

BEFORE THE HON'BLE LOKAYUKTA
JUSTICE REVA KHETRAPAL
COMPLAINT NO. C-1750/LOK/2012

IN THE MATTER OF:

SMT. OMWATI COMPLAINANT
VERSUS
SHRI JAI KISHAN, MLA RESPONDENT

Present:-

1. Shri Sanjeev Sharma, Advocate, Amicus Curiae.
2. Shri Mahesh Kumar Sharma, Advocate, Counsel for the Respondent.
3. Mrs. Rashmi Gahlaut, Deputy Director (North West District), Department of Education.

ORDER

1. Vakalatnama has been filed before this Forum today on behalf of the Respondent by Shri Mahesh Kumar Sharma, Advocate.
2. Mrs. Rashmi Gahlaut, Deputy Director (Education) is present in the Court with the records of the case. She affirms that the School in question, namely, R.D. Public School, is a recognized public school, the recognition of which has been up-graded from Secondary School to Senior Secondary School. She further states that though the School is situated in a non-conforming area, as per the policy of the Government, schools are permitted to run in such non-conforming areas, subject to adherence to the safety norms laid down by the Government and fulfillment of conditions of the Delhi School Education Act.
3. The main thrust of the complaint is that the Respondent, Shri Jai Kishan, MLA, is running a school by the name of R.D. Public School, on unauthorized land. This part of the complaint does not survive any longer in view of the documentary evidence on record showing that the school is a recognized school and the statement made hereinabove before this Forum by the Deputy Director (Education).
4. It is further the complaint of the complainant that the respondent MLA has indulged in grabbing a piece of land measuring 400 Sq Yds,

but it is on record that there was a dispute in respect of this land between the respondent and one Shri Sukhbir Singh, S/o. Shri Surinder Singh, R/o. House No.11, Pooth Kalan, Delhi, which has since been amicably settled between the parties.

5. It is also the grievance of the complainant that the respondent MLA is trying to forcibly grab her house. Not only there is not an iota of evidence on record in this regard, but a communication has been received from the son of the complainant, dated 15-03-2016 to the effect that it is the complainant who is trying to extort a sum of Rs. 20.00 Crores from the respondent for the aforesaid house.
6. The complainant further alleges that the respondent is depriving poor people of the locality of water by diverting the water to the school premises. A report in this regard was sought from the Delhi Jal Board which has reported that the houses in that Colony have no water pipes, being an unauthorized colony, and are being supplied water through water tankers. There is, therefore, no merit in the aforesaid allegation of the complainant.
7. Yet another allegation of the complainant is that at the behest of the respondent, MLA, the NDPL and Tata Power Delhi Distribution Ltd (TPDDL) are harassing her by giving notices and officers of the Malaria Department have also issued challans. This Forum fails to appreciate how the respondent can be blamed for issuance of notices to the complainant by the NDPL, the TPDDL and the Malaria Department, on account of the defaults and non-compliance of the complainant. It stands to reason that it is the complainant herself who must be blamed for the defaults committed by her, necessitating the issuance of notices to her by the said authorities.
8. Insofar as the complaint of the complainant with regard to the blockage of the nullah on the main road is concerned, there is on record the report of the Local Commissioner, appointed by my learned predecessor, Shri Vivek Kumar Tandon, Advocate, which specifically states:

"As regards the blockage of Nullah on the main road as well as on the side lanes, water is flowing from the said Nullah into the drain. Photographs to that effect have also been taken, which shows that the drain flowing towards the house of the complainant has been diverted to the other side of the road".

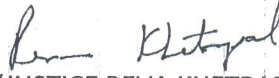
The complainant present in the Court also does not dispute that there is no blockage in the drain in front of her house.

9. There is a further complaint by the complainant that the value of her house has been brought down on account of non-visibility of ingress/egress caused by sign boards of the school of the Respondent, put up on the street, fixed at a point abutting the Chhajja of her house. As regards this aspect, the learned Local Commissioner has observed:

"The sign boards are on the main road on two poles and also at a distance of 3½ ft, which neither affects the visibility of the ingress/egress of the house nor affects the market value of the property of the complainant".

10. There is also on record a report of the Area Inspector, Advertisement Department, Rohini Zone, North DMC, dated 16-05-2013 to the effect that the sign boards of the School are fixed at the entry point of the road leading to the School, and that though the boards are near the residence of the complainant, these boards do not hamper the visibility of the residence of the complainant in any way.
11. Keeping in view the aforesaid documentary evidence on record, I am of the view that there is no merit in the complaint filed by the complainant, which appears to have been filed for ulterior motives. This is apparent from the fact that not a single allegation made by her is substantiated by documentary evidence on record produced by the various Departments in the course of enquiry before this Forum.

Therefore, in my opinion, no useful purpose will be served in protracting the proceedings any further. In the result, the Show Cause Notice under Section-7 read with Section-2 (b) (i) & (ii) of the Delhi Lokayukta & Upalokayukta Act, 1995, issued to the respondent is hereby discharged. File be consigned to the record room.


(JUSTICE REVA KHETRAPAL)
LOKAYUKTA

Dated: 30th March, 2016