lokayukta and Upalokayukta Act, 1995

AND

Ms. Preeti Behn ... Original Informant  
Vs.

Smt. Kiran Chopra Municipal Councillor, ... Respondent

Present:-

1. Sh. Viraj R. Datar, Mr. Chetan Lokur, Advocates,  
Amicus Curiae.
2. Sh. Vijay Kumar Arora, Advocate for Respondent.
3. Sh. Ajay Arora, Standing Counsel MCD.

ORDER

1. The present inquiry is one of many inquiries initiated on the basis of information supplied by Ms. Preeti Behn, Municipal Councillor, regarding unauthorized construction and violation of Municipal bye-laws in properties owned or in occupation of 68 "Public Functionaries" i.e. Councillors, MLAs and Ministers.

These enquiries were a sequel to an inquiry initiated against Ms. Preeti Behn herself, wherein she had been issued a notice regarding unauthorized construction in Jhilmil Colony, Shahdara, Delhi. She complained of being singled out, while 68 "public functionaries" continued to enjoy the benefit of unauthorized constructions, in violation of Municipal bye-laws and even encroachment on public land, in some cases.

2. Based on the information provided by Ms. Preeti Behn, status reports were called for, from the Municipal Authorities in respect of properties, details of which were furnished by Ms. Preeti Behn. Pursuant to the status reports received, inquiries against several "public functionaries" were initiated, including the one in the instant case.

3. (i) Notice dated 01.02.2011 bearing No. C-589/Lok/2011/8877, under section 7 read with section 2 (b) of the Delhi Lokayukta and Upalokayukta Act 1995 (hereinafter referred to as the 'Act'), was issued to the Respondent in respect of property No. B-133/1, Hari Nagar, Clock Tower, Delhi, informing her that as per the reports received from the Municipal authorities, the construction is on a plot of 60 sq. yards in an unauthorised regularized colony with full coverage on the ground floor and first floor and projections on municipal land. Besides there was no sanctioned building plan, hence it is to be treated as unauthorised construction subject to regularization. As it involved a public functionary carrying out or living in a construction, without a sanctioned plan, and not getting it regularized, the question of her conduct amounting to breach of norms of integrity and conduct expected of a public functionary arises.

(ii) Notice was duly served upon the respondent. She was represented through her Advocate on 11.2.2011. It was represented on behalf of the Respondent on the first date itself that she would move an application for regularization.

4. (i) Regularization application was submitted by the Respondent and the Municipal authorities were directed to process the same as per law. Municipal authorities represented that the original area of the property No. B-133, Hari Nagar, Clock Tower was 220 sq. yards and the permission sought and documents submitted by

