

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

Complainant : Shri Jai Karan Dabas

Respondent : District Magistrate (North-West),
Revenue Deptt. GNCTD

Grievance No.: PGC/2016/Rev./71

1. Brief facts of the case

The present grievance had been taken up by the Commission pursuant to a complaint dt. 29.11.2016, filed by Sh. Jai Karan Dabas, Secretary, Yuva Ekta Kalyan Samiti, Village Chandpur Dabas, Delhi for the alleged shifting of Cremation ground and purported encroachment on the phirni road of the village. It was contended in the grievance that the land bearing Kh. No. 35/18 measuring 3 Bigha 14 Biswa of village Chandpur Dabas, which was earmarked as Cremation ground during consolidation proceedings in the year 1951-52 has been shifted with a malafide intent and the phirni road of the village has also been encroached under the disguise of allotment under 20 point programme.

The record of the case reveals that a total of 13 (thirteen) hearings were held and the last one held on 13.12.2018, vide which directions were issued to concerned authorities i.e. District Magistrate (North West), BDO (North West), SDM (Kanjhawala) and Irrigation and Flood Control Department, GNCTD to do all the possible act to check unauthorized construction and encroachment of Gaon Sabha/Govt. land. Directions were also issued with regard to demarcation report so that the same can be marked as a reference for construction of boundary wall which was to be undertaken by the I&FC Deptt. Prior to hearing dt. 13.12.2018, an ATR was filed by BDO(North West) on 12.12.2018, wherein Commission was informed that joint inspection/survey was conducted on 12.11.2018 and as per joint inspection/survey report, no fresh encroachment was found either on phirni road or on Kh. No. 35//13 of village Chandpur.

The Commission was apprised that the cremation ground has been shifted after following due procedure of law and after approval of Competent Authority

i.e. Hon'ble Lt. Governor, Delhi. As the issue has since been resolved with due process of law, hence no further action is warranted on part of Commission.

The Commission was also informed during hearing on 13.12.2018 by the representative of I&FC Deptt. that a proposal seeking Administrative Approval and Expenditure Sanction to the tune of Rs. 48.88 lacs has been sent to Delhi Village Development Board on 30.10.2018. However, the approval from Delhi Village Development Board is still awaited. Once the approval is received, I&FC Deptt. shall initiate necessary action for construction work of the boundary wall without further delay, under intimation to the Commission. However, as no intimation/progress report was received for a considerable period, Commission called the personal appearance of SDM (Kanjhawala) with ATR on 26.7.2021.

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

SDM (Kanjhawala) attended the Commission and filed ATR wherein it has been re-iterated that a proposal seeking A/A and E/S for construction of boundary wall has been moved by I&FC to Delhi Village Development Board, however, the requisite approval has not been received in I&FC Deptt. till date. As regard the removal of encroachment in Kh. No. 35/13 and phirni road, it has been informed that these khasra nos. are belong to Gaon Sabha and the same has been transferred to Delhi Development Authority (DDA) w.e.f. 17 May 2017, hence any action on removal of encroachment have to be done in coordination with DDA. With regard to sale/purchase of plots which were allotted during 20 points programme, the Commission has been apprised that a field report has been conducted by area patwari on 24.07.2021 and as per field report, these plots were allotted to the landless people under 20 points programme, however the record in receipt of such allotments are not readily available, hence it is not easy to ascertain the veracity of these allotments at this beleted stage .

As per grievance and on the basis of facts and materials brought on the record, the Commission sum up the issue on following points:-

- a) Construction of boundary wall of Samshan Ghat at Kh. No. 35/18
- b) Removal of encroachment from phirni road and
- c) Sale/purchase of plots allotted under 20 points programme

3. **Directions**

3.1 With regard to construction of boundary wall of Samshan Ghat at Kh. No. 35/18, it has been informed by I&FC Deptt. and Revenue Department that a proposal to this effect seeking Administrative Approval and Expenditure Sanction has already been submitted on 30.10.2018 to Delhi Village Development Board, however the requisite approval has not been accorded by

Delhi Village Development Board yet. The Commission has been further apprised that Delhi Village Development Board comes under the Development Department, Delhi. Pr. Secretary-cum-Development Commissioner, Govt. of NCT of Delhi is requested to look into the issue and also to ensure that necessary approval is granted as per rule to I&FC Deptt. in a time bound manner.

3.2 With regard to removal of encroachment of phirni land, since the land has been transferred to DDA on 17.5.2017 itself, therefore any action for removal of encroachment can only be initiated by DDA. Let a copy of this order be endorsed to Vice Chairperson, DDA also for taking needful action in the matter. Similarly, District Magistrate (North West) is also advised to take up this matter with DDA authorities for early removal of encroachment.

3.3 With regard to sale/purchase of plots under 20 points programme, the Commission on the basis of material placed on record has observed that Commission is not a appropriate forum to adjudicate upon the issue that too when records are not available/clear. Therefore, the Complainant is advised to raise the issue before the competent forum.

With above observations, the grievance is ordered to be closed before this Commission.

**(SUDHIR YADAV)
MEMBER (PGC)**

Copy for information and necessary action to :-

1. The Vice Chairman, DDA, Vikas Sadan, INA Market, Delhi
2. The Principal Secretary-cum-Commissioner, Development Department, Govt. of NCT of Delhi, 5/9 Under Hill Road, Delhi-110054.
3. The District Magistrate (North-West), Revenue Department, Govt. of NCT of Delhi, Village Kanjhawala, Delhi.
4. The Chief Engineer (Zone-II), Irrigation & Flood Control Department, GNCT of Delhi, L.M. Bundh Road Office Complex, Shastri Nagar, Delhi-110031.
5. SDM (Kanjhawala), Revenue Department, Govt. of NCT of Delhi, Village, Village Kanjhawala, Delhi.
6. BDO (North-West), Revenue Department, Govt. of NCT of Delhi, Village Kanjhawala, Delhi.
7. The Executive Engineer (CD-VIII), I&FC Department, Govt. of NCT of Delhi, Sector-15, Rohini, Delhi.
8. Shri Jai Karan Dabas