

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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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 hearing: 14th May, 2018

Complainant : Sh. Sunil

Respondent : Deputy Commissioner, Shahadara North Zone, EDMC

Grievance No. : PGC/2017/MCD/234

Grievance filed on : 09.05.2017

First hearing in the PGC, : 03.07.2017

Scheduled on

1. Brief facts of the complaint

Shri Sunil filed a complaint in PGC on 09.05.2017 regarding unauthorized construction in property No. X-1 and X-2, Near Photo Chowk, Welcome, Seelampur, Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened seven hearings in the matter and in the last hearing held on 14.05.2018 the following were present :

Complainant : Absent

Respondent : Shri ajay Kumar, Asstt. Engineer (Building)-II,
Shahadara North, EDMC

3. Relevant facts emerging during the hearing

3.1 During the hearing held on 26th March, 2018 the directions of the PGC were as under :

Executive Engineer (Bldg.)-II, Shahadara North is directed to take note of the para 3.2 above, complete action as per DMC Act and submit an Action Taken Report on the next date of hearing.

3.2 Sh. Ajay Kumar, AE (B) is present in the hearing on 14.05.2018 and submitted an Action Taken Report stating that :

(i) That the construction at the P.No. X-1 & X-2, Near Photo Chowk, Welcome, Seelampur, Delhi had been erected without the Sanctioned Building Plan, therefore, the unauthorized construction had been booked vide file no. 113/UC/B-II/SH-N/2017 dated 15.05.2017. The demolition order, in the instant case was passed after following due process of law.

(ii) That the demolition action against the impugned property was taken on 21.07.2017 and 28.07.2017, therein one roof panel at top floor and 4 additional panels were demolished. Further demolition action program against the impugned property was taken on 12.02.2018 at first floor and second floor on projection on mpl land, windows and brick work and the property was resealed.

(iii) Further sealing action was taken on 22.08.2017 at said property and the property was sealed at 4 points at ground floor. On 19.04.2018 the property was inspected and found that seal is tempered and the property was found fully occupied residentially and commercially hence action could not be taken.

(iv) That the FIR U/s 188 IPC and prosecution action U/s 466A of DMC Act against the owner / Builder against the property bearing No. X-1 & X-2, Near Photo Chowk, Welcome, Seelampur and Delhi has been initiated and letter to SHO Welcome has been sent. Further demolition action program under PS Welcome has been fixed on 17.05.2018.

3.3 The AE present during the hearing requested the Commission to give some time as they have listed the matter in the demolition programme scheduled for 17.05.2018.

3.4 The desired time was granted to the AE for taking action on 17.05.2018 and submit a report immediately.

3.5 An Action Taken report has again been submitted on 21.05.2018 stating in continuation to previous ATR :

(v) Further sealing / demolition action was taken on 17.05.2018 at said property and the property one room was vacated at top floor and shops at Ground floor. One panel of roof slab of a room was demolished, walls of toilet were demolished at top floor and 3 shops was demolished at Ground Floor and property was sealed at 6 points. Photographs of demolition action taken are annexed herewith.

4. Directions of the PGC

Action has been taken by the AE(B)-II, Shah. North and complainant has never attended the hearing in all the seven hearings held in the Commission.

The matter stands closed at the level of PGC.

(SUDHIR YADAV)
Member (PGC)

Copy to:

- 1 Commissioner, East DMC, Udyog Sadan, Plot No. 419, F.I.E., Patparganj Industrial Area, Delhi- 110092.
- 2 Deputy Commissioner (Shahadara North Zone), Nigam Bhawan, Keshav Chowk, Near Shyam Lal College, Shahadara, Delhi – 110032.
- 3 Executive Engineer (Building)-II, Shahadara North Zone, East DMC, Nigam Bhawan, Keshav howk, Near Shyam Lal College, Shahadara, Delhi – 110032
- 4 Sh. Sunil

The instant matter was listed for hearing on 14.05.2018 and an Action Taken Report was submitted by the AE (B) Sh. Ajay Kumar, Shahadara North and the complainant Sh. Sunil was not present.

As the ATR was only sketchy and no action on the ground was taken by the MCD, it was desired by the Hon'ble member that the case may be referred to the Vigilance Department to enquire into the matter that under what circumstances the demolition was not carried out when the building is sealed 8 months ago giving ample opportunities to the alleged parties to de-seal the building.

The AE present during the hearing requested the Commission to give some time as they have listed the matter in the demolition programme scheduled for 17.05.2018. Hon'ble Member was kind enough to allow AE to submit the report after demolition programme and till then allowed to stop the order.

Now an ATR has been submitted by the Ex. Engineer (B)-II Shahadara North zone in continuation to their ATR dated 11.05.2018 stating that further sealing / demolition action was taken on 17.05.2018 at said property and the property one room was vacated at top floor and shops at Ground floor. One panel of roof slab of a room was demolished, walls of toilet was demolished at top floor and 3 shops were demolished at Ground Floor and property was sealed at 6 points. Photographs of demolition action are annexed herewith (report placed opposite).

The complainant never attended the hearing in the matter and the action has been taken by the MCD authorities, if approved we may close the case.

D.S./ PGC

MEMBER / PGC