

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. 905/1141/2019/05/ 5007-5008 Dated: 29/08/2019

In the matter of:

Sh. Kapil Kumar on behalf of Sh. Nand Lal,
G-Block, Basti Vikas Kendra
Mangolpuri,
Delhi-110083.

.....Complainant

Versus

The Deputy Commissioner of Police
(Outer District)
Guru Harikishan Marg,
Maulana Azad Society,
Pushpanjali Enclave, Pitampur,
Delhi-110034.

.....Respondent

Date of Hearing: 28.08.2019

Present: Sh. Kapil Kumar on behalf of complainant.
Sh. Vinay Mathur, ACP alongwith Sh. Mukesh Kumar,
SHO Paschim Vihar for respondent.

ORDER

Sh. Kapil Kumar Aggarwal, Honorary General Secretary, Viklang Sahara Samiti, Delhi vide his complaint dated 18.05.2019 informed that Sh. Nand Lal, a person with 90% locomotor disability (both legs affected) was allotted a booth under the quota for persons with disabilities by MCD at National Market Chowk, near Garg Plaza, Bhera Enclave, Delhi in 2002. A police booth has been constructed in front

Comd. of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02

of the booth of Sh. Nand Lal due to which he is facing a lot of problem in running the booth to earn his livelihood. He approached various Departments, but has not got any relief. However, he has not got any relief so far. Sh. Aggarwal requested for intervention of this Court.

2. The complaint was taken up with DCP, West vide letter dated 03.06.2019 under the provisions of the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as "Act", who vide letter dated 17.06.2019 forwarded it to DCP, Outer District, Delhi. Thereafter, a hearing was scheduled on 28.08.2019.

3. During the hearing, Sh. Vinay Mathur, ACP Paschim Vihar alongwith Sh. Mukesh Kumar, Inspector, SHO Paschim Vihar, West appeared and submitted a written statement dated 23.08.2019 which is reproduced below:

"The matter has been got enquired through ACP/Paschim Vihar, which revealed that statements of one Sh. Omprakash S/o Sh. Radhey Shyam R/o RZB-185, Nihal Vihar, Delhi was recorded who is found present on the said MCD Viklang Booth at National Market, Garg Plaza, Paschim Vihar which is allotted to Mr. Nand Lal S/o Late Sh. Babu Lal R/o A-654, Jawalपुर Camp No. 4, Sunder Vihar, New Delhi-87 on rent/partnership. As per the inspection conducted and statement recorded the said booth is allotted to Mr. Nand Lal in 2002 for STD/PCO but the booth is run by some other person namely Sh. Om Parkash, who is selling Pan, Cigarette, Cold Drinks, Water Bottle, Chips, Namkeen and Toffee etc. The said Vikalang Booth is not stable and having wheels under it and the position of said booth is not changed during the construction of Police Booth. Secondly the police booth is constructed after giving intimation to concerned department on the vacant land. No one have any objection for construction of Police Booth. Statement of Sh. Omprakesh booth runner was also

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recorded who stated that he does not have any type of problem from the Police Booth. Photographs of Police Booth and MCD Viklang Booth is also attached herewith which clearly shows that the said MCD Viklang Booth is opened 4 sides and no any obstruction caused by Police Booth. There is no objection by the runner of the MCD Viklang Booth and the police booth is shifted after intimating the concerned civic agency.

Yours faithfully,

(Rajendra Singh Sagar)
Addl. Dy. Commissioner of Police-I
Outer Distt.: Delhi"

4. A copy of the reply has been given to the complainant during the hearing.

5. Sh. Nand Lal, the affected person with disability who also appeared alongwith Sh. Kapil Kumar Aggarwal submitted that he used to face problem in opening and closing the booth as he cannot stand. He is unmarried and there is no one to help him. He has therefore given the booth on rent to Sh. Om Prakash. He himself brings goods for sale from booth. Sh. Nand Lal also submitted that he was not aware that he cannot rent out the booth and did not reveal this fact to Sh. Aggarwal when he approached him for help. He also stated that because of the police booth, proper visibility of his booth has reduced.

6. Sh. Nand Lal is directed to immediately discontinue renting out the booth. Instead, he should take the help of the community to open/close the booth or employ some person for the purpose and he should himself run the shop to earn his livelihood. He may request the concerned authorities to move his booth little forward for better visibility.

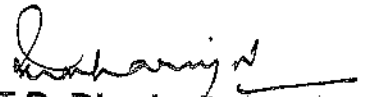
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7. Sh. Kapil Kumar Aggarwal stated that since he was not aware about this fact, he would counsel Sh. Nand Lal and also help him to make necessary arrangement for running the both by himself.

8. The complaint is disposed of.

9. Given under my hand and the seal of the Court this 29th day of August, 2019.




(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

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