

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 29th May, 2018

Complainant : Sh. Ashu Kumar
Respondent : Deputy Commissioner (Karol Bagh Zone), North DMC
Grievance No. : PGC/2017/MCD/154
Grievance filed on : 09.01.2017
First hearing in the PGC,
Scheduled on : 22.03.2017

1. Brief facts of the complaint

Sh. Ashu Kumar filed a grievance in PGC on 09.01.2017 regarding illegal / unauthorized construction in property Nos. B-33/15-16, B-32/7-8, B-21/5-6, B-21/7-8, B-23/7-8 and B-10/1-2, Double Storey, B-Block, Ramesh Nagar, Delhi with the connivance of Municipal Corporation officials. He requested the Commission for taking necessary action in the matter.

2. Proceedings in the Public Grievances Commission

The PGC has convened seven hearings in the matter and at the hearing held on 29.05.2018 following were present:

Complainant : Absent
Respondent : Shri J.B.Meena, AE (B), Karol Bagh Zone, North DMC

3. Relevant facts emerging during the hearing

3.1 At the last hearing held on 27th March, 2018, the directions of PGC were as follows :

Asstt. Engineer (B), Karol Bagh Zone is directed to inspect the site again in the light of para 3.2 & 3.3 above and take action on the applications of the owners for regularization as per DMC Act and submit an Action Taken Report on the next date of hearing.

3.2 Sh. J.B.Meena, AE is present during the hearing and informed that the owners of the properties in question have applied for regularisation and the matter is under process..

3.3 The complainant is not present in the hearing since last two hearings.

3.4 The affected parties in this complaint were present and they have submitted a representation alleging the complainant as a black mailer, who is in the habit of extorting money from the residents by complaining of illegal constructions. A copy of FIR No.0086 dated 13.03.2018 has been produced wherein the complainant was caught red handed by P.S. Paschim Vihar for demanding / accepting Rs. 50,000/- from one builder, Mr. Virmani with the threat to get his building demolished. Accordingly, an FIR under Section 384/387/506 IPC was registered against him.

They have also cited a judgement of Hon'ble High Court of Delhi in WP (C) 98/2018 & C.M.N. 423/2018 in the matter between Raj Kumar Kasani Vs. South DMC, wherein it was held that a petitioner who filed a P.I.L. must approach the Court with clean hand. In this case the petitioner himself had made illegal constructions but he filed a writ petition to taken action on the property of some other person for illegal / unauthorized construction. The Hon'ble High Court not only dismissed the writ petition but also levied heavy cost for filing such frivolous case citing it as abuse of the process of law and wastage of valuable judicial time.

4. Directions of the PGC

4.1 Sh. J.B. Meena, AE (B) is directed to physically inspect the properties in question, examine / finalise request of regularisation of the same, as permissible under DMC Act and take action against any unauthorized construction / deviations as per the D.M.C. Act.

4.2 The Commission further notes that complainant, not present today, has been arrested by P.S. Paschim Vihar in a matter relating to extortion of money from a builder. As such, the conduct of the complainant in making instant complaint appear dubious, not above board, and an attempt to use this Commission as tool, in furthering their vested interest / ulterior motive.

With the above observations, the case is closed at the level of P.G.C.

(SUDHIR YADAV)
Member (PGC)

Copy to:

1. Commissioner, North DMC, Dr. Shyama Prasad Mukherjee Civil Centre, Minto Road, New Delhi
2. Deputy Commissioner (Karol Bagh Zone), North DMC, Near Khalsa College, Anand Parvat, New Delhi
3. Executive Engineer (Building), Karol Bagh Zone, North DMC, Nnear Khalsa College, Anand Parvat, New Delhi
4. Sh. J.B.Meena, Asstt. Engineer(B), Karol Bagh Zone, North DMC, Near Khalsa College, Anand Parvat, New Delhi
5. Sh. Ashu Kumar