

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: 29.7.2021

Complainant : *Shri Munim Tanwar*

Respondent : *District Magistrate (South),
Revenue Department,
Govt. of NCT of Delhi,
MB Road, Saket, New Delhi
Delhi-110054*

Grievance No. : *PGC/2012/Rev./327*

1. Brief facts of the case

Shri Munim Tanwar filed several grievance petitions before the PGC alleging encroachment on Gram Sabha land in Village Dera Mandi and no action by the revenue officials.

2. Facts emerged during the proceeding:

This grievance case was taken up for hearing, first hearing in this grievance case was held on 21.2.2013. Several hearings were conducted from 2013 to 2018. At the hearing on 3.5.2018, the matter was kept in abeyance till the report in the matter is received from District South, Revenue Department.

2.2 There were three issues pertinent to this grievance case which are summarized below :-

- i. Exchange of Gram Sabha Land bearing Kh.No. 38/7/2 (1-8) with private land Kh. No. 38/17/1 (1-8), Village Dera Mandi.
- ii. Allotment of Gram Sabha Land bearing Kh. NO. 68/24, measuring 139 sq.yards, in village Dera Mandi to South Delhi Municipal Corporation for primary school.
- iii. Creation of sports facility in 6 bigha, 16 biswa land, village Dera Mandi, which was handed over to Dte. of Education, by the Revenue Department.

2.3 As the matter was in abeyance since May, 2018, meeting was convened with the concerned departments i.e. District South,

Revenue Department and Directorate of Education. The first meeting was scheduled on 23.6.2021. At this meeting, representative of Dte. of Education and District South, Revenue Department were present. The representative from Sports Branch, Dte. of Education informed that a letter was addressed to concerned SDM with regard to encroachment in the land handed over to Dte. of Education by the Revenue Department and a writ petition is pending in the Hon'ble High Court. The representative of District South, Revenue Department contended that when the land was handed over to Dte. of Education, it was free of any encroachment nor there was any court case. As such, being land owning agency, the responsibility of taking action against encroachment and pleading in the Hon'ble High Court is of Dte. of Education. Further, with regard to exchange of Gram Sabha land, the land has been handed over to Forest Department but this fact requires confirmation with the revenue record.

2,4 Again, a meeting was fixed for 29.7.2021. No representative from Dte. of Education was present. However, representative of District South, Revenue Department was present. He filed a status report on the three issues pertinent to this grievance case, which are briefed below :-

i. The Khasra No. 38/7 (1-08) Village Dera Mandi is a Forest land as per the STF order dated 2021. Therefore, no procedure for exchange of this land can be initiated.

ii. The Khasra No. 68/24, Village Dera Mandi (area 139 square yard) is having a MCD primary school. As per the direction given by PGC, a proposal was put up to transfer this land to SDMC. However, as per the STF order dated 2012, this Khasra 68/24 village Dera Mandi became a forest. Therefore, the proposal could not be finalized as the land does not belong to this office but to Forest Department.

iii. Creation of sports facility in 6 bigha 16 biswa land village Dera Mandi which was handed over to Dte. of Education : This land is Khasra No. 56/6/2 (0-10), 56/7/2 (0-16), 56/8/2 (1-100) & 56/13/1 (4-10) Village Dera Mandi was handed over to Education Department on 27.4.2015. The possession of the land is vested in Education Department. Any decision regarding creation of sports facilities etc. can be taken by the Education Department.

3. **Directions**

3.1 Given the status report dated 26.7.2021, filed by District South, Revenue Department, no action is feasible on two

issues i.e. exchange of Gram Sabha Land bearing Kh. No. 38/7/2 (1-8), with private land bearing Kh. No. 38/17/1 (1-8) and allotment of 139 square yard land in Kh. No. 68/24 for Municipal school, as these land are part of Forest land. This is brought to the notice of Principal Chief Conservator of Forest , Govt. of NCT of Delhi, who is requested to ensure that the above mentioned land , which as per STF order of 2012 have been declared as forest land, is put for the use as a forest. A confirmation report regarding present use of above mentioned land in village Dera Mandi, shall be forwarded to this Commission, within 15 days of issue of this Order.

3.2 The land bearing *Khasra No. 56/6/2 (0-10), 56/7/2 (0-16), 56/8/2 (1-100) & 56/13/1 (4-10) Village Dera Mandi was handed over to Education Department on 27.4.2015. This land measured 6 bigha 16 biswa. The possession of the land is vested in Education Department.* After protracted intervention on the part of this Commission, this land was handed over by Revenue Department to Dte. of Education, free of cost, for the purpose of development of a playground/sports facility. The demarcation of this land was carried out on 29.1.2015 and thereafter, it was handed over on 15.7.2015. Vide letter dated 15.7.2015, Sports Branch, Dte. of Education requested Executive Engineer, PWD (M-422) to submit preliminary estimates for construction of boundary wall of the taken over land. Vide letter dated 21.10.2015, EE, Education Maintenance Division (South), PWD provided preliminary estimates amounting to Rs. 93,08,600/- for which Dte. of Education gave administrative approval and expenditure sanction vide letter dated 3.11.2015. Thereafter, no status of subsequent action on this issue of creation of sports facility/playground is available. At the recent meetings, the representative of Sports Branch informed that the land has been encroached upon.

The above is brought to the notice of Director, Dte. of Education. It is the responsibility of Directorate of Education to ensure that the land, handed over to it by the Revenue Department, free of cost, for the purpose of sports facility in village Dera Mandi is put to proper use. Instead, even after issue of administrative approval and expenditure sanction of

more than Rs. 93 lakhs, there appears to be no diligent action, which should have been ensured in time creation of sports facility. There appears to be clear lack of supervision and as a result, the land has been encroached. Being land owning agency, it is incumbent upon Directorate of Education to make the land free of encroachment and plead the matter, if there is any case pertaining to this land, before Hon'ble Court.

3.3 With the above directions, the grievance case is ordered to be closed in the Commission.

(SUDHIR YADAV)

MEMBER (PGC)

Copy to :-

1. The District Magistrate (South), Revenue Department, Govt. of NCT of Delhi, MB Road, Saket, New Delhi.
2. Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054
3. The Principal Chief Conservator of Forest, A-Block, 2nd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002.