



**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI**

**DEPARTMENT RELATED STANDING COMMITTEE ON
DEVELOPMENT**

FIRST REPORT OF THE SEVENTH ASSEMBLY

Subject:

**Sealing, De-sealing, Tampering of seals of Booked Properties,
Unauthorized Construction and Encroachment related issues.**

PRESENTED ON 22.03.2023

Legislative Assembly Delhi, Old Secretariat, Delhi – 110054

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DELHI LEGISLATIVE ASSEMBLY
COMMITTEE ON DEPARTMENT RELATED STANDING
COMMITTEE ON DEVELOPMENT

COMPOSITION OF THE COMMITTEE

1. Sh. Mohinder Goyal	CHAIRMAN
2. Smt. Dhanwati Chandela A.	MEMBER
3. Sh. Abdul Rehman	MEMBER
4. Sh. Anil Kumar Bajpai	MEMBER
5. Sh. Gulab Singh	MEMBER
6. Sh. Jitender Mahajan	MEMBER
7. Sh. Naresh Balyan	MEMBER
8. Sh. Prakash Jarwal	MEMBER
9. Sh. Rituraj Govind	MEMBER

Assembly Secretariat:

1. Sh. Raj Kumar	Secretary
2. Sh. C. Velmurugan	Joint Secretary
3. Sh. Neeraj Aggarwal	Deputy Secretary

PREFACE

1. I, the Chairman of the Department Related Standing Committee on Development of the Delhi Legislative Assembly, having been authorized by the Committee to present this First Report of the Seventh Legislative Assembly on the issues regarding illegal construction, unauthorized encroachments, and tampering of seals of booked properties across Delhi.
2. The Committee interacted with the officers of the Department of Urban Development (UD Dept), and the Municipal Corporation of Delhi (MCD) to examine the issue in its sittings held on 31.08.2020, 10.09.2020, 09.10.2020 03.11.2020, 28.06.2021, 18.08.2021, 20.09.2021.
3. The Report of the Committee was discussed and adopted in its sitting held on 17.03.2023.
4. The observations/recommendations of the Committee on the above matter have been included in the Report.
5. I would like to thank all the Members of the Committee for their continued guidance.
6. The Committee places on record their profound appreciation for the valuable assistance rendered by Ms. Subhashini Ratan, Fellow, Mr. Prasoon Gupta, Fellow, Mr. Amit Parihar, Associate Fellow, Delhi Assembly Research Centre (DARC), and other staff of the Assembly Committee in preparation of this report.

Date: 17. 03. 2023
Place: Delhi



MOHINDER GOYAL
CHAIRMAN
DEPARTMENT RELATED STANDING
COMMITTEE ON DEVELOPMENT

GENESIS

Delhi is witnessing frantic activities of encroachment on government land which has become a major challenge for the Capital day by day. Rampant encroachments and illegal constructions create a mismatch between supply and demand for basic civic services like electricity, water supply and sewerage, as well as traffic problems including restricted movement of emergency service vehicles, such as ambulances and fire trucks. Additionally, these illegal activities also resulted in increasing levels of pollution as well as affecting the ecosystem which is more hazardous to the health and well-being of citizens.

However, in the absence of proper implementation in Delhi is heightening in its density, and rampant unlawful constructions are emerging as a significant factor in worsening the state of these urban spaces. While on the one hand, the developers and individual owners have engaged in illegal practices, on the other, the Administration have failed to implement proper and adequate regulations.

In this regard, for the sake of the welfare of Delhi's citizens, it is important to have an integrated plan of action involving all the authorities and government agencies to resolve this situation. Civic agencies, especially MCD, has a major role to make building bye-laws as practicable as possible and get them enforced through their officers.

The noble intention of the Government to provide services promptly and efficiently is laudable and it is the duty of the Departments to implement the Government's policy effectively. The MCD is unable to properly implement the existing mechanism to check illegal encroachments and constructions as well as the identification of erring officials for the same. MCD has to ensure that no further illegal encroachments and constructions should be done across Delhi and fix accountabilities against those who fail to implement the rules to control any mala-fide and inefficiency of officials in the future.

