

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: 07th Dec., 2020

Complainant : Sh. Sharad Kapoor
Respondent : Deputy Commissioner
(Central Zone)
Grievance No. : PGC/2017/MCD/152

1. Brief facts of the complaint

Shri Sharad Kapoor has filed a grievance in PGC on 27.11.2015 regarding illegal construction of rooms on govt. land by Sh. Pramod Oberoi and Sh. Praveen Oberoi resident of 6/21, 23, Old double Storey, Lajpat Nagar, Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened twenty two hearings so far in the matter and in the hearing held on 07.12.2020, the following are present:

Complainant : Absent
Respondent : Sh.H.M. Meena, A.E./CZ, SDMC

3. Relevant facts that emerged during the hearing

3.1 Shri H.M. Meena, AE of the respondent department filed an action taken report. It is stated by him that “*Aggrieved with the actions initiated by the department as per the provisions of DMC Act, the owner/occupier of the property filed an appeal before the Hon’ble ATMCD. The Hon’ble ATMCD vide its order dated 19.02.2019 restricted the respondent from taking any coercive action in the property of the appellant bearing No.6/21, Nirmal Puri, Old Double Storey, Lajpat Nagar-IV, New Delhi, in pursuance of demolition order dated 04.02.2019.*”

The next date of hearing in the matter has been fixed for 27.01.2021.

Shri H.M. Meena, Asstt. Engineer, assured that as and when the matter is decided by the Hon'ble ATMCD, necessary action in the matter as per the orders of the Hon'ble Tribunal will be taken.

3.2 The Commission observes that as per the orders of L&DO dated 03.10.1990, *"The allottees of built up "C" type tenements were allowed to construct independent kitchen, bath and W.Cs in accordance with the Standard Plan prescribed by the M.C.D. with a view to remove unhygienic condition because the common lavatories were not being properly maintained.*

The individual lessees were given the option to apply for execution of supplementary deeds in their favour for the additional area of land measuring about 17" in the rear. The Scheme was expected to have uniform impact on development and proper upkeep of those areas but it has been noticed that the allottees have not undertaken the construction work in accordance with the Standard Plan and have extended in the rear and have unauthorisedly encroached on the land in the front portion as well.

It has been decided that the tendency of unauthorised encroachment in residential areas has to be checked and growth allowed in a harmonious manner in accordance with the policy of the Government."

Further, as per the orders of L&DO, *"Further in the case of construction of kitchen, bath and W.C. by the 1st floor tenement holders it has been decided that the Ground Floor lessees will have to allow the same to the 1st floor allottees and refusal to do so will also render them liable for action."*

The Commission is of the view that temporary construction raised in the front is an encroachment over public land which has been raised by the alleged parties and, at no point of time, this fact has been raised/submitted before the Hon'ble ATMCD.

4. Recommendations of the PGC

4.1 Sh. Avneesh Kumar, Deputy Commissioner, Central Zone, SDMC is advised to take note of observations of L&DO at Sub-para 3.2 above and put up proper facts before the Hon'ble ATMCD after checking the

records of the construction done by the alleged party in the back and front portion. Further, the order of Hon'ble Tribunal be implemented and the report alongwith the Tribunal's orders be furnished to the Commission.

4.2 The proceedings in the Commission are closed since the Hon'ble ATMCD is seized with the matter.

(SUDHIR YADAV)
MEMBER

No. PGC/2017/MCD/152/

Dated:

To:

1. Sh. Avneesh Kumar, Deputy Commissioner (Central Zone), South DMC, Near Jal Sadan, Shiv Mandir Marg, Lajpat Nagar, New Delhi – 110024
2. Shri R.K.Arunesh, Ex. Engineer (B), Central Zone, SDMC, Near Jal Sadan, Shiv Mandir Marg, Lajpat Nagar, New Delhi – 110024 (Ph.No.9717788515)

Copy for information to :

Sh. Sharad Kapoor