

**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/ 1322 /2016-Well/CD/ 1724-26

Dated: 6/9/2017

In the matter of:

Sh. Narender Kumar Sharma,
H.No.3, Gandhi Nagar,
Near Gandhi Ashram Gandhi Road,
Meerut Uttar Pradesh-250002.

..... Complainant

Versus

The District Magistrate,
North District,
Alipur, New Delhi-110036.

.....Respondent

Date of hearing: 13.02.2017, 19.05.2017, 31.08.2017

Present None.

ORDER

The above named complainant stated to be a person with 75% locomotor disability and a native of district Meerut vide his complaint dated 20.04.2016 addressed to the Chief Commissioner for Persons with Disabilities who forwarded the said complaint to this Court vide letter dated 13.06.2016, submitted that his land at Prahladpur Bangar reference No. F.33(77)/34/203-L&B/Alt./22676 of Public Information Officer / Dy. Secretary (Task Force), Land & Building, Alternative Branch Task Force-1003, Vikas Bhawan, New Delhi had been acquired. He had submitted all the documents sought by the concerned Departments. Despite lapse of nearly 14 months, no action on his application for allotment of alternative plot had been taken. He further submitted that he is a person with disability and senior citizen and has to face a lot of difficulties in travelling from place to place.

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2. The complaint was taken up with the Secretary, Land and Building, GNCT of Delhi vide communication dated 01.08.2016. Dy. Secretary, Task Force Branch, Land & Building vide his letter dated 08.08.2016 informed that the case of the complainant was placed before the Recommendation Committee on 26.06.2014 and 31.12.2014 and thereafter in compliance of the decision, GNCT of Delhi vide order No. Misc./VIP Ref./2015/23140-58 dated 23.02.2016, the file No. F. 33 (77)/34/2003/L&B/Aly (draft Sr.No. 1003) had already been sent to District North for taking further necessary action. Hence no action was pending on the part of that office. After exchange of a number of correspondence between the Office of Commissioner for Persons with Disabilities and the Land and Building Department, the matter was taken up with the District Magistrate, North District and a hearing was scheduled on 13.02.2017. None appeared on behalf of District Magistrate (North).

3. On the next date of hearing on 19.05.2017, Sh. R.K. Sharma, S.O. who appeared on behalf of the respondent submitted that the file of the complainant had been received from the Land and Building Department. After scrutiny of the file of the complainant a deficiency memo dated 13.12.2016 was issued to the complainant. The required documents have not been placed in the file. He further submitted that the Land and Building Department has not provided the staff for processing the cases and therefore, the Office of District Magistrate (North) is not able to process the file further. As soon as the staff is posted, the cases including that of Sh. N.K. Sharma will be processed as per the directions of Hon'ble High Court of Delhi and as per his seniority in the list, which is 185. On the given telephone of the complainant, his son responded. He informed that the complainant was not in a position to travel. However, all the documents had been provided to the respondent's office. He was advised to arrange a skype meeting with his father on the next date of hearing if possible.

4. It is seen from the case file that the the complainant had submitted two sets of papers in the Office of the SDM (Alipur), District Magistrate (North) Office on 10.01.2017. A set of the same was handed over to the representative of the respondent during the hearing on 19.05.2017.

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5. It was also observed from the papers in the case file that the Land and Building Deptt. had asked the complainant to submit certain documents on 09.02.2015 and according to the complainant he had submitted all the documents at the initial stage itself and subsequently the photocopies thereof were also submitted on 14.02.2015. Thereafter, the Land and Building Deptt. (Task Force Branch) informed him that his case had been sent to District Magistrate, District North.

6. In the light of the statement of the complainant that he is a senior citizen with locomoter disability and has been made to run around since 27.03.2003 without any positive outcome, District Magistrate (North) was advised to decide the case of the complainant within three months from the date of receipt of the record of proceedings dated 25-26.05.2016. Secretary, Land and Building Department was also advised to extend necessary cooperation and help as the respondent No. 2 had submitted that the Land & Building Department had not provided staff to the Office of District Magistrate, North for processing the case. The respondent was directed to submit action taken report on **31.08.2017**.

7. On 31.08.2017, none appeared for hearing. The son of the complainant was contacted on telephone and he informed that he has again submitted all the documents in the Office of Sh. N.K. Sharma, SDM (HQ), D.M. (North) Office, Alipur, Near Shraddanand College, Delhi-110036. When Sh. N.K. Sharma, SDM(HQ) was contacted on telephone, he confirmed that the required papers had been received and the case of the complainant was being processed on priority. However, due to transfer of concerned person nobody could attend the hearing. Needless to mention that the complainant has already waited for long and in the process, has got harassed due to inordinate delay in allotment of alternative plot of land. It is recommended that District Magistrate (North) should look into the matter personally and ensure that needful is done by 29.09.2017. A report be submitted to this Court under intimation to the complainant by that 29.09.2017 as three months time for submission of action taken report has already expired.

8. It is once again brought to the notice of the respondent that Section 81 of the Rights of Persons with Disabilities, Act 2016 provides that "*whenever the State*

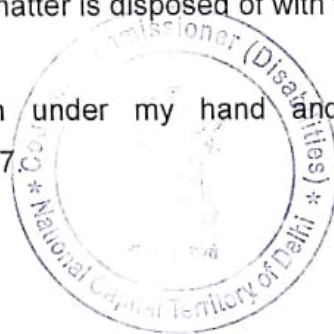
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Commissioner makes a recommendation to an authority in pursuance of clause (b) of Section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person".

9. The matter is disposed of with the above recommendation.

9. Given under my hand and the seal of the Court this 5th day of September, 2017.



Chief Commissioner (Disabilities)
National Capital Territory of Delhi
(T.D. Dhanyal)
25 D. W. S. Road, New Delhi-02

State Commissioner for Persons with Disabilities

Copy to:-

Secretary, Land & Building Deptt., Govt. of NCT of Delhi, Vikas Bhawan, New Delhi-110002.