

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: 2nd Nov., 2020

Complainant : Sh. Bhushan Manchanda

Respondent : Deputy Commissioner
South Zone, SDMC

Grievance No. : PGC/2019/MCD/115

1. Brief facts of the complaint

Sh. Bhushan Manchanda has filed a grievance in PGC regarding encroachment upon the pedestrian paths/pavements by ground floor flat owners of Vasant Kunj, New Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened four hearings in the matter so far and in the hearing held on 02.11.2020, the following are present:

Complainant : Absent

Respondent : Sh. Anil Kumar, AE(M)

3. Relevant facts that emerged during the hearing

3.1 Sh. Anil Kumar, Asstt. Engineer (M), South Zone is present in the hearing and submitted a report stating that

“The complaint was of illegal encroachment and construction on public land in shape of pedestrian paths / pavements by extending the areas in front of their ground floor flats by covering the areas with boundary walls / fencing, potted plants etc. Some residents have constructed bamboo gates and put up “No Parking” signs in Sector A, Pocket B & C, Vasant Kunj.

***“No carelessness until there is a cure. Wear Mask,
follow physical distancing & maintain hand hygiene.”***

Matter is pending in Hon'ble Court Patiala House, Dheeraj Mittal, ARC/ACJ/CCJ(ND)/PHC in titled "Nisha mahajan Vs South Delhi Municipal Corporation", CS SCJ 538/19. Next date of hearing is 17.11.2020.

Court has directed to both parties to maintain status quo the suit property till further orders dated 22.04.2019.

Next D.O.H. is 17.11.2020 for argument. In this regard, it is submitted that department has already hired a MPL Lawyer Sh. Rajesh Khaware to put up the case in favor of SDMC in very effective manner so that said stay order could be vacated. After the outcome of the Hon'ble Court, the department will execute the directions of Hon'ble Court in very effective manner."

3.2 Note has been taken of the Public Notice issued by the South Zone, SDMC dated 11.09.2019 in Indian Express wherein it has been advised that :

"General public is hereby directed to remove all types of encroachments from public land / Government land forthwith. Thereafter, extensive encroachment removal actions / prosecution action U/s 321/461/466-A of DMC Act against the violator / offenders will be taken without any further notice and items so placed on public land / Government land will be seized at the cost of encroacher."

When the said notice was issued the complainant made numerous complaints to the Commissioner, SDMC. It is strange that the unauthorized occupation / encroachment on public land has been brought to the notice of the authorities but no action has been taken. Furthermore, when the matter was reported to the Commission, the authorities concerned i.e. EE/AE attending the proceedings have been directed to take action against the properties as per provisions of the DMC Act. But surprisingly nothing has been done by the department.

"No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene."

The Commission further observed that the officials attending the proceedings are casual in their approach amounting to no action on the part of the department, despite clear directions have been issued.

Now it has been brought to the notice of the Commission that the matter is pending in the Court and the Court has directed to maintain status quo in the property, where primarily encroachment on public land is there and the department is expected to raise the issue before the Hon'ble Court at the time of hearing / proceedings where Counsel for the department Mr. Nikhil Chhabra was present. Now the matter is listed for 17.11.2020 for arguments and the Commission feels that the matter will be properly represented by the department.

3.3 No further action is warranted at the level of the Commission till the matter is disposed off by the Hon'ble Court.

4. Recommendations of the PGC :

4.1 Sh. G.Sudhakar, Deputy Commissioner, South Zone is advised to take note of para 3 above. The concerned officers may be directed to implement the orders of the Hon'ble Court in true spirit and the decision of the Court should be formerly communicated to the Commission to decide further course of action.

4.2 Complainant is informed that no further date of hearing is fixed in the matter as of now. If the MCD authorities are failed to act upon the orders of the Hon'ble Court, complainant may approach the Commission again.

(SUDHIR YADAV)
MEMBER

***“No carelessness until there is a cure. Wear Mask,
follow physical distancing & maintain hand hygiene.”***

No. PGC/2019/MCD/22/

Dated:

To:

Sh. G. Sudhakar, Dy. Commissioner, South Zone, SDMC,
Green Park, New Delhi - 110016.

Copy for information to :

Sh. Bhushan Manchanda

***“No carelessness until there is a cure. Wear Mask,
follow physical distancing & maintain hand hygiene.”***