

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
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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: 24th Sept., 2019

Complainant : Sh. Rajinder Singh,
Respondent : Deputy Commissioner
CL Zone, North DMC
Grievance No. : PGC/2019/MCD/70

1. Brief facts of the complaint

Sh. Rajinder Singh has filed a grievance in PGC against Ms Anita Ved, Asstt. Commissioner, Civil Lines Zone, North DMC and other subordinate staff for demanding substantial amount of Rs. 15,00,000 for handing over allotted plot No. EG-132, Area 110 Sq. Mts. in Sanjay Gandhi Transport Nagar, Delhi..

2. Proceedings in the Public Grievances Commission

The PGC has convened first hearing in the matter on 24.09.2019 and the following are present :

Complainant : Present
Respondent : Sh. Amitabh Srivastava, AC/CLZ
Sh. Harish Kumar, JSA

3. Relevant facts that emerged during the hearing

3.1 Sh. Amitabh Srivastava, Asst. Commissioner, Civil Lines Zone is present in the hearing and submitted a Status Report stating that

“As per records available in the file, M/s Fine Engineering works through its partners namely Sh. Rajinder Singh Devgun & Bhupinder Singh Devgun got themselves registered for allotment of plot at SGTN in the year 1984. The Screening Committee has

approved the eligibility of the firm and allotted plot no. 132/SGTN Ph-II in the draw of lots. As per the partnership deed & dissolution deed Sh. Bhupinder Singh Devgun retired from the firm in the year 1988. Thereby Sh. Amarjeet Singh S/o Sh. Ajit Singh entered into partnership firm. As per the partnership & dissolution deed Sh. Amarjeet Singh became proprietor of the firm M/s Fine Engineering works. On submission of these documents by Sh. Amarjeet Singh, department gave possession of the plot No. EG-132 to Sh. Amarjeet Singh as a proprietor of M/s Fine Engineering Works. A complaint was received from Sh. Rajinder Singh claiming himself to be the proprietor of the firm and allegation that Sh. Amarjeet Singh has got allotted the plot no. EG-132 by submission of fraudulent documents in the department. The department issued notice to Sh. Amarjeet Singh for submission of original documents pertaining to the file in Nov 2011. Due to non production of the documents by the Sh. Amarjit Singh, department issued the Corrigendum and withdrew the order of possession and NOC .

Subsequently, a complaint was received from Smt. Rajvinder Kaur who submitted an agreement to sell wherein special power of attorney was given by Rajinder Singh, claiming to handover the possession of the plot no. EG-132 to Smt. Rajvinder Kaur. It is apparent from the documents available on records/file that

- Sh. Rajinder Singh sold property no. EG-132/SGTN Ph-II to Smt. Rajvinder Kaur in the year 25.05.2006 through agreement to sell and purchase.
- Sh. Rajinder Singh gave Registered Will and General Power of Attorney in favour of Sh. Kalicharan of 50% shares of plot no. EG-132/SGTN Ph-II.

THE DISPUTE BECAME MORE COMPLICATED AND NOW THREE DIFFERENT APPLICANTS CLAIMED FOR THE

POSSESSION OF THE PLOT IN QUESTION, department sent file to legal Cell for the opinion who opined that *the matter regarding dispute as to legal right of ownership/entitlement of allotment of plot in question needs to be resolved by the court of Law*. Subsequently, department sent a letter to the applicants to resolve the dispute through court of law stating that the plot no. EG 132 would be handed over only after orders/directions/declaration of Court of Law.

Sh. Rajinder Singh accordingly filed Civil Suit No. 439/12 against MCD, Sh. Amarjit Singh and Smt. Rajvinder Kaur for possession of plot no. EG-132/SGTN Ph-II. However, for reasons best known to him, Sh Rajinder Singh withdrew the case and it was dismissed as withdrawn by Sh. Rajinder Singh on 20.08.2015. In the absence of any court orders, the department can not go against the opinion of the legal cell.

Whereas, he has also filed many complaints in the Hon'ble PGC on the subject matter and department has already sent ATR to the PGC vide letter no. 625/Dir/SGTN/2019 dated 5/4/2019. Copy of ATR also sent to the complainant.. All the complaints/grievances of Sh. Rajinder Kumar Walia received in the O/o Director/Sanjay Gandhi Transport Nagar have been filed in record with approval of Competent Authority.

IT IS PERTINENT TO MENTION THAT THE COMPLAINANT SH. RAJINDER KUMAR WALIA IS NOT THE ALLOTTEE OF THE PLOT IN QUESTION. He is a property dealer and claiming himself as a sole proprietor or representative in many cases and an FIR has also been requested to be lodged against him by the department vide letter no. 908/Dir/SGTN/2013 dated 29/11/2013 (copy enclosed). The applicant has been representing on behalf of many other properties as sole proprietor for possession but the actual owners/allottees have never turned up.

In view of the position mentioned above, it is submitted that since there is a dispute of ownership between three parties, the possession of the plot should be handed over only after court orders. The department will handover the possession to the rightful owner of the plot subject to the orders of Competent Court of Law and approval of the Competent Authority. The applicant still has an option to approach the court of law based on all the information gathered from the department through his various applications.”

Sh. Rajinder Singh has also filed a suit in the Court but later on withdrew the same and the position is back to square one with 03 conflicting claims. Now the only alternative available is that Sh. Rajinder Singh should get an order from the Court in his favour so that the department can handover the possession to the original allottee.

4. Recommendations of the PGC

With the above observations the matter stands closed at the level of this Commission.

(ASHOK KUMAR)
CHAIRMAN

No. PGC/2019/MCD/70/

Dated:

Copy to:

1. Sh. Pankaj Kumar, Deputy Commissioner, C.L. Zone, North DMC, Zonal Office Building, 16, Rajpur Road, Delhi - 110054
2. Sh. Kuldeep Singh, Asstt. Engineer (B), C.L. Zone, North DMC, Zonal Office Building, 3rd floor, 16, Rajpur Road, Delhi - 110054
3. Sh. Rajinder Singh