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In the Court of the State Commissioner for Persons with Disabilities

National Capital Territory of Delhi

25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2

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[Vested with powers of Civil Court under the Rights of Persons with Disabilities Act, 2016]

Case No. 4/1479/2016-wel/cb/6221-6222

Dated: 19/03/18

In the matter of:

Smt. Usha Jain

W/o Sh. Prem Prakash Jain

AU-118, Pitampura

Delhi.

.....Complainant

Versus

The Commissioner

North Delhi Municipal Corporation

Dr. SPM Civic Centre

New Delhi -110002

.....Respondent

Date of Hearing: 15.03.2018

Present: Ms. Usha Jain, Complainant

Sh. Manoj Gupta, AE-II/M-1/KFZ, North DMC for the Respondent

ORDER

The above named complainant, a person with 100% locomotor disability [above knee amputation of (Right) Lower extremity, Below knee amputation of (Left), Lower extremity, below elbow amputation of (Rt.) upper extremity and amputation of (Lt.) index & middle fingers through H.P. Joints] vide her complaint received on 14.12.2016 submitted that she wants to construct a small bathroom below chajja (sunshade) at her flat no. AU-118, Pitampura Delhi as it is difficult for her to use adjacent toilet in the flat which is at the other end of the flat and she can not control urine particularly during winters.

2. The complaint was taken up with the respondent vide communication dated 21.12.2016 followed by reminders dated 23.01.2017 and a hearing was scheduled on 17.03.2017 which could not be conducted due to pre-occupation of Dy.

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Commissioner of this court as clarified by Sh. Manoj Gupta, AE (M-I, KFZ), who appeared on behalf of the Respondent.

3. As there was no update on the case and the complainant met the State Commissioner on 12.01.2018 and submitted that she is not able to construct the toilet close to her living room, a hearing was scheduled on 15.03.2018.

4. Sh. Manoj Gupta, AE submitted a status report dated 15.03.2018 as per which the flat in which complainant resides has a toilet. She wants to construct a separate toilet outside the flat on the side drain in the lane /road. As the said drain is public property and a storm water drain passes there, permission could not be granted for construction of toilet in the public property as per the rules. It would also be an encroachment in public land.

5. The complainant reiterated her written submissions and added stated that many owners of the flats in the locality have done additional construction e.g. flat no. 109 of Radha Rezul Romani, H.No. 114 of Monica and Ashu, H.No. 117 of Sunita and Sonu, H.No. 120 of Vipin and H.No. 146 of Ms. Mansi. She further stated that she has also lodged a separate complaint against them with the police. She contended that she should also be given permission to construct a toilet considering her disability.

6. The complainant clarified during the hearing that the above named individual owners of the flats have done additional construction on their own without any permission. She had no information whether any exception was ever made by MCD to allow such additional construction based on which a recommendation could made in her respect being a person with disability.

7. In the facts and circumstances of this case, while this court can not make a recommendation to allow construction of the toilet as requested by the complainant, she may make a request to the concerned authority in North DMC within 10 days of receipt of this order as she has not so far approached them. The concerned competent authority in North DMC may consider the same within 3 months from the

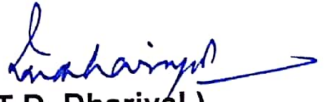
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date of receipt of her request keeping in view her disability and the medical condition and inform her.

8. The complaint is disposed off.

9. Given under my hand and the seal of the Court this 19th day of March, 2018.




(T.D. Dhariyal)
Commissioner for Persons with Disabilities
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