

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
Tel. No. 011-23379900, 23379901, Fax No. 011-23370903
Website : www.pgc.delhigovt.nic.in E-mail :pgcdelhi@nic.in

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

Dated : 11th Dec., 2019

Complainant : Sh. Narayan Kumar,
Respondent : Deputy Commissioner
South Zone, SDMC
Grievance No. : PGC/2015/MCD/2085

1. Brief facts of the complaint

Sh. Narayan Kumar had filed a grievance in PGC on 02.11.2015 regarding unauthorized construction at property No. C-37, Shiv Park Khanpur, School Road, New Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened fourteen hearings in the matter since 09.02.2016 and various orders / recommendations were passed by the Commission.

During the last hearing in the Commission held on 16th May, 2018 it was informed by the Asstt. Engineer concerned that : -

“In pursuance of orders dated 28.03.2018 passed by this Hon’ble Commission, It is submitted that the property under reference already stands booked vide file No. 833/UC/B-II/SZ/2014 dated 09.09.2014 in the shape of basement to fourth floor., After following the due process of law, demolition order was passed by the competent authority. The associated actions have also been taken by the Department : -

(i) Sealing proceedings under Section 345-A of the DMC Act, 1957 initiated.

(ii) Letters to Delhi Jal Board and M/s BSES sent for dis-connection of water and electricity connections respectively.

- (iii) Letter to Police Authorities under Section 344(2) sent for getting the construction activity stopped.
- (iv) Letter to Sub-Registrar Office sent for not registering the booked property.
- (v) In order to take necessary action, Vacation Notice was issued to the owner / occupier.
- (vi) The demolition actions were taken on 03.09.2016 and 10.05.2017. The sealing action at basement was also taken by the Department.
- (vii) The owner filed an Appeal before the Hon'ble Court in Case No. 680/2015 titled as 'Rahul Chaudhary Vs SDMC', which was dismissed by the Hon'ble Court vide its orders dated 05.04.2016. The owner filed further appeal against the said orders, which was also finally dismissed / disposed off on 13.12.2017 setting aside the stay granted vide order dated 23.08.2016.
- (viii) The demolition action programme will be taken shortly by the Department."

Based on the Action Taken Report / Status report submitted by the AE following directions were issued by the Commission vide orders dated 16.05.2018:

"Matter is sub judice in the Hon'ble High court vide WPC No. 976/18. Sh. Ravinder Kumar AE is present on behalf of respondent, stated that the action for demolition has already been initiated and authorities concerned have been informed. The proposed action is listed for 28.5.2018.

No further action at the level of PGC is required in the matter till the disposal of the case at Hon'ble High Court. The matter is kept in abeyance."

3. Relevant facts that emerged now

The Complainant Sh. Narayan Kumar has submitted a representation stating that the matter has been disposed off by the Hon'ble High Court vide orders dated 09.10.2018 mentioning that :

“That apart, by another Office Memorandum No. O-33011/1/2006-DDI issued by the DDA on May 23, 2018, an action plan for monitoring all ongoing construction activities in Delhi, fixing of responsibilities in case of violation of Master Plan, unified Building Byelaws and issues with regard to illegal constructions have been dealt with and even a plan for receipt of complaint with regard to illegal and unauthorized constructions already made and steps to be taken for their removal have been indicated.

Keeping in view the aforesaid, the purpose of the present writ petition filed before us in public interest stands fulfilled.

Accordingly, this writ petition is disposed of with liberty to the petitioner to file a complaint before the appropriate Committee as indicated hereinabove.

The respondent No.2/SDMC shall file the status report before the Special Task Force Committee within four weeks for proceeding with the matter in accordance with law.”

4. Recommendations of the PGC

As the Hon'ble High Court has referred the matter to Special Task Force vide its orders dated 09.10.2018, the matter stands closed at the level of this Commission with the directions to the complainant to follow up his grievance with the Special Task Force.

The action taken by the department in compliance of the orders of the Hon'ble High Court may be intimated to this Commission.

(ASHOK KUMAR)
CHAIRMAN

No. PGC/2015/MCD/2085/

Dated :

Copy to:

1. Sh. Vishwendra, Deputy Commissioner (South Zone), SDMC, Green Park, New Delhi
2. Shri Narayan Kumar