

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

**Case No.817/1141/2019/03/2590-2592**

**Dated: 06.06.2019**

**In the matter of:**

**Sh. Devinder Kumar Saigal,**  
C-8/31, Ground Floor, Lawrence Road,  
DDA Flat, Keshavpuram,  
New Delhi-110035.

**.....Complainant**

**Versus**

**The Deputy Commissioner of Police,**  
**(North West District),**  
Police Station Ashok Vihar,  
New Delhi-110052.

**.....Respondent No. 1**

**The Commissioner,**  
**North Delhi Municipal Corporation**  
Dr. S.P.M Civic Centre,  
J.L.N. Marg, New Delhi-110002

**.....Respondent No. 2**

Date of hearing: 04.06.2019

Present: Sh. Devinder Kumar Saigal, Sh. Karan Saigal, Ms. Budu Saigal  
and Kush Saigal on behalf of complainant

Sh. S.K. Mishra, EE(B)-II and Sh. P.K. Sharma, AE(B) on behalf  
of Respondent No. 2.

**ORDER**

The above named complainant, a 77 years old person with deafness  
(100 Db hearing loss in both ears), vide his complainant dated 22.03.2019  
submitted that his wife, his son, daughter-in-law and his grandson are all deaf

and dumb. He lives in C-8/31, Keshavpuram, New Delhi on ground floor. The owners/occupiers of first, second and third floor of the said house namely Sh. Rajiv Wadhawan, Sh. B.S. Wadhwa, Sh. Ratanjeet Singh (Prince) respectively were making extensive illegal construction by extending about 6 ft. Balcony on both sides. The illegal construction was making his house dark and dingy. He reported the matter to the respondents but the construction was still continuing. The matter was taken up with the respondents vide notice dated 28.03.2019 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act. However, as there was no response till 06.05.2019, a hearing was scheduled on 04.06.2019.

2. In the meantime, Sh. S.K. Mishra, Executive Engineer (Bldg.)-II, Keshavpuram Zone of North DMC vide letter dated 03.06.2019 submitted that the unauthorised construction by the owners of the said flats had already been booked under DMC Act, 1957 on 19.03.2019/25.03.2019. Show Cause Notices were also issued to all the owners/occupiers and demolition orders have also been passed following due process of law. Simultaneously, work stop notices under section 344(2) of the DMC Act, 1957 had also been sent to the SHO, Keshavpuram vide letter dated 11.03.2019. However, the demolition action could not materialise due to the model code of conduct for the Lok Sabha Elections, 2019. Action will be taken in due course.

3. During the hearing on 04.06.2019, Sh. P.K. Sharma, AE(B), Keshavpuram Zone, A-1 Block also submitted copies of the letter dated 11.03.2019 sent to the SHO, Keshavpuram requesting him to take action for stopping the unauthorised construction/deviation activity immediately and for removing the workmen present in the building and seizing the construction material including the tools, machinery etc. involved in the execution of the work forthwith. He also submitted copies of Show Cause Notices and reminder to the concerned owners/occupiers.

4. Sh. Devinder Saigal accompanied by Sh. Karan Saigal, Ms. Budu Saigal and Kush Saigal submitted that Sh. P.K. Sharma, AE(B) and other concerned officers of North DMC have taken appropriate action and they are satisfied with the same. However, they are scared of Sh. Rajiv Wadhawan, Sh. B.S. Wadhwa and Sh. Ratanjeet Singh (Prince), owners of Flat No. C-8/31 A (First Floor), Flat No. C-8/31 B (Second Floor) and Flat No. C-8/31 C (Third Floor) respectively, following the action by North DMC and as there has not been positive action by Delhi Police.

5. It is seen that ACP/PG, North West District, Aashok Vihar vide letter dated 01.05.2019 has forwarded the complaint of the complainant to the Deputy Commissioner, North DMC, Keshavpuram Zone alongwith the inquiry report of ACP/Ashok Vihar, in original, for taking further action. A copy of the said letter has been sent to this court without giving the details of the action taken by Delhi Police on the complaint. No one has appeared on behalf of DCP(North West District) in the hearing nor has any action taken/status report been submitted.

6. In view of the action taken by the concerned officers of North DMC (Respondent No.2) and as the complainant is satisfied with their action, the complaint is disposed of with the direction to the DCP(North West District) to ensure that the complainant and other members with disability of his family are not threatened, intimidated or harassed by the owners /occupiers of above mentioned flats in any manner. In case any complaint is filed by the complainant against any of them for intimidation or harassment etc., DCP (North West District) is directed to ensure immediate action in accordance with Section 7(4) and Section 92 of Act which are reproduced below:-

***“Section 7(4) - Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—***

- (a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;*
- b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;*
- (c) the right to free legal aid; and*
- (d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:*

*Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.*

**Section 92 -Whoever,—**

- (a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;*
- (b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;*

.....

*shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.”*

7. The complaint is disposed off in terms of the above direction.
8. Given under my hand and the seal of the Court this 6<sup>th</sup> day of June, 2019.

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