

**In the Court of State Commissioner for Persons with Disabilities**  
**National Capital Territory of Delhi**  
**25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2**  
**Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in**  
**[Vested with powers of Civil Court under the**  
**Rights of Persons with Disabilities Act, 2016]**

Case No. 4/1043/2015-Well/CD/501-02

Dated: 12/5/17

**In the matter of:**

✓ Dr. Bharat Prasad Yadav,  
 Rashtriya Pragya Drishti Sansthan,  
 B-421, Trilokpuri,  
 Delhi-110091

..... Complainant

**Versus**

Principal Secretary,  
 Department of Urban Development,  
 Delhi Secretariat,  
 New Delhi-110001.

..... Respondent

**Present**                      Dr. Bharat Prasad Yadav, Complainant.  
                                      None on behalf of Respondent.

**Date of hearing:**        08.05.2017

**ORDER**

On perusal of the documents available in the case file it is observed that the complaint filed by Dr. Bharat Prasad Yadav, Secretary, Rashtriya Pragya Drishti Sansthan, who is a person with blindness, was closed upon receipt of replies of the Department of Urban Development (Unauthorised Colony Cell) dated 01.09.2014 and 10.08.2015 that the unauthorised colony bearing registration number 1255 namely Louis Braille Vihar, Madan Pur Dabas was not eligible for regularization.

2. Upon receipt of further communication from the complainant dated 03.09.2016, the matter was taken up again with the Department of Urban Development and Dy. Commissioner of Police, Outer District. After exchange of a number of correspondence with the respondents and the complainant, it is revealed from the reply dated 30.01.2017 submitted by Department of Urban Development that the Rashtriya Pragya Drishti Sansthan had filed a Writ Petition WP(C) No. 8567 of 2010 in the Hon'ble High Court of Delhi seeking appropriate directions to GNCTD to expedite the process of regularisation of the colony namely Louis Braille Vihar, colony. The operative para of the judgement dated 04.08.2014 of Hon'ble High Court of Delhi has been reproduced as under:-

*"The operating para 6 pertaining to regularization of the unauthorized colony in the Judgement dated 04.08.2014 of the High Court of Delhi reads "Although, the receipt of the letter dated 24.10.2011 and the show cause notice is disputed by the petitioner, nonetheless, the moot question that needs to be answered is whether Louis Braille Vihar Colony complies with the condition of regularization namely that on the date of 1.10.2011, the colony was not eligible for regularization."*

was less than 50%. The petitioner has not produced any material which could indicate that this finding of respondent No. 1 that as on 08.02.2007, the built up land comprising the Louis Braille Vihar Colony was less than 50% is erroneous. The respondent has also produced a letter dated 07.12.2012 of Geospatial Delhi Ltd., which is a specialised company involved in scientific mapping of geographical areas. The said letter indicates that the area of the colony is 14780.21 Sq. Meters and the built up area in 2007 was 31.23% of the total area of the colony. Thus, undisputedly the petitioner's colony Louis Braille Vihar having registration No.

1255, does not comply with the requirements of the regulations framed for regularisation of unauthorised colonies. Accordingly, the prayer made by the petitioner for expediting the process of regularisation cannot be granted"

3. The respondent Department has further mentioned that the Urban Development Department has proposed amendment in the procedure of regularisation of unauthorised colonies and submitted to the Ministry of Urban Development, Govt. of India. The information sought by Govt. of India is being compiled. The unauthorised colonies shall be processed for regularisation after issue of notification by the Ministry of Urban Development, Govt. of India.

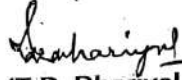
4. It is observed that the complainant should have mentioned in his complaint that the Hon'ble High Court of Delhi had pronounced a judgement on the issue.

5. During the hearing on 08.05.2017, the complainant submitted that the members of the Bhagya Vihar Residential Association had removed the sign board of Louis Braille Vihar and erected the sign board of Bhagya Vihar, G-Block. He prayed that they should not be allowed to do so as the owner of the land namely, Sh. Mohinder Singh had given the land to the Society for building up the Louis Braille Vihar on 16<sup>th</sup> April 2003. The complainant was advised to file a complaint with the local Police Station for appropriate action. In case that the concerned authorities do not take action as per law, he may file a fresh complaint before the State Commissioner for Persons with Disabilities.

The matter is disposed of accordingly.

Given under my hand and the seal of the Court this 12<sup>th</sup> day of May, 2017.



  
(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

Court of Commissioners (Disabilities)  
National Capital Territory of Delhi

25-D, Mata Sundri, New Delhi-02