

**BEFORE THE HON'BLE LOKAYUKTA**  
**Justice Reva Khetrapal**  
**Complaint No.C-2142/Lok/13**

**In the matter of :**

**Regarding illegal occupation of Khasra No.121 & 136 of Gaon Garhi Jhariya Mariya by Smt. Urmila Malvaliya, Municipal Councillor.**

**ORDER**

The present complaint is filed against Smt. Urmila Malvaliya, Municipal Councillor, Ward No.194, East of Kailash, New Delhi-65. The complaint is an anonymous one alleging therein that the land mafia in the year 2012, by preparing false documents had encroached upon government land measuring 2000 sq. yards, located between the DDA Flats and MCD School in Khasra Nos.121 & 136 in Village Garhi, East of Kailash, New Delhi-65 under the patronage of the then Municipal Councillor, Smt. Urmila Malvaliya, while the government departments turned a blind eye to the ongoing construction work.

2. On receipt of the aforesaid anonymous complaint, my Id. predecessor, Justice Manmohan Sarin was pleased to call for a report regarding the status of the Khasra Nos. 121 & 136, Village Garhi, East of Kailash. Additionally, a local enquiry through the Assistant Director (Investigation) was instituted to ascertain the particulars of the builder and the interests of the public functionary in the said land.

3. The Assistant Director (Investigation) submitted a report on 22.10.2013 to the effect that on local enquiry conducted by him in the area it was found that construction work was going on opposite the MCD School, A&B Block, East of Kailash, adjoining the boundary wall of Dhobighat on one side and a small Valmiki mandir on the other side. According to him, however, the area under construction was not more than 1000 sq. yards. He further submitted in the report that as per local enquiry, this property bearing No.62-A/1, Khasra No.136/2 belonged to five brothers, namely, Shri Tejram, Sh. Vedram, Sh. Kishan Chand, Sh. Jasraj and Sh. Jasmal, all sons of late Shri Harbal, who sold it to one Mrs. Anju Bansal, wife of Sh. Rakesh Kumar in September, 2010 through a registered sale deed. Presently the property belonged to one Shri Tilak Raj Chaudhary, a resident of Khanpur, Delhi who had purchased it from Mrs. Anju Bansal.

4. In his investigation report, the Assistant Director (Investigation) further submitted as under :

*“ Notice u/s 11 of Delhi Lokayukta & Uplokayukta Act, 1995 was sent to the DC/SDMC (South Zone) to ascertain the status of land in question but as per South Zone, the area found to be falling in the jurisdiction of Central Zone. (sic.) However, a report from JE(B), AE(B) and EE(B) was received mentioning therein that the action shall be taken upon clarification of status of alleged land by SDM/Defence Colony i.e. whether land is a govt. land or a pvt. Land.*

*On behalf of report of Building Deptt./Central Zone/SDMC report (sic.) from the SDM/Defence Colony was called that has now been received and reveals as mentioned below :-*

- 1) Khasra No.121 measures 51 bigha 11 biswa out of which 7 bigha 2 biswa is sarkar daulatmadar and balance is under private ownership.*
- 2) Khasra is subdivided into 51 parts as per the revenue record.*
- 3) As per field staff khasra No.121 is thickly built up and no new construction activities found.*
- 4) Khasra No.136 measures 10 bigha 7 biswa and it is divided into three parts shown as under :*
  - a) 136/1/1 measuring 6 bigha and is Sarkar Daulat Madar land.*
  - b) 136/2 measuring 2 biswa and is also Sarkar Daulat Madar land.*
  - c) 136/1/2 measuring 4 bigha 5 biswa and is a private land*
- 5) Construction work is being carried out on about 750 sq. yards of khasra no.136/1/2 about at 4©.*
- 6) Photographs of the construction site are also enclosed.*

*From the field enquiry and the reports from authorities it is clear that construction is going on in village Garhi at the alleged piece of land which is a private land as per government records. The building is being constructed there by the owner Sh. Tilak Raj Chaudhary himself in partnership with one Mr. Vishal. Nothing came against the councilor Smt. Urmila Malvaliya in this matter.*

*We may write a letter to the Building Deptt.-1, Central Zone/SDMC to submit status report of construction as to whether construction is authorized or not and is it as per sanction plan and in case of any violation of building rules action taken thereon.(sic.)*


*Report is submitted please. “*

5. Subsequent to the receipt of the aforesaid report, a letter was addressed by the Office of the Lokayukta to the Building Deptt.-1, Central Zone/SDMC to submit a status report with regard to the construction on the aforesaid land. A status report dated 26.11.2013 was received from the Building Department duly signed by the EE (B), AE(B) & JE (B). The sum and substance of the said report was that the Building Department had booked the structure raised on the land in question i.e. property No.62/A, Khasra No.136/1/2, Jharia Maria, New Delhi in the shape of "Unauthorized construction of Stilt, Ground Floor, First Floor and Second Floor", after verifying that the land was private land. It was further stated that demolition proceedings under Sections 343/344 had been initiated vide file No.798/B/EE(B)II/CNZ/2013 dated 17.09.2013 and that the Department had also initiated sealing proceedings under Section 345-A of the DMC Act against the aforesaid unauthorized construction. Pursuant to the initiation of the said demolition proceedings, it was stated, two separate proceedings had been received for regularization of the alleged unauthorized structure. The submitted ownership documents revealed that the property did not belong to Smt. Urmila Malvaliya, Ex. Municipal Councillor as alleged in the complainant. Similarly, the alleged land is a private land and not a government land, as alleged in the complaint.

6. From the aforesaid narration of the facts, it emerges clearly that the anonymous complaint filed by the Complainant (without an affidavit) is a completely false complaint. In the first instance, the land alleged to be encroached upon by the land mafia under the patronage of Smt. Urmila Malvaliya, Ex. Municipal Councillor is not government land as alleged, but is private land, sale-deed whereof has been placed on record by the Assistant Director (Investigation). The Building Department has further confirmed that the land in question is private land and not government land and that Smt. Urmila Malvaliya has nothing to do with the said property as falsely alleged in the complaint.

7. In view of the aforesaid, the complaint deserves to be dismissed and is accordingly dismissed.

File be consigned to the Record Room.

  
(Justice Reva Khetrapal)  
Lokayukta

Dated : 09.02.2016