INTRODUCTION

1. The Department Related Standing Committees performs important and Department specific tasks delegated to them by the Assembly. As the name itself suggests, the Department Related Standing Committee on Development is responsible to examine development works in Delhi performed by various departments of the National Capital Territory of Delhi and report to the House with its recommendations. Further, the Committee also takes up matters of public importance concerning the respective Departments which are referred by the Hon'ble Speaker or the Assembly.
2. In its introductory sitting, the Committee decided to take up the issues of serious irregularities related to sealing/de-sealing/tampering of seals in respect of booked properties in complete violation of the prescribed rules and bye laws.
3. The Committee also examined the complaint filed by Smt. Jasbir Kaur R/o H.no- F-5/4, East Jyoti Nagar, Delhi-110093 dated 28.09.2020 against Ms. Savita Jain, Mr. Amit Jain and Mr. Varun Jain for selling a house constructed on Government Land (DDA) fraudulently. The complaint was addressed to the Hon'ble Speaker, Delhi Legislative Assembly, and referred to Department Related Standing Committee on Development.
4. The Hon'ble Committee also took up representation raised by Sh. Akhilesh Pati Tripathi, Hon'ble MLA, Model Town Assembly Constituency regarding encroachment/illegal construction and the issue of sanctioning map/completion certificate at Government land in Gupta Colony, Model Town.

PROCEEDINGS

1. To ascertain the facts and examine the issues, the Committee deliberated the matter comprehensively with the Departmental Representatives from the Urban Development Department and the MCD.
2. The Committee proceedings were primarily aimed at finding answers to the following issues:
 - I. Status of booked properties in respect of sealing/de-sealing/tampering of seals.
 - II. Growing unauthorized encroachments and illegal constructions across Delhi

Issue- I: Issues related to sealing / de-sealing / tampering of seals of booked properties for violating rules prescribed in Bye-Laws by MCD.

It came to the Committee's notice that a large number of property owners are doing encroachment and illegal construction alteration activities in their buildings which are not fully in compliance with Building Bye-Laws, which has resulted in haphazard development which threatens the safety of people living in these buildings. Moreover, sealing the booked properties was not serving any useful purpose as they were being brazenly tampered in connivance with officials of the MCD.

1. In its first sitting the Committee directed the Urban Development Department and Municipal Agencies to submit Rules/Guidelines in respect of violation of Building Bye-Laws and accordingly steps taken against violations by owners of properties booked by MCD.
2. For an in-depth analysis of the issue, the Committee desired to put before it the details about booked properties/ unauthorized constructions in North, East and South DMC during the last 5 years along with details of action taken against the violators and status of Cases regularised and demolished after booking.

3. Thereafter, the Urban Development Department and MCD submitted the following information:

S.No.	MCD	No. of Demolition/ Sealing Order Issued	No. of Cases Regularized	No. of Properties Demolished
1.	NORTH DMC	13822	999	7122
2.	SOUTH DMC	23455	217	5815
3.	EAST DMC	10648	10	3966
Total		47925	1226	16903

4. The Committee in its subsequent sitting required the Urban Development Department and MCD to furnish the details of properties sealed/de-sealed/regularized by MCD during the previous 5 years for violation of building bye-law along with physical survey reports of said properties, and to provide justification for not uploading the data/details of booked properties on the website. The Urban Development Department stated that total no. of 5450 properties were sealed, 285 properties were de-sealed or regularized, 5103 properties were not de-sealed or not regularized, 3592 properties were found tampered. However, MCD didn't furnish the justification for not uploading the data of booked properties on the website.
5. In its sitting dated 09.10.2020, the Committee directed Urban Development Department to furnish details of First Information Reports (FIRs) on the tampering of seals of booked properties and list of concerned officers/officials during whose tenure seals were tampered, but the Urban Development Department didn't furnish the requisite information.

