

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
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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 Order :13.8.2021:

Complainant : Shri Satpal Singh Rana,
Respondent : District Magistrate (North),
Revenue Deptt. GNCTD
Through
Grievance No.: PGC/2018/A.II/Rev./07

1. Brief facts of the case

1.1 The present case has been transferred vide DRTI Appeal Order dated 19.5.2016 wherein it was ordered that

Since the allegations relate to illegal occupation of government land in Village Mungeshpur and inaction for not taking over possession of the Gram Sabha land by the BDO /Revenue officials, it is deemed appropriate that the appeal case is transferred to the appropriate bench in the PGC to hear the matter as a grievance. During the appeal proceedings under DRTI Act, as per report of the respondent department dated 7.12.2017, demarcation of Khasra No. 23/39 (04 biswa) was completed by TSM and the surveyor too has submitted his report alongwith drawing on 13.10.2017. As per demarcation report, the houses have been constructed over the land/site marked for road (as per revenue record).

It was further submitted that Khasra No. 23/39 starts 80.5 ft. Away from the existing road. Many houses were built up on the site marked for road as per massavi and no passage left to approach Khasra No. 23/39. In case, unauthorised construction of Khasra No. 23/39 is demolished, many houses near this Khasra No. would be affected/required to be demolished.

1.2 It has been the contention of the complainant that there has been illegal encroachments in the said area containing cell. The encroachers have dumped debris in the well thereby choking it. No action has been taken by the respondents despite many request. He had also pointed out that the officials of the Revenue Department are facing stiff resistance from the residents of the area whenever any action is initiated by the department.

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

2.1 First hearing in the grievance case was held on 27.9.2018. In all 09 hearings have been held, with the last hearing on 26.9.2019. At the hearing on 26.9.2019, it was informed that Hon'ble Court of ADJ-2, Rohini Court has ordered stay in r/o demolition of property bearing Kh. NO. 23/38 and 23/39, Village Mungeshwar. In view of stay order by the Hon'ble Court, the scheduled demolition action was called off. As the matter was sub-judice, the grievance case was kept in abeyance till vacation of stay by the Hon'ble Court.

2.2 As there was no status report in the matter after the last hearing on 26.9.2019, a letter dated 21.6.2021 was addressed to District Magistrate /North, for submission of update with regard to the present position of the case in the Hon'ble Court. The departmental representative present on 6.7.2021, requested for some more time to ascertain status of case. He submitted that despite efforts and visit to the court, the status could not be ascertained.

2.3 On 13.8.2021, Shri Sunil, Patwari from the office of SDM(Narela) was present. He stated that the matter is still sub-judice vide case No. CS DJ NO. 494/2019 titled Jai Prakash Vs. Govt. of NCT of Delhi & Ors. Last hearing in the case was held on 11.1.2021 in which the Hon'ble Court ordered that interim order dated 19.9.2019 will continue. The subsequent hearings on 19.5.2021 & 16.6.2021 could not be held and the matter is now fixed for hearing on 18.8.2021.

3. **Directions**

As the matter is sub-judice and the stay order dated 19.9.2019 is still under operation, no further directions can be issued in the matter by this Commission. The Commission cannot intervene in sub-judice matters. District (North) shall comply with the directions of Hon'ble Court. The matter shall be

deligently pleaded before the Hon'ble Court so that action to retrieve govt. land from illegal occupation/unauthorized construction can be ensured by the district.

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

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

PGC/2018/A.II/Rev/07

Dated:

1. District Magistrate/ North, Revenue Department, Govt. of NCT of Delhi, DM Office Complex, BDO Block Alipur, Delhi-110036.
2. SDM (Narela), O/o SDM (Narela), GNCT of Delhi, Naya Baans, Delhi-110082.
3. BDO (North), Relvenue Deptmt, GNCT of Delhi, DM Office Complex, BDO Block, Alipur, Delhi-110036.
4. Shri Satpal Singh Rana