

**PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
M-Block , I.P.Estate (near ITO) Vikas Bhawan: New Delhi-2
Order under Para 2(B) of the PGC Resolution No. F.4/14/94-AR/dt. 25.9.97**

Date of hearing: 18.4.2018

Complainant : **Sh. S.K.Mittal**

Respondent : **Principal Secretary,
Public Works Department,
Govt. of NCT of Delhi,
Delhi Secretariat, I. P. Estate,
New Delhi – 110113**

Grievance No. : PGC/2018/PWD/02
Grievance filed on : 19.2.2018
First hearing in the PGC, : 18.4.2018
Scheduled on

1. Brief facts of the complaint

Sh. S. K. Mittal filed a complaint in PGC on 19.2.2018 regarding unauthorised grabbing by ways of parking cars by the owners of D-15 and D-16 at both sides of footpath are encroached at NDSE-2, New Delhi. PWD has been asked to make raised footpath. MCD also has been requested to remove this unauthorized car parking.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing on 18.4.2018 wherein the following were present :

Complainant : Present.

Respondent : Sh.B.L.Meena, Asstt.Engineer, PWD,
Div. South Road-II (M-411)

An ATR has been filed on behalf of Executive Engineer, Div. South M Road-II, PWD stating that *“At the entry of the roads, there are commercial buildings on both sides. Being the corner building, the entry and exit and other commercial activities take place through Ring Road side and the said Entry Road side as well.*

This road called D-Block Road was handed over to PWD by SDMC in 2014.

Likewise other roads, starting from the Ring Road and going to various colonies, this entry / approach road does not have the proper footpath since very beginning.

A request for construction of footpath on both sides of this approach road, starting from D-15 and D-16 and to entrance of colony (Iron Gate) was received from

Sh. S.K. Mittal, Vice President, South Extn., Part-II Welfare Association in January, 2017.

The ROW of this approach road is 18 mtr. The middle / central portion which is metalled portion through which the movement of the vehicular traffic take place whereas the other un-metalled portion is being used by the visitors of these commercial establishment for parking their vehicles. The issue was discussed at site with Sh. Mittal who desired to get raised footpath, constructed to thwart the attempt of parking.

On the request of Sh. Mittal, PWD put some kerb stone to demarcate the pedestrian walkway. This was protested by the owners of the buildings situated on either side i.e. owner of D-15 & D-16.

The owner of D-16, Galaxy Builders Pvt. Limited vide their letters dated 21.7.2017 intimated that being the corner property, they are entitled to open their entrance to both sides. They further stated that being the commercial property, it is their fundamental right under Article 300 A and Article-19. It was also contended in the letter that construction of footpath only at this particular location would not serve any purpose. Since beyond the property, there is an iron gate installed by the residents. The owner of the property vide above letters gave an impression that the PWD is working in connivance of Mr. Mittal, to harass the owner of D-15 & D-16.

The contention of Galaxy Builders Pvt. Ltd. had a merit in their contention that construction of walkway only along the D-15 and D-16 would not serve any purpose, since beyond this point, the iron gate exist and it will not allow the continuity and the pedestrians will be forced to come down on road which is more dangerous.

Thereafter, the proposal was put on hold for further decision.

However, Mr. Mittal himself arranged trucks of earth and unloaded at that location. This act prompted the residents of D-15 & D-16 to file complaints with the Police and other authorities.

Vide the above letters, the owner of these properties have made certain allegations against the complainant and also stated that the PWD wants to work under pressure of Mr. Mittal.”

Copy of the ATR has been given to the complainant.

It is a colony of about 1800 houses / flats. Thus, it is as good as a Village. The Commission finds it strange and inconceivable that such a colony which is about 50 years old has no footpath on the road and the residents have to walk on the middle of the road. The President of the RWA, who is present in today's hearing, has narrated an

incident where an elderly person aged 88 years was hit by a moving vehicle because there is no footpath.

The location of the present gate has been raised by the PWD saying that it would not help their footpath work. For this, the President of RWA has stated that he would bring the gate ahead to the road point to ensure that proper security is provided to the Colony. At the same time, making the space for footpath for PWD to undertake their work, the Commission advises PWD officials to ensure that entire colony is provided footpath since the roads are maintained by them. Footpaths are the pre-requisite for any colony. In this particular colony with about 1800 houses, there are number of elderly citizens, women, children and invalid persons who would all need availability of footpaths.

This work may be undertaken as early as possible.

The Commission agrees for the shifting of the gate close to the road point.

3. Directions of the PGC

In view of the above observations, the Commission closes the case of the complainant with the advice to the Shri Jagdish Prasad, Executive Engineer, Div.South M Road-II, PWD, that being the Executing Authority he shall take personal interest in executing the work at the earliest and the redress the grievances of the complainant/residents of the Colony expeditiously.

(N. DILIP KUMAR)
MEMBER (PGC)

Copy to :

1. The Principal Secretary, PWD, Govt. of NCT of Delhi, Delhi Secretariat, I. P. Estate, New Delhi – 110113
2. The Engineer-in-Chief, Public Works Department, 12th Floor, MSO Building, New Delhi-110002.
3. Shri Jagdish Prasad, Executive Engineer, Divn.South M Road-II, (M-411) PWD, GNCT of Delhi, J.B. Tito Marg, Andrews Ganj, New Delhi-110049.
4. Sh. S.K.Mittal
5. PS to Member.