6. The Committee vide letter dated 06.11.2020 required the Urban Development Department and MCD to furnish the details about water and electricity connection in respect of tampered/sealed/booked properties in prescribed format and list of concerned officers of South and East MCD responsible for in action on the tampering of seals, but no requisite information was provided.
7. In its further sittings the Committee continued its deliberations about the status of booked properties in respect of sealed / de-sealed / regularized along with the issue of seal tampering and found that MCD was just issuing notices and not taking any further follow up action against violators. This leads to the conclusion that rampant corruption was prevalent, as violators were tampering the seals and doing illegal encroachment with the connivance of MCD officials.
8. The Committee directed MCD to furnish the list of concerned officials and action taken report in the matter of the issuance of completion certificates in respect of booked properties by MCD. However, MCD just submitted a list of concerned officials but didn't state anything about action taken against the erring officials and the department kept the matter pending despite repeated communications by the Committee.
9. The Committee directed the Urban Development Department and MCD to take action against violators in respect of booked properties and also keep a regular check on sealing or demolished status, to take necessary action against the erring officials and not to appoint such officials in sensitive departments.

Issue- II

A. Issues related to illegal construction and encroachment on Government land in East Jyoti Nagar

1. Upon receiving the complaint of one Smt. Jasbir Kaur, the Committee, in the first instance, sent to the Commissioner East DMC, a copy of the complaint along with enclosures to furnish their comments for the perusal of the Committee.
2. East DMC vide dated 14.10.2020 stated that if any fraud and cheating was committed then it was a matter of investigation and pertains to police authorities. It was also intimated by East DMC that the Hon'ble High Court of Delhi vide its order dated 26.08.2019 in WP(C) No. 2365/16 and 3462/16 gave directions for the removal of encroachment from the open spaces earmarked for various facilities in the layout plans of East Jyoti Nagar and West Jyoti Nagar, Shahdara, which is in the matter of Sh. Dinesh Kumar Vs EDMC and others. Hence EDMC had taken up the removal of encroachment by the law as per Hon'ble High Court of Delhi's directions.
3. In its sitting, the Committee vide letter No. 24/14/DRSC-Dev/2020/LAS-VII/Leg./281-82 dated 06.01.2021 directed EAST DMC to submit comprehensive enquiry report / ATR / Comments in respect of Smt. Jasbir Kaur's complaint. To this East DMC submitted that East DMC issued a Show-Cause Notice and a subsequent one month Notice to Smt. Jasbir Kaur and other 152 families to remove the encroachment as per the directions issued by the Hon'ble High Court of Delhi as these properties fall under illegal encroachments.
4. In the Committee sittings dated 20.01.2021, the Committee deliberated that this was a very serious issue where so many families are being affected at once due to mala-fide and negligence by some officials and connivance with builders. After seeing the site pictures brought to the

Committee by the Commissioner, the Committee was surprised by how such a huge multi-storey buildings could be built on Government land without the notice of the officers of the East DMC.

5. Further, the Committee directed East DMC, Commissioner to fix the accountability of responsible officials in this matter and also requested the Pr. Secretary, Home Department to direct the concerned police authorities to lodge FIR in this matter. To this, the Department of Home apprised the Hon'ble Committee that F.I.R vide no - 284/2021 dated 24.06.2021 at P.S. Jyoti Nagar had been registered under section 420/120B I.P.C and investigation was under process.
6. In the Committee sitting dated 28.06.2021, the Committee Chairman expressed displeasure over slow progress as MCD in the last 5 months was unable to ensure the period of construction at East Jyoti Nagar and fix accountability of erring officials. Further, the Committee directed East DMC Commissioner to submit an ATR within the stipulated timeline.
7. In the Committee sitting dated 22.09.2021, the Committee was appalled to know that services like electricity and water were installed in 2012-13 and residents have also been paying House Tax since then. Besides, MCD just turned its eyes to this matter during the period of construction.
8. In its further sittings the Committee continued its deliberations about furnishing ATR against erring officials. To this, MCD submitted a list of 14 MCD officials who were posted in East Jyoti Nagar in that period, however, no further action taken report against these officials has been submitted despite repeated communications by the Committee.

B: Issue related to encroachment on Government land at Gupta Colony, Model Town and sanctioning of map by MCD.

