

**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-110002
Phone: 011-23216003-04, 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.2580/1101/2022/05/5597-5599

Dated:08-06-22

In the matter of:

Sh. Chander Shakher Taneja,

Through Email cs.taneja29@gmail.com

.....Complainant

Versus

The Deputy Commissioner(West Zone),

South Delhi Municipal Corporation,

290,Road Number 28, Nehru Nagar,

Shivaji Place, Basai Dara pur New Delhi-110027

.....Respondent No.1

The SHO,

8, Kirti Shikar,

District Centre, Janakpuri,

New Delhi-110058.

.....Respondent No.2

Date of hearing: 07.06.2022

Present: Sh. Chander Shakher Taneja, Complainant

Sh. T.P. Puri, AE, West Zone on behalf of Respondent No.1

Sh. Somesh, ASI on behalf of Respondent No.2

ORDER

The complainant, a person with 60% locomotor disability filed a complaint vide email dated 28.04.2022, under the Rights of Persons with Disabilities Act 2016, hereinafter referred to as the Act, regarding unauthorized & illegal construction by his neighbour at ground floor.

2. The matter was taken up with the South DMC vide letter dated 04.05.2022 with a copy to SHO, Janakpuri. However, no response was received from the respondents and therefore a hearing was scheduled on 07.06.2022.

3. During the hearing, complainant reiterated his submissions and stated that he is the owner of LIG Flat No. 51 B (First Floor), Block A5B/A5C, (opp. Possangi Pur Village), Janak Puri, New Delhi 110058. The current owners of LIG Flat No. 51A (Ground Floor), Block A5B/A5C, (opp. Possangi Pur Village), Janak Puri, New Delhi 110058 are doing unauthorized construction. They have constructed the new structure with complete coverage of the front veranda with "lenthil/lantter" for commercial purpose. The construction is in process and completely "altering/changing" the structure in an objectionable manner which will weaken the structure affecting the safety, security, and privacy. When the construction is complete, it will "alter" the structure of the building and weaken it and will endanger the safety, security, and privacy of the occupants of our building. He requested for kind assistance and intervention to stop the unauthorized construction, remove the illegal structure, safeguard his right to use and access his property and also the safety, security and privacy of the occupants of the building.

4. Respondent No. 1 vide letter dated 07.06.2022 filed during the hearing submitted that on receiving the complaint, the site was inspected and after inspection, action u/s 343/344(i) of the DMC Act vide file No. EE(B)-II/WZ/UC/22/167 dated 17.05.2022 was initiated and a Show Cause Notice was issued to the Owner/Occupier. As no reply was received, Demolition Notice was also issued. Further, sealing action u/s 345A of the DMC Act was also initiated and will be taken earliest after following due process of law, as per DMC Act.

5. Respondent No. 2 vide letter dated 24.05.2022 filed during the hearing submitted that a letter was sent to MCD on 19.05.2022 regarding the construction. Thereafter a visit of site was done but there was no worker at the site.

6. Taking into account the actions so far taken by Respondent No.1, the case is closed in this Court with the direction to Respondent No. 1 to submit ATR to this court within 3 months from the date of receipt of this order as required under section 81 of the Act.

7. Given under my hand and the seal of the Court this 07th day of June, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities