

BEFORE THE HON'BLE LOKAYUKTA  
JUSTICE REVA KHETRAPAL  
COMPLAINT NO. C-1706/LOK/2012

IN THE MATTER OF:

SHRI SAT PRAKSH RANA, MLA

.... COMPLAINANT

VERSUS

SHRI BHUPINDER GUPTA, COUNCILLOR

.... RESPONDENT

PRESENT:

1. Mr. Chetan Lokur, Advocate, Amicus Curiae.
2. Mr. Neeraj Aggarwal, Advocate for Urban Development Department, GNCTD.
3. Mr. Praduman Kumar Aggarwal, Advocate for Delhi Development Authority.

ORDER

1. By a communication dated 24-08-2012, a complaint on the letterhead of Shri Sat Prakash Rana, MLA, bearing File No. S. No.SPR-36-DLU/599/12, was received by this Forum, alleging that large scale unauthorized construction was being carried out of flats in respect of which he had also lodged report with the Delhi Municipal Corporation.

2. The grievance made was that while these flats were being built without any hindrance, ordinary members of the public who had built small residences here and there were being made to suffer the wrath of the Corporation. It was alleged that this was on account of the fact that these flats were being constructed with the connivance of the local Municipal Councillor, Shri Bhupender Gupta and the MCD officials. It was asserted that the roads were not wide and there was a scarcity of water, which would get further aggravated with the construction of the aforesaid flats. The local Corporator (the respondent herein) was alleged to be taking a bribe of ₹ 15 to 20 lakhs for each of the flats. Particulars of fourteen of these flats were set out in the complaint.
3. On receipt of the aforesaid communication purported to have been signed by the MLA, Shri Sat Prakash Rana, notice was issued to Shri Sat Prakash Rana, directing his presence in respect of the complaint and on his failure to enter appearance, bailable warrants were directed to be issued, pursuant to which Shri Sat Prakash Rana appeared in person on 03-10-2012, on which date his statement was recorded on oath before this Forum.
4. The complainant MLA in his statement on oath before this Forum stated that his letterheads were found missing

sometime back as also the seals of his office. He had duly lodged report with the police, but there was no breakthrough in the matter.

5. Since this was a case where the complaint was received on the letterhead of the MLA, Shri Sat Prakash Rana and the MLA categorically stated that he had not lodged any complaint and was not the author of the communication in question, the complaint against the respondent was not proceeded with by my learned predecessor. However, in view of the fact that the communication gave credible information which would require to be verified after inspection, my learned predecessor directed the Municipal Corporation of Delhi to submit a detailed status report and subsequently issued notices to the owners/occupiers of the properties mentioned in the complaint. It was furthermore directed that action be taken on the regularization applications submitted by some of the property owners/Residents Welfare Associations since regularization of unauthorized construction would lead to benefit of all concerned even when the protection under the Act was not available, more so, as these constructions were in an unauthorized colony entitled for regularization.
6. On 07-10-2016, an affidavit was filed of Shri S.P. Pathak, Commissioner (Planning), Delhi Development Authority, in

terms of the order passed by this Forum dated 04-08-2016. In the said affidavit, the Commissioner (Planning), DDA, delineated the entire process of regularization of unauthorized colonies undertaken by the Government of NCT of Delhi and the local bodies from time to time.

7. It is stated in paragraph-6 of the aforesaid affidavit that pursuant to the directions of this Forum, Government of NCT of Delhi had sent copies of four applications in respect of the colony 'Raj Nagar' though as per record supplied to the DDA, no application by the name of Ward No.142, Raj Nagar, Part-II, Najafgarh Zone, New Delhi was received. It is, however, noticed by this Forum that all the four applications details of which have been given in Para-6 aforesaid cover Raj Nagar Part-II and presumably Ward No.142 is encompassed in one or the other of these applications.
8. The relevant criteria for regularization of unauthorized colonies is also annexed with the affidavit along with steps/procedure to be followed by the local body/DDA/GNCTD from Clause-5.1 to 5.11. Clause-5.6 provides that the local body may refer the case for regularization to the GNCTD, and to DDA for land use change. It is submitted that as per available record, no reference has been received by DDA from GNCTD either for regularization or for land use change.

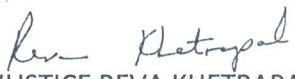
9. An assurance is, however, extended to this Forum in the affidavit that DDA will initiate action for change of land use after completion of formalities as per Para-5 of the Gazette Notification Dated 24-03-2008 by the local authorities and the GNCTD, in terms of Section 11(a) of the DDA Act and as per Gazette notification.
10. In view of the aforesaid assurance extended by DDA to this Forum, nothing further survives for consideration. The applications for regularization having already been submitted, it is hoped and expected that the local authorities and the GNCTD will act in tandem with each other and bring the matter to its logical conclusion expeditiously.
11. In view of the fact that the Gazette Notification dated 24-03-2008 itself provides for the completion of the entire procedure within a period of six months from the date of receipt of the regularization application by the GNCTD, it is, in any event, incumbent upon the GNCTD to act in accordance with the Gazette Notification and complete the process at the earliest.
12. The complaint stands disposed of in the above terms. A copy of this order be sent to the GNCTD (Urban Development Department), DDA and the South Delhi Municipal Corporation.

Copies shall also be furnished to the counsel appearing for the parties in the case.

13. File be consigned to the record room.

Dated: 25-10-2016

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(JUSTICE REVA KHETRAPAL)  
LOKAYUKTA, DELHI