

**PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-
110110**

Tel Nos. 011-23379900-01 Fax No.011-23370903

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: 20.01.2021

Complainant : **Suo Moto**
Respondent : District Magistrate (Central),
Revenue Deptt. GNCTD
Through :
Shri Rajesh Choudhary, SDM (Civil Lines)

Grievance No. : PGC/2019/A.II/Rev./12

1. Brief facts of the case

A grievance; addressed to multiple fora including this Commission was preferred by Secy./Pradhan, Residents Welfare Association, Ekta Enclave, Burari, regarding allotment of land in Kh. No. 148, 149 and 193/2 of village Burari alleged to have been a water body. Keeping in view the gravity of the issue, the Commission decided to take up the issue 'suo-motu' with concerned authorities.

The Commission was apprised that Hon'ble High Court of Delhi vide its order dt. 31.10.2013 in WP (C) No. 4437/2013 titled *Residents Welfare Association, Ekta Enclave vs. State of NCT of Delhi & Ors.* had directed that none of the water body/pond/johad be encroached or allotted in future to make good the deficiency of land during consolidation proceedings and if such allotment had been made earlier, then revenue authorities are directed to ensure that such land are restored back in water bodies after allotting alternative land to the allottees.

The Commission was further apprised that despite filing of numerous complaints since 2013, Revenue Department has not taken any step so far. Therefore, notices have been issued to the District Magistrate (Central) to file ATR/ Status report.

2. **Facts emerged during the proceeding:**

ATRs/Status Reports filed on 18.01.2020, 30.06.2020, 15.07.2020, 18.08.2020 and finally on 19.01.2021 by SDM (Civil Lines) on behalf of District Magistrate (Central). Sh. Rajesh Choudhary, SDM (Civil Lines) who was present during hearing on 30.09.2020 and 20.01.2021 has further apprised the Commission that a letter dt. 18.01.2021 has already been sent to BDO Central with a direction to put up a comprehensive scheme/ proposal for boundary wall/ beautification of water body in Kh. No. 148, 149 and 193/2 village Burari.

3. **Directions**

The Commission has carefully perused the materials placed on record. A perusal of ATRs filed by answering respondent indicates that revenue department is yet to ascertain the legality of allotment of 0-4 biswa of land in respect of Kh. No. 193/3. The ATRs filed by the department seems contradictory as Tehsildar (Civil Lines) vide order dt. 15.07.2020 has withdrawn the allotment of 0-4 biswa of land in Kh. No. 193/3, whereas the subsequent inquiry report dt. 28.9.2020 by Tehsildar (Karol Bagh) concluded that there is no tempering of records as Entry of Khata no. 200 for 0-4 biswa land in Kh. No. 193/3 was found in Khatoni of year 1985-86. Clearly the inquiry report dt. 28.9.2020 make the order of withdrawal dt. 15.7.2020 as *infructuous*. The answering respondent are advised to ascertain the status of Kh. No. 193/3 (0-4) expeditiously, as Commission cannot go further in this issue, not being an appropriate forum for the same.

As regard to Kh. No. 149/2/1, admittedly a land measuring 2 bigha 10 biswa was allotted during consolidation proceedings. However, as per ATR/ Status report filed by SDM (Civil Lines) the land is lying vacant with no permanent structure, Revenue Department is advised to vigorously chalk out the feasibility to restore back the same to the erstwhile water body. It goes without saying that such restoration will be adopted only after due process of law and after providing alternative land to the allottees.

As regards the Kh. No. 149/2/3, an area of 1 bigha 04 biswa was admittedly allotted during consolidation proceedings. As per ATR/ status report filed by the answering respondent,

there is a house and a boundary wall. Revenue authorities are advised to take proper steps for rehabilitation /relocation and allotment of alternative land to the allottees before restoring the same to the water body. It is further observed by the commission that the issue of allotment of 1 bigha 04 biswa against deficiency of 0-8 biswa is probably oversight by revenue officials as the same is clearly mentioned in the katauni that 1 bigha 4 biswa is saada rakba which is equal to standard rakba of 0-8 biswa only. Therefore, it seems that allotment was proper and no excess land was allotted, hence notice dated 17.8.2020 does not serve any sense/purpose.

With regard to SDM (Civil Lines) letter dt. 18.1.2021 to BDO (Central) regarding boundary wall and beautification of water body at village Burari, the District Magistrate (Central) is advised to ensure that needful is done on priority. District Magistrate (Central) is further advised to monitor the restoration of land at regular intervals so as to implement the orders of Hon'ble High Court of Delhi in its true spirits as held in WP (C) No. 4437/2013 .

As no further course of action is warranted on part of the Commission, the instant grievance is ordered to be closed before Commission. However, before parting with the issue, the Commission appreciates the Endeavour of the petitioner samiti for raising such a common cause.

With above observation, the present grievance is ordered to be closed.

(SUDHIR YADAV)

MEMBER (PGC)

PGC/2019/A.II/Rev./12

Dated :

1 The District Magistrate (Central), Revenue Department, Govt. of NCT of Delhi, Old Employment Exchange, 14, Darya Ganj, New Delhi – 110002

2 Shri Rajesh Chaudhary, Sub-Divisional Magistrate (Civil Lines), District Central, Revenue Department, GNCT of Delhi, Old NDPL Building, near Baraat Ghar, Burari, Delhi-110084.