1. The Hon'ble Committee also took up a matter raised by Sh. Akhilesh Pati Tripathi, Hon'ble MLA Model Town regarding issuance of sanctioning map/completion certificate by MCD in the context of encroachment/illegal construction on Government land in Gupta Colony, Model Town.
2. For in depth analysis, the Committee directed Pr. Secretary, UD and North DMC Commissioner to furnish the enquiry report against erring officials on this matter. Thereafter, North DMC vide dated 11.08.2021 stated that Show-Cause Notices to the concerned architect and owner had been issued. The Committee members pointed out that officials were not giving replies along with adequate information on the issues raised during the meeting proceedings.
3. In its further sittings, the Committee directed Urban Development Department and North DMC to furnish the details about the present status of lodging FIR against the owner and architect in the matter of Sanctioning of map on Government land on Gupta Colony in/ Model Town Constituency, inquiry report against erring officials of MCD. However, Urban Development Department and North DMC didn't furnish any requisite information in this regard which indicates the inability of Municipal agencies to protect government land, even after identification of such matter, MCD has no willingness to claim the land from such encroachers.

OBSERVATIONS

1. On the issue of booked properties, the Committee observed that huge illegal constructions, with the connivance of MCD officials, are going on across Delhi and the MCD is merely doing "formalities" to book these properties. Further, MCD is not taking up any strict action against the violators or ongoing illegal construction, and it even failed to serve notices against illegal constructions.
2. The Hon'ble Committee was also shocked to find that in 66% of the booked properties i.e. 3592 seals were tampered and no concrete action was taken by MCD against violators.
3. The Hon'ble Committee observed that the MCD has failed to control seal tampering and is reluctant in taking any action against the erring officials and violators involved in such kinds of illegal activities.
4. The Hon'ble Committee also found that MCD is not uploading details of booked properties and sealed properties on the website timely deliberately.
5. The Hon'ble Committee also observed that MCD was conducting partial demolition in respect of illegal construction or booked properties which was just for sake of formality.
6. The Hon'ble Committee analyzed that in some instances, officials of the Urban Development Department and MCD are avoiding the reply to the Committee by simply mentioning **"the details are available on the website" or "supporting documents being voluminous are not being sent herewith for the sake of repetition"**. In addition, some replies were submitted without the approval of the competent authority.

7. On many issues that were asked from UD Dept and MCD, the Committee received scattered replies from different MCDs. The department didn't even make the effort of consolidating and scrutinizing this data for the perusal of the Committee in a holistic manner.
8. The Hon'ble Committee observed that the MCD failed to protect the interest of the government and that huge illegal construction on government land had taken place with the connivance of officers/officials of East DMC in respect of East Jyoti Nagar matter. At the same time, the MCD had also failed to control the involvement of erring officials in illegal construction across Delhi, especially in East Jyoti Nagar.
9. The Hon'ble Committee also observed that the MCD failed to stop illegal construction on government land in Gupta Colony, Model Town. Not just that, they even sanctioned the maps and issued completion certificates in respect of building constructions at Gupta Colony, Model Town, against the statutory provisions.

Recommendation

Based on the interactions with the Departmental Representatives and information submitted by them, the Committee recommends that:

1. The Urban Development Department and MCD should evolve a mechanism to ensure that illegal constructions and encroachments are nipped in the bud and not allowed to start. Regular inspections should be made by the field officials/J.E/A.E to ensure complete stoppage of such illegal activities.
2. The erring officer responsible for such illegal encroachments and construction should be penalized monetarily. The Commissioner, MCD, should monitor all such cases personally and also enforce the monetary penalty besides initiating disciplinary proceedings in cases of negligence or corruption.
3. The MCD should upload updated data on the booked properties, along with the current status on its Website in a time bound manner, without any further delay.
4. Display Boards should be displayed prominently on properties that have been booked for irregularities by the MCD.
5. The MCD should verify or keep a check on approvals of maps and issuance of completion certificates on government land to avoid any illegal activities and encroachments.
6. The Urban Development Department should submit an Action Taken Report on the recommendations of the Committee to the Legislative Assembly of Delhi within a month of the adoption of this Report.

Date: 17-03-2023
Place: Delhi


MOHINDER GOYAL
CHAIRMAN,
DEPARTMENT RELATED STANDING
COMMITTEE ON DEVELOPMENT