

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
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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: 09th Nov., 2020

Complainant : Sh. Khorrum Omer
Respondent : Deputy Commissioner,
Shahadara South Zone
Grievance No. : PGC/2020/MCD/08

1. Brief facts of the complaint

Sh. Khorrum Omer has filed a grievance in PGC regarding illegal and unauthorized construction and encroachment of common areas by Mr. Shafiquddin Qureshi/Mr. Rafiq Zia, owner/occupier of Flat No.152, Azad Apartments, 111, I.P. Extension, Delhi – 110092.

2. Proceedings in the Public Grievances Commission

The PGC has convened three hearings in the matter and in the hearing held on 09.11.2020 the following are present:

Complainant : Present
Respondent : Sh. S.K. Jain, A.E (B),
Shahadara South Zone

3. Relevant facts that emerged during the hearing

Sh. S.K.Jain, Asstt. Engineer (B), Shahadara South Zone is present in the hearing and submitted a status / Action Taken Report stating that :

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follow physical distancing & maintain hand hygiene.”***

“1. Sh. Khorrum A Omer, President, Azad Co.Op. Group Housing Society Ltd., Plot No. 111, Azad Apartments, IP Extension, Delhi – 110092 filed a complaint before Public Grievances Commission regarding unauthorized construction against the flat bearing No. 152, Azad Apartments.

2. On the last date of hearing i.e. 22.09.2020, Public Grievances Commission had directed the respondent (EDMC) to visit the site personally and take necessary action for removal of encroachment in all the similarly situated properties in the society and submit an Action Taken Report.

3. Pursuant to the above Asstt. Engineer (B) along with concerned Junior Engineer (B) inspected the impugned society on 28.09.2020.

4. During the inspection it was noticed that owner / occupier of flat No. 152 raised the unauthorized construction / encroachment in the shape of excess coverage against sanctioned building plan. Therefore, the respondent / EDMC booked the unauthorized construction / encroachment vide booking file No. 117/B/VC/SS/020 dated 28.09.2020. The show cause notice dated 28.09.2020 was sent to the owner / occupier of flat No. 152, Azad Apartments through speed post. However, the owner / occupier of flat No. 152 has not filed any reply to the above show cause notice. The Demolition Notice / order dated 08.10.2020 also sent to the owner / occupier of flat No. 152 through speed post with direction to demolish the above unauthorized construction / encroachment within stipulated period, however, the owner / occupier of flat No. 152 neither complied with the above show cause notice nor sent any reply to the same. The demolition order was passed on 19.10.2020 by the respondent / EDMC after following due process of law.

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5. *The demolition action programme was fixed on 27.10.2020 after intimating the SHO concerned for providing the adequate police force, the demolition action was taken and removed / demolished the unauthorized construction / encroachment on the passage (back side of flat No. 152, Azad Appt.) completely.”*

3.2 The owner / occupant of flat No. 152, against which the complaint had been filed was also present in the Commission and informed that there are similar encroachments in other flats of the Society and he has been deliberately targeted by the RWA. He further informed that no basement exists in his flat, as alleged by the RWA representatives in their complaint. The same has been verified by the other flat owners of the society. However, he affirmed that there is encroachment in his flat.

3.3 The representative of RWA i.e. complainant was also present at the hearing and stated that the RWA issued notices to the complainant but as he did not removed the encroachment, complaint was lodged with municipal Corporation to take necessary action.

4. Recommendations of the PGC :

4.1 Sh. S.K.Jain, Asstt. Engineer (B), Shahadara South Zone is advised to take note of para 3.2 above and take action for removal of encroachment and unauthorized construction in other similarly placed properties, as per provisions of the DMC Act.

4.2 Complainant i.e. RWA representatives are advised to discuss the issue of encroachment / unauthorized construction amongst the members of the society and ensure appropriate action on their own so that there is no impression that one or a few flat owners are being targeted and others are being allowed to go scot free. The society is further advised that wherever feasible and in cases where the flat owners desires so, they may apply for

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regularization of unauthorized construction, if allowed as per provisions of the DMC Act.

With the above directions the matter stands closed at the level of the Commission.

(SUDHIR YADAV)
MEMBER

No. PGC/2020/MCD/08

Dated:

To:

Sh. S.K.Jain, Asstt. Engineer (B)-II, Shahadara South Zone, East DMC, Zonal Office Building, Vishwas Nagar Institutional Area, behind Karkardooma Court, Delhi – 110032

Copy for information to :

Sh. Khorrum Omer

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