**Averments to be incorporated in writ and criminal prosecution**

1. The complainant states that there are blatant violations of MRTP & MMC act
2. as the plot reserved for housing for dishoused cannot be sold / disposed of.
3. There can be no sale component building sanctioned in such plots reserved for public amenities. such misconduct defeats the purpose of reservation of plots for housing for dishoused.
4. Sanctioned plan / granted Commencement certificate / Occupation certificate without proper due diligence and in gross violation of all rules and regulations. Hence, facilitated to divert the tenements which should have been taken over as PAPs by disobeying and in violation of the provision of MRTP and MMC act, thereby causing wrongful loss to BMC and public at large and corresponding gains to developer and others.
5. Intentionally omitted to verify the compliance of mandatory conditions mentioned LOI and annexure-II and issued Commencement / Occupation certificate.
6. The above misconduct on the part of BMC officers has established the fraudulent intentions of all the BMC officers to facilitate the siphoning of PAP tenements and hand it over to developer at cost lower than the market price, thereby causing wrongful gains to developers and wrongful loss to BMC and genuine citizens who were entitled to get PAP tenement.
7. BMC officers intentionally accepted the proposal submitted by developer and purposely did not exercise due diligence to verify the compliance of conditions mentioned in LOI and Annexure II along with MMC and MRTP act.
8. BMC processed / sanctioned the building construction proposals in gross violation of the rules and regulations in order to favour the accused developers.
9. The Complainant states that amongst others he is bringing to the knowledge of this Hon. Court few willful and deliberate illegalities which is committed by BMC officers thereby causing wrongful loss toBMC,reduction of public amenity such as Play Ground as well as Primary School, thereby depriving the citizens of school, playground, and tenements under PAP scheme to the citizens who were entitled for these tenements and for whom such law was enacted.

functions of a public servant and that if the office was merely used as a cloak to indulge in activities which result in unlawful gain to the beneficiaries, the protection under said Section 197 would not be available.