

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
Tel. No. 011-23379900, 23379901, Fax No. 011-23370903
Website : www.pgc.delhigovt.nic.in E-mail :pgcdelhi@nic.in

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR
dated 25.9.97

Date of hearing: 20th Oct., 2020

Complainant : Sh. Mohd. Shahid Siddiqui
Respondent : Deputy Commissioner, Shah.
South Zone, EDMC,
Grievance No. : PGC/2015/MCD/2125
(Reopened)

1. Brief facts of the complaint

Sh. Mohd. Shahid Siddiqui had filed a complaint in PGC on 16.12.2015 regarding unauthorized construction and encroachment at plot Nos. 71, 72 and 73, Vishwakarma park, Near Gupta Wali Gali, Laxmi Nagar, Delhi. Subsequent complaint was also submitted alleging unauthorized construction in S-609/A, Nehru Enclave, School Block, Shakarpur, J-221, Jain Mandir Wali Gali, Laxmi Nagar and 12/412, Ek Minar Masjid Lalita Park, Delhi - 110092.

Vide hearing dated 19.06.2017 the matter was closed with the following remarks :

“Since the matter is pending before the Hon’ble High Court of Delhi, the matter becomes sub-judice before the Court of Law. As such, the PGC regrets its inability to intervene further in this grievance case, as PGC does not have mandate to intervene in the cases, which are sub-judice before any Court of Law. Accordingly, the grievance case is ordered to be closed in the Public Grievances Commission.

Complainant vide his various applications has again requested for reopening of the case as the EDMC has not taken any action in the matter.

After that it was decided to reopen the case and a hearing was fixed for 25.06.2019.

2. Proceedings in the Public Grievances Commission

After reopening, the PGC has convened ten hearings in the matter so far and in the hearing held on 20.10.2020, the following are present :

Complainant : Absent

Respondent : Sh. S.D.Tomar, Ex. Engineer (B)

3. Relevant facts that emerged during the hearing

3.1 Sh. S.D.Tomar, Ex. Engineer (B), Shahadara South Zone is present in the hearing and submitted a status report stating that

“With deep sense of regard, in context to the above mentioned complaint, I, hereby apprise you, as per the report of the concerned Division / Segment, that action have been taken against those properties wherein, *prima facie*, encroachment upon Public Land and / or unauthorized constructions have been noticed. It is respectfully further apprised that the instant complaint had been filed just to settle old scores. A brief account of the issue is placed below:-

- 1) That Sh. Mohd. Shahid Siddiqui has filed a complaint in PGC on 16.12.2015 regarding unauthorized construction and encroachment at Plot Nos 71,72,73, Vishwakarma Park, Near Gupta Wali, Galki, Laxmi Nagar, Delhi. Subsequent complaint was also submitted alleging unauthorized construction in S-609/A Nehru Enclave School Block Shakarpur, J-221 Jain Mandir Wali Gali Laxmi Nagar and 12/412 Ek Minar Masjid Lalita Park Laxmi Nagar Delhi-92.

Vide hearing dated 19.06.2017 the matter was closed with the following remarks:-

“Since the matter is pending before the Hon’ble High Court of Delhi, the matter becomes sub-judice before the Court of Law. As such, the PGC regrets its inability to intervene further in this grievance case, as PGC does not have mandate to intervene in the cases, which are sub-judice before any Court of Law. Accordingly, the grievance case is ordered to be closed in the Public Grievance Commission”.

2) That, the properties wise status report is as under:-

a) Property No. I-162, Garhwali Mohalla, Lalita Park, Delhi:

The property was booked u/s 343, 344(1) of DMC Act, vide file no. 17/B/UC/SS/16 dated 22.01.2016 in the shape of u/c at ground floor to fourth floor and subsequently the demolition order was passed vide order dated 02.03.2016. At the time of filing of complaint, the property was fully occupied and no construction was in progress. Aggrieved with the demolition order passed by the EDMC on 02.03.2016, the appellant / owner of the property filed an appeal before Appellate Tribunal, MCD Room No 29, Tis Hazari Court, Delhi titled as Ruby Buildwel Pvt. Ltd. V/s EDMC vide appeal no. 745/2018. The instant appeal is pending for adjudication.

Proposed Action: The Department will take action as per the order of the Hon’ble Tribunal.

b) Property No. 12/412, Ek Minar Masjid, Lalita Park, Delhi.

The instant property was booked u/s 343, 344(1) of DMC Act, 1957 vide file no. 476/B/UC/SS/18 dated 25.06.2018 for deviation against Sanctioned Building Plan issued by

vide file no. 121/B/ShS/AE-II/D-61. The demolition order beyond sanctioned plan was passed on 31.07.2018 after following the due process of law. As of now, the property is fully occupied from stilt to fourth floor.

Proposed Action: The Department will take action in accordance with the policy of issued under the signature of Commissioner / Additional Commissioner.

- c) Property No. J-221, J-Extension, Kh No. 54/17, Laxmi Nagar, Delhi.

The property was booked u/s 343, 344(1) of DMC Act, vide file no. 245/B/UC/SS/13 dated 22.08.2013 for deviation against Sanctioned Building Plan issued vide file no 26/B-II/Sh./S/2013/105. The demolition order against the deviations was passed on 30.09.2013 after following the due process of law. The shops, constructed against the Sanctioned Building Plan, were sealed on 21.10.2019. In furtherance to this, the demolition action was again taken on 12.03.2020 wherein partition wall of the shops at stilt floor was demolished and property was re-sealed at two points at shutters of two shops. Aggrieved with the demolition order dated 30.09.2013, the owner preferred to file an appeal before Appellate Tribunal, MCD vide appeal no. 744/2018 titled as Ms. Ruby Buildwel Pvt. Ltd v/s EDMC. Next date of hearing in the case is 18.12.2020.

