

**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. 73/1101/2018/01/7562-64

Dated: 30.05.2018

In the matter of:

Sh. Shubhash Chandra (Complainant)
s/o Smt. Dhapa Devi (Victim)
E-18, Mansa Ram Park
Uttam Nagar,
New Delhi-110059

..... Complainant

Versus

Deputy Commissioner of Police
Distt-South West
Sec-19, Dwarka
New Delhi-110075

.....Respondent

ORDER

The above named complainant vide his complaint dated 18.12.2017 submitted that his mother, Smt. Dhapa Devi, a person with 100% visual impairment lives in Plot No-E-18, Mansa Ram Park, Uttam nagar, New Dlehi-110059. There were two entries to the plot. However, one back side entry has been blocked. He requested Deputy Commissioner, South Delhi Municipal Corporation and D.C.P to open blocked backside street, but no action was taken. He also submitted that Sh. Ashok and Mittal's tenats had kept a weight of 20 quintals on the roof of their house, due to which the house is getting damaged.

2. The complaint was taken up with the respondent vide notice dated 04.01.2018 followed by reminders dated 13.02.2018.

3. Vide letter dated 07.02.2018, Sh. Shibesh Singh, Dy. Commissioner of Police, Dwarka submitted as under: *"enquiry into the matter revealed that the complainant Smt. Dhapa Devi lives at H. No. E-18, Mansa Ram Park, Uttam nagar, New Delhi, which is a temporary house like a jhuggi (photographs enclosed). Her plot is covered from three sides and there is no main gate to her house. She is a senior citizen, aged about 90/95 years and residing with her unmarried son namely Sh. Shubhash, aged about 50 years. Both are mentally disturbed and of unsound mind. During local enquiry, statements of the neighbours have been recorded. There is no blockage in the street in front of the house of the complainant. As regards allegation of cracking of wall/roof due to 20 quintal weight kept by neighbours, the has been found to be false and baseless during enquiry. The complainant Smt. Dhapa Devi is bedridden due to old age and her son Sh. Shubhash is habitual of making such false and baseless complainant on behalf of his mother. Therefore, during enquiry the allegations levelled by the complainant could not be substantiated and does not disclose commission of any cognizable offence"*.

4. The complainant in his rejoinder dated 06.04.2018 submitted that the statement submitted by police is not true. He stated that Plot (size 32×43) No-E-18, Mansa Ram Park, was purchased by his father, Sh. Jaichand and a boundary wall (11 feet high) was made around the plot with two gates of 11 feet, toilet & bathroom and one temporary room. His house is in low lying area and the houses in C-Block are at higher level. That pushes the wall of this house and several cracks have developed in the house. Due to the twenty quintal weight on the adjutant house, their house has further been damaged.

5. The Deputy Commissioner along with a Welfare Officer of this Court were deputed to visit the site on 03.05.2018 and submit a report.

6. During the inspection, Deputy Commissioner of this Court observed that Smt. Dhapa Devi (Age 90 years) was present at the plot and living in a temporary structure house in the Low lying area. The toilet was in dilapidated condition and there was no boundary. It has only one side boundary wall, which has been constructed in place of door which existed earlier. The open space was used as passage for Smt. Dhapa Devi and other community people and the students. The police in its report mentioned that there was no blockage in the street in front of the house of the complainant, but did not mention about the blockage of street on the back side which has been recently constructed forcibly by residents of C-Block (namely: Sh. Khajana Singh s/o Sanjay,

Vicky, C-60, Mansa Ram Park, Uttam nagar, New Delhi-110059, Sh. Rakesh, C-46, Mansa Ram Park, Uttam nagar, New Delhi-110059 and Vinay, C-54, Mansa Ram Park, Uttam nagar, New Delhi-110059) as reported by Sh. Shubhash Chandra. There is no passage to go on the street / road, while it was open for public earlier. The family of Smt. Dhapa Devi used to go out through that passage which has now been blocked as is clear from the photographs submitted by the inspecting team.

7. Considering the situation of Ms. Dhapa Devi and her son, it will be appropriate that the back side wall which was constructed by the residents forcefully, should be removed and a passage should be allowed for the occupants of the house. It is recommended that Commissioner, South D.M.C. direct the concerned officers to do the needful within 30 days from the date of receipt of the Order and submit a report to this Court as required under Section 81 of the Act.

8. As regards allegation of cracking of walls due to twenty quintal weight by the neighbours, the same has not been substantiated. The expression “**unsound mind**” used for Sh. Shubhash Chandra and his mother Smt. Dhapa Devi in the letter dated 07.02.2018 of the respondent be avoided and sensitisation and awareness programmes for police functionaries may be organised.

9. The complaint is disposed off in terms of the above recommendation.

10. Given under my hand and the seal of this Court this 30th day of May, 2018.

(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

Copy to: Deputy Commissioner, South Delhi Municipal Corporation, South Zone, R.K. Puram, Sector 9, New Delhi, Delhi -110022. For action on the recommendation in Para-7 of the Order and submission of a report as required under Section 81 of the Rights of Persons with Disabilities Act, 2016.

(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

