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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 24/2017**

VIVEK AGGARWAL Petitioner

Through : Ms. Divya Upadhyay, Adv. with
Mr. Ikrant Sharma, Adv.

versus

NORTH DELHI MUNICIPAL CORP. & ORS Respondents

Through : Ms. Vasundhara Nayyar, Adv. for
R-1.
Mr. Sanjay Dewan, Adv. with
Ms. Palak Rohmetra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **10.10.2017**

Petitioner assails order passed by Public Grievances Commission (PGC) dated 01.12.2016, which is enclosed to the writ petition as Annexure-A (in short 'the impugned order'). On a complaint made by the respondent No.3 for the alleged unauthorized/illegal construction in house No. 1072, Gali Uggersain Bazar Sita Ram, Delhi, the respondent No. 2-PGC issued directions as follows:-

“Directions of PGC:-

1. The Vigilance Officer, North DMC is advised to expeditiously conduct enquiry in blatant misuse of authority by the Engineer in allowing this unauthorised construction to be carried out inspite of getting complaints from the complainant and the matter being in the knowledge of the Commission.

2. The Dy. Commissioner, City Zone, North DMC is advised to look into the matter personally since AE and JE are apparently involved in the unauthorised construction and ensure that illegal construction is demolished by fixing special demolition programme within 30 days. Any failure on the part of DC will be taken seriously by the commission.”

The petitioner challenges the impugned order with the directions aforesaid on the premise, that, the directions given, were beyond the purview of PGC.

A bare perusal of the impugned order would show that it is advisory in nature though termed to be directions of PGC. During the course of hearing, it transpires that respondent-North Delhi Municipal Corporation had taken action for the alleged unauthorized construction on the complaint of the respondent No.3 much prior to the advice that came to be issued by the respondent No.2-PGC vide the impugned order. Be that as it may, the petitioner has already preferred the statutory appeal before ATMCD for the demolition action and that is stated to be pending.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied, if, the impugned order does not prejudice the mind of ATMCD and the appeal preferred by the petitioner is decided on its own merits. It goes without saying that the role of PGC is advisory and the statutory appeal preferred by the petitioner has to be decided on its own merits. In view thereof, any directions by way of mandamus are uncalled for. It is, however, made clear that the entertaining of the complaint of respondent No.3 by the

respondent No.2-PGC and the impugned order passed shall have no bearing on the merits of the appeal pending before ATMCD.

Writ petition stands disposed off accordingly.

A. K. CHAWLA, J

OCTOBER 10, 2017/SRwt