

LOKPAL OF INDIA
[Plot No. 6, Institutional Area, Phase-II, Vasant Kunj]
New Delhi

Complaint Nos. : 104/2023
Date : 31st May, 2023.
Coram : **Justice Pradip Kumar Mohanty**
Hon'ble Acting Chairperson

Justice Abhilasha Kumari
Judicial Member

Shri Dinesh Kumar Jain
Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh,
Member.

ORDER

Perused the complaint.

2. This complaint is directed against four public servants named in the complaint, namely (1) the then Commissioner of the erstwhile South Delhi Municipal Corporation (SDMC), now MCD, (2) a Member, Building Plan Committee/ the then Engineer-in-Chief of erstwhile SDMC, (3) another Member of the Building Plan Committee/LO and (4) the then Executive Engineer (Building)/HQ, who was also a member of the Building Plan Committee, as well as unnamed Chairman/Members of Building Plan Committee and other officials. The allegations levelled in the complaint are to the effect that these public servants acted in connivance with each other and with the owner/builder of Plots Nos. 92 and 92A, by



sanctioning the Building Plan and by incorporation of the said plots in the approved layout plan of Friends Colony (West), in violation of the Delhi Municipal Corporation Act, and other guidelines and norms even though, according to the complainant, there are several deficiencies on the face of the record.

3. It is the case of the complainant that the public servants named have allegedly committed various irregularities and gross criminal misconduct, by acting in connivance with each other for their personal gain and to give pecuniary benefit to the owner/builder by sanctioning the Building Plan and incorporating the plots in the approved layout Plan of Friends Colony West), in violation of law. The complainant has requested for investigation by the CBI in the matter.

4. From a perusal of the complaint and the enclosed documents, the bone of contention appears to be a piece of land bearing Khasra No. 1295/84 (min), Khewat Khatoni No. 114/654, situated at Village Kilokari (Kalawanti), which has been given number 92 and incorporated with the Friends Colony (West) on 20/25-08-2014. The property appears to have changed ownership over the years and the record annexed with the complaint indicates that the Law Department of SDMC has found in order, the ownership of the current owner of the property. There are certain observations by the Revenue Department as well regarding the feasibility of incorporating the plot in Friends Colony (West), and documents have been called for to complete the record.

5. The complainant states that the discrepancies in the record prove that the public servants named have acted in connivance



with each other and the owner/ builder of the plots in question, by incorporating them in the approved layout plan of Friends Colony (West) by manipulating facts and giving benefit to the owner/builder as well as for their own pecuniary benefit. Hence, according to him, the necessity to have the matter investigated by the CBI.

6. It further appears that the complainant has already made a complaint to the CBI in this regard. The CBI appears to have forwarded the matter to the MCD, to which course of action, the complainant has a grievance.

7. We have carefully perused the complaint and the material on record. The issue whether the plots in question have been wrongly incorporated in the approved layout plan is not one that falls under the purview of the Lokpal of India, as per mandate given by the Lokpal and Lokayuktas Act, 2013. The complainant can approach the competent court/forum for the redressal of his grievance in this regard.

8. Insofar as the alleged connivance and misconduct of the public servants named are concerned, in order to give pecuniary advantage to the owner/builder of the plot and for their own personal gain, upon scrutiny of the material on record, we find no evidence or indication that brings out these aspects. The complainant has made bald and general statements in this regard and the Lokpal of India is unable to act on the basis of assumptions, presumptions and deductions, without any supporting material, whatsoever.



9. In view of the above facts and circumstances, as the complaint lacks specific details and proof regarding the alleged connivance and manipulation by the public servants named for pecuniary gain, we are not inclined to proceed further with the matter

10. Accordingly, the complaint stands disposed of.


COURT MASTER,
LOKPAL OF INDIA.

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