

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: 15.04.2021

Complainant : Sh. Ashok Kr. Batra,
Respondent : Chief Executive Officer
DUSIB
Grievance No. : PGC/2020/MCD/25

1. Brief facts of the complaint

Sh. Ashok Kumar Batra the complainant has filed a grievance in PGC regarding harassment and mental torture of a senior citizen by the officials of L & L Branch of DUSIB for restoring mutation of quarter No. D-42, Jhilmil Colony, Shahadara, Delhi - 110095. On receipt of grievance in the Commission, the matter was taken up with the Dy. Director, L & L, DUSIB who was requested to meet the complainant, ascertain his grievance and ensure submission of a report. The Department has submitted varying replies in the matter. Keeping in view that no progress in the matter is evident despite pursuing it regularly with the department, the matter is taken up for regular hearing in the Commission so that the grievance is resolved.

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2. Proceedings in the Public Grievances Commission

The PGC has convened one hearing in the matter on 22.02.2021. Sh. R.K.Gosain, Dy. Director, DUSIB was present in the hearing and submitted an ATR.

Keeping in view the complexity of the case, the Commission vide its order dt. 22.02.2021 summoned the file in respect of property no. D-42, Jhilmil Colony, Shahadara, Delhi. The file was examined and some facts which might have a bearing on the case are hereunder:-

1. Prior to mutation of property no. D-42, Jhilmil Colony, Shahadara, Delhi in the name of Sh. Ashok Kumar Batra (present appellant), a field survey/site inspection was conducted by DUSIB on 10.07.2013. On the said site inspection report, it is clearly mentioned that *“extended front and back side of the flat constructed upto 1st floor. Some shops are constructed on encroached land”*. If that was the case, under what circumstances, the mutation was made.
2. Once the mutation is made despite the fact that the appellant has constructed the shop on the alleged property and also encroached upon the public land which is in contravention of rules and guideline of DUSIB, then is it open to the DUSIB to cancel the allotment on similar grounds? Here it may be noted that before allowing mutation, DUSIB send a letter to Dy. Commissioner, Shahadara Zone, MCD for taking action against un-authorized construction duly

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accepting that building activity of the colony had already been transferred to MCD.

3. As per DUSIB records, all seven shops exist on D-42 were sealed on 10.08.2020. The action of sealing these shops on part of DUSIB seems contrary to their earlier letter addressed to Dy. Commissioner, MCD vide which DUSIB had requested MCD to take proper action for alleged illegal construction/encroachment on the ground that building activity of the said colony has already been transferred to MCD.
4. A number of representations have been filed by the aggrieved shopkeepers at D-42 who alleged to have purchased these shops from its erstwhile allottee/owner. To decide the fate of these representations a Committee has been constituted by DUSIB. The shopkeeper's claim that the area in question fall under mix land use since 2006-07. Such claim may be got verified from the concerned civic agency before deciding these representations.
5. If the committee decides the issue of mix land use and regularize those shops after having been confirmed of the conversion charges, then what will be the fate of the allottee/occupier of the property D-42, Jhilmil Colony, Delhi i.e. Sh. Ashok Kumar Batra.

4. Recommendations of the PGC

As a Committee duly constituted with the prior approval of Hon'ble Minister for UD, Govt. of NCT of Delhi is already seized with the matter, no further action is warranted on the

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part of PGC. However, the observations of the Commission are being brought to the notice of CEO, DUSIB for examination.

Chief Executive Officer, DUSIB is requested to direct the concerned officers to examine the case on its merits keeping in view the observations of the Commission and decide accordingly.

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

(SUDHIR YADAV)
MEMBER

No. PGC/2020/MCD/25/

Dated :

To:

Chief Executive Officer, Delhi Urban Shelter Improvement Board, Govt. of NCT of Delhi, Vikas Kuteer, I.P. Estate, ITO, New Delhi - 110002

Copy for information to :

Sh. Ashok Kumar Batra

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