Proposed Action: The Department will take action as per the order of the Hon'ble Tribunal.

- d) Property No. J-10A, J-Extension, Laxmi Nagar, Delhi.

A Building Plan was sanctioned vide no. 942/B/SHS/11/AE-II/D-40 dated 16.03.2012 from Stilt floor to Third Floor. After inspection the deviations were noticed at stilt parking. The Demolition action was taken on 08.10.2018 and deviations from Stilt Parking to Ground Floor were removed. Subsequently, one room at Stilt Floor was sealed on 21.10.2019. An appeal, against the sealing order, titled as Pratibha Viswas Vs EDMC, was filed vide appeal no. 746/18 before the ATMCD. The appeal is posted hearing on 18.12.2020.

Proposed Action: The Department will take action in consonance with the order of the Hon'ble Tribunal.

- e) Property No. 71, 72, 73, Vishwakarma Park, Laxmi Nagar, Delhi.

A number of demolition / sealing action were taken in the recent past which has been brought to the notice of this Hon'ble Commission.

- f) Property No. S-609, Nehru Enclave, School Block, Shakarpur, Delhi.

The instant property falls in an unauthorized colony of Nehru Enclave, Shakarpur, Delhi and the same is protected under the Delhi Special Laws Act from any punitive actions.

- 3) That, it is worthwhile to mention that Sh. Mohd. Shahid Siddiqui is also a violator of law in terms of the unauthorized construction carried out by him at his property bearing no J-3/116, Anar Wali Masjid, Kishan Kunj, Laxmi Nagar, Delhi. The property was booked and demolition order was passed after following the due

process of law. An appeal was also filed by Sh. Mohd. Shahid Siddiqui against the demolition order passed by EDMC vide appeal no 268/2016 titled as Shahid Siddiqui V/s EDMC before ATMCDD. The appeal is pending before the Tribunal for order.

Proposed Action: The Department will take action
in consonance with the order of
the Hon'ble Tribunal.

- 4) That, Sh. Shahid Siddiqui has personal animosity towards Sh. Zahir Ahmed, Director, Ruby Buildwel Pvt. Ltd. and his employee i.e. Sh. Mohd. Mehmood. That's why both of them are filing complaints / court cases / FIR(s) against each-other(s).
- 5) That, Sh. Mohd. Shahid Siddiqui deposed before Hon'ble Court in Civil Suit bearing no 2286/2016 such as "I am the defendant in the present case I undertake that I, my heirs, successors, associates, assignees etc. shall not lodge any false and frivolous complaints against the plaintiff before any authority and also shall not spread false and frivolous rumors and defamatory materials in writing or otherwise against the plaintiff in the Govt. / Semi-Govt. Authority, society, vicinity and circle of the plaintiff, till the final disposal of the present suit."
- 6) That, an FIR was registered against Sh. Shoeb Siddiqui S/o Sh. Shahid Siddiqui, 3/127, J-Extension, Kishan Kunj, Laxmi Nagar, Delhi under section 376 and 506 vide FIR No 494 dated 05.07.2012.
- 7) That, an FIR was registered against Sh. Mohd. Mehmood, 3/116, J-Extension, Kishan Kunj, Laxmi Nagar, Delhi under

section 376, 328 and 506 vide FIR No 0622 dated 22.03.2018.

- 8) That, to substantiate the animosity among Sh. Mohd. Shahid Siddiqui, Sh. Mohd. Mehmood and Sh. Zahir Ahmed, a bunch of documents is enclosed herewith for kind perusal.

PRAYER:

The Corporation has continued to take appropriate actions against the unauthorized construction(s) / encroachment within the provisions of DMC Act, 1957 and would continue to do so to curb the menace of unauthorized construction. Hence, in view of the submissions, adumbrated above, the instant case does not merit any further acknowledgement and therefore the instant complaint / grievance may be closed.”

3.2 Sh. S.D.Tomar informed that the 06 properties for unauthorized construction were informed by the complainant in initial grievance. In one property substantial action for demolition has been taken. Action against 03 properties has been challenged in the ATMCD. One property has been constructed as per Sanctioned Building Plan.

He further informed that Sh. Shahid Siddiqui, the complainant, is used to file false and frivolous complaints against different properties.

3.3 Complainant is not present in the hearing but has submitted a representation, a copy of which is being sent to the Ex. Engineer (B)-II for examination.

4. Recommendations of PGC :

As partly action in the matter has been taken by the department and action against the remaining properties has been challenged

in the ATMCD, the matter stands closed at the level of the Commission with the directions to the Ex. Engineer (B)-II to take further necessary action as per orders of the ATMCD and provisions of the DMC Act.

(SUDHIR YADAV)
MEMBER

No. PGC/2015/MCD/2125/reopened/

Dated :

To:

Sh. S.D. Tomar, Ex. Engineer (B), Shahadara South Zone, EDMC, Zonal Office Building, Vishwas Nagar Institutional Area, Behind Karkardooma Court, Delhi – 32

Copy for information to :

Sh. Mohd. Shahid Siddiqui