



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

Date of decision: 16th FEBRUARY, 2024

IN THE MATTER OF:

+ **W.P.(C) 904/2024**

SHYAM PRAKASH

..... Petitioner

Through: Mr. Puneet Goel, Advocate

versus

DIRECTORATE OF VIGILANCE & ANR. Respondents

Through: Ms. Hetu Arora Sethi and Ms. Kavita Nailwal, Advocates for R-1.

Mr. Parvinder Chauhan, Standing Counsel for R-2 with Ms. Aakriti Garg, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. Petitioner has approached this Court for a direction to the Respondents to consider and dispose of the complaint dated 04.09.2023 given by the Petitioner against the Officers of Delhi Urban Shelter and Improvement Board (DUSIB) and reminder dated 03.01.2024 within 30 days.
2. The facts, as stated by the Petitioner in the Writ Petition, are that a property bearing Plot No.26/5, land admeasuring 22.5 Sq. Yds, Trilokpuri, Delhi-91 (*hereinafter referred to as 'the property in question'*), which was owned by the maternal grandfather of the Petitioner herein was bequeathed



to the Petitioner by his maternal grandfather by way of a registered will dated 22.05.2013. The Petitioner filed a Civil Suit, being Civ Suit No.777/18 before the Karkardooma Court for possession of the said property on the basis of the will. An application under Order XII Rule 6 was filed by the Petitioner and the said Suit was decreed by an Order dated 10.02.2020. An appeal, being RCA 38/20, was filed by the brother of the Petitioner before the District and Sessions Judge, Karkardooma Courts. During the pendency of the appeal, a Status Report was called for from the DUSIB and the DUSIB filed the Status Report which reads as under:

“The plot No.26/5, Trilokpuri, was allotted to Sh Dudh Nath S/o Sh Sahdev Vide demolition slip No.8872 dated 30.03.1976 and possession slip No.505 dated 31.03.1975 on license fee basis. The plot is presently under the management & control of DUSIB, GNCTD. The property is neither sellable/devisable/transferable.”

3. The Petitioner filed an application under the Right to Information Act, 2005 regarding the status of the property and a reply dated 11.07.2021 has been given by the Assistant Director (EZ-A), DUSIB. The reply reads as under:

“Sub: Reply of RTI application under RTI Act- 2005 I.D. No.. R -109/ED/EZA/DUSIB/2021 dated 24.06.2021.

Sir,

As per the order of Govt. of India No. I/18/2011 dated 16.09.2011 only such information can be supplied



under RTI Act, which already exists and is held by the public authority to create the information or to solve the problems raised by the applicant or to furnish replies to hypothetical questions."

As per record available in the East Zone-A the point wise replies are as under: -

Point No.(B). If the original allottee of JJR plot (Trilok Puri) dies, the said plot can be mutated in the name of legal heirs of the allottee.

(C) The plot of JJR Colony (Trilok Puri) is transferable in the name of legal heirs, if original Allottee dies. The photocopies of rules & regulation of the same can be obtained after depositing photocopies charges i.e. Rs.8/- in the branch of Central Bank of India at Vikas Minar, J.P. Estate, New Delhi.

(D) The original allottee of JJR plot of Trilok Puri has no right to sell the said plot because these plots were allotted on licence fees basis. The ownership right vests with DUSIB, Govt. of NCT of Delhi.

(E) The DUSIB, Govt. of NCT of Delhi has already opened the scheme for grant of freehold/ownership right to allottees/occupant of 44 JJ resettlement colonies. The photocopies of guidelines can be obtained after depositing the photocopies. charges Rs. 24/- in the branch of central bank of India at Vikas Minar, I.P Estate New Delhi

As per section 19 of RTI Act, 2005 in case you are not satisfied from the above reply, you may file an appeal before the I 51 Appellate Authority, Director (JJR),



Puna was Bhawan, I.P Estate, New Delhi within 30 days from the issue of this letter.”

4. Stating that the Status Report filed by the DUSIB in the Court of District Judge, Karkardoom Court, is contrary to the reply given by the DUSIB, the Petitioner filed a complaint against the Officers of DUSIB for initiating a vigilance enquiry and ultimately dismissing the erring officer from the services. The complaint has been filed on 04.09.2023.

5. The Petitioner has approached this Court for a direction to the Respondents to dispose of the said complaint. The complaint has been filed on 04.09.2023 and before the ink on the complaint has dried, the Petitioner has approached this Court for disposal of the complaint. The Authorities have to look into the complaint, verify the facts and then only a decision can be taken by the Authorities on the complaint. The Petitioner cannot insist on a time bound disposal of the complaint especially in view of the act that only four months have passed since filing of the complaint. In any event, the Status Report given by the DUSIB is not binding on the Appellate Authority which is hearing an appeal against a decree passed under Order 12 Rule 6 of the CPC. On the face of it, the complaint filed by the Petitioner is nothing but an arm-twisting technique employed by the Petitioner on the DUSIB.

6. It is well settled that Courts do not run countries or function as a super boss over the executive and Courts do not interfere with the functioning of the executive unless it is shown that there is a gross dereliction of duty by the authorities.

7. This Court, at this juncture, especially in view of the fact that the



complaint was filed by the Petitioner in September 2023 itself, is not inclined to pass any directions to the Respondents to dispose of the complaint of the Petitioner within 30 days from today.

8. Needless to state that the complaint of the Petitioner shall be looked into and disposed of by the Respondents in accordance with law.

9. It is made clear that this Court has not made any observations on the merits of the case.

10. The Writ Petition is dismissed. Pending applications, if any, also stand dismissed.

SUBRAMONIUM PRASAD, J

FEBRUARY 16, 2024

Rahul