PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 15-04-2014

Complainant	:	Shri Amit Kumar @ Satpal s/o Shri Roshan Lal, r/o A-281, Dr. Ambedkar Nagar, Sector-5, Dakshin Puri, New Delhi Telephone No :
Respondent	:	**Special Commissioner of Police (Vigilance), Delhi Police Headquarters, Delhi**
Grievance No.	:	PGC/13/DP/1036
Grievance filed on	:	12/9/2013
First hearing in the PGC, Scheduled on	:	11/12/2013

1. Brief facts of the complaint

The complainant has alleged that Shri Subhash Chand alongwith Shri Darshan and Shri Vikas Chowdhary grabbed his father's property. He has also alleged that on 26.8.2013, the alleged persons forcibly trespassed in his house and misbehaved with his family. He has requested for legal action in the matter.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing on 11.12.2013, the second hearing on 4.2.2014 , the third hearing on 11.3.2014 and the fourth hearing on 15-04-2014. At the latest hearing, the attendance was as follows :-

Complainant : Present

Respondent : SI Kamini Gupta, PS Ambedkar Nagar

3. Relevant facts emerging during the hearing

An ATR has been filed by S.I, Kamini Gupta, EO/SI, P.S. Ambedkar Nagar, stating that "Para-wise enquiry report with respect to the reply filed by the complainant is as under:-

i) Complainant's averment/contention is denied as such the ATR filed by SI Varun Kumar is based on material facts. Moreover, the complainant did not turn up to join the enquiry despite repeated visits and telephone calls.

ii) Same as above. Complainant is misguiding the Hon'ble Commission. Report filed by Varun Kumar is based on documentary facts and he has not turned up to join the enquiry nor he produced any documentary evidence in support of his claim.

iii) It is a fact that the matter is pending in Civil Court of Ms. Neera Bharihoke, ADJ, Saket. The Ld. Court of ADJ disposed of two applications of Subhash Chand filed under Order 39 CPC and 151 CPC. On 39 CPC Application, court restrained Roshan Lal including his heirs attorneys etc from creating 3rd party interest in the suit property. On 2nd application 151 CPC, Court directed the defendants to give possession of ground floor, 2nd floor and 3rd floor to Subhash Chand and restrained them from creating any obstacle /problem in the peaceful use of the portions in possession of Subhash Chand vide two separate orders dated 23 08 2013.

Despite the said orders Roshan Lal did not allow Subhash Chand to take possession of the above said portions and Court again passed an order directing the local police to give possession of ground floor, 2nd and 3rd floor to Subhash Chand vide order dated 4-9-2013. In compliance of order, local police got the possession of these portions handed over to Subhash Chand in it spresence. However, Subhash Chand is not being allowed to use this portion despite court orders. Subhash Chand also told that he has filed another application in the court for initiating contempt of court proceedings against Roshan Lal (father of Amit) and the same is pending in the Coiurt (certified copy of these orders can be filed on the next date if required).

iv) Contention of the complainant is false and baseless just to misguide the Hon'ble Commission. Photocopy of documents executed by Roshan Lal in favour of Vikas Chaudhary and Subhash Chand are enclosed for kind perusal of this Commission.

v) As far is it relates to the matter under Sec. 156 (3) Cr. P.C, pending in the Court of Shri Navjeet Singh Budhiraja, MM, Saket is concerned, no order has been passed by the Court so far. SI Varun Kumar has filed ATR in the Court and the matter is still pending. However, the Ld. Court of Ms. Neera Bharihoke ADJ has passed order in favour of Subhash on 23 08 2013 and 04 09 2013 as mentioned in Para (iii) (Not repeated for the sake of brevity).

vi) Averments of Shri Amit Kumar is false and baseless."

A copy of the ATR has been given to the complainant.

As per Para-5 of the ATR, a case has been lodged under Sec. 156(3) Cr.P.C. in the Court of Navjot Singh Budhiraja, M.M, and the matter is pending there.

Similarly, the complainant, Shri Amit, also stated that he had filed a complaint case under Sec. 156(3) Cr.P.C. in the Court and the same is pending.

4. Directions of PGC

In view of the ATR, especially, Paras -3 &5, the matter is sub judice in the Court. As per the mandate of the Commission, any matter that is sub judice in a Court of Law, is not taken up for hearing by the Commission.

The Commission has, therefore, decided to close the case in the Commission.

Sharma

(S.K. Jain)
Member (Wholetime)

Copy to : 5385-5390 O/C 13/5/14

1 The Special Commissioner of Police (Vigilance), Delhi Police H.Qrs., ITO, New Delhi. i
2 The Additional Commissioner (Vigilance), Police Station Barakhambha Road, Connaught Place, New Delhi.
3 The Addl. Commissioner of Police (South –East District), Police Station Sarita Vihar, New Delhi
4 The SHO(Police Station Ambedkar Nagar), Police Station Ambedkar Nagar, Delhi alongwith enclosures.
5. Shri Amit Kumar @ Satpal s/o Shri Roshan Lal, email satpalamit1992@yahoo.com, r/o A-281,Dr. Ambedkar Nagar, Sector-5, Dakshin Puri, New Delhi-110062
6. PPS to Member (Whole time), PGC