

**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, Email: comdis.delhi@nic.in

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

Case No.2873/1101/2022/12/3094-3096

Dated:05.10.2023

In the matter of:

Sh. Ankur Sehrawat,

D-3, Ground Floor, Flat No. 02, E-I
Vasant Kunj, New Delhi-110070

.....Complainant

Versus

The Vice Chairman,

Delhi Development Authority,
D-Block, Vikas Sadan, INA,
New Delhi-110023.

.....Respondent No.1

The Commissioner,

MCD, Civic Centre,
Minto Road, New Delhi.

.....Respondent No. 2

Date of Hearing: 03.10.2023

Present:

Sh. Gaurav Sehrawat, Brother of Complainant

Sh. Fahad Shaheen AD, STF & Sh. Yashpal Kumar,
Planning Asstt. STF on behalf of Respondent No. 1.

Sh.Vipin Kumar, EE(B), Najafgarh,, Sh. Abhay Kumar,
AE(B), Najafgarh on behalf of Respondent No. 2.

ORDER

The complainant, a person with more than 90% locomotor disability (fully paralysed) filed a complaint dated 16.12.2022 under the Rights of

Persons with Disabilities Act, 2016 hereinafter referred to as the Act and informed that he is the resident of Tower D3, Ground Floor, Flat No. 2 at E-1, Vasant Kunj and alleged that Mr. Mishra, owner of his neighbouring Flat at Tower D7, Ground Floor, Flat No.2 has started illegal construction of room, resulting in encroachment in his DDA allotted parking area S-3 Ground and basement shaft area and already damaged the supporting pillar of the roof and continuously defacing and damaging the public property. When his brother enquired him about his ongoing unauthorised construction he threatened him with his powerful links. He openly challenged us for stopping his ongoing illegal construction, quoting his hand in glove relationship with all the involved departments and denied stopping the ongoing construction. Thus, he requested to take immediate action to safeguard his parking space due to this illegal construction.

2. The matter was taken up with respondent No. 1 vide letter dated 28.12.2022 followed by reminders dated 19.01.2023 & 14.02.2023. Respondent No. 1 vide letter dated 13.03.2023 informed that the above complaint had already been forwarded to concerned Nodal Officers of South Delhi Municipal Corporation on STF Web-Portal for necessary action. It was further submitted that the status of above complaint can be viewed on STF web-portal.

3. Complainant vide rejoinder dated 28.08.2023 submitted that recently MCD did some demolition work in his society but no action was taken on his complaint and the wall encroaching his DDA parking area is still intact.

4. However in the absence of any satisfactory reply furnished by Respondents, a hearing was scheduled on 03.10.2023 and all parties submitted their respective facts as under:-

i) Brother of complainant appeared on his behalf and reiterated their written submissions and added that till date no action has been taken by the MCD on his complaint.

ii) Representatives of the Respondent No. 1 informed that the complaint of complainant had already been forwarded to concerned Nodal Officer, MCD on 11.01.2023. They also submitted the details of Action Taken Report of the same during hearing, which has been taken on record.

(ii) Representatives of Respondent No.2. vide their written submission dated 03.10.2023 informed that the site under dispute i.e. DDA Flat No.02, Ground Floor, Block-D-7, Sector-E-1, Vasant Kunj, New Delhi and parking area S3 were inspected. During inspection, no encroachment was noticed at parking S3 at ground floor, as alleged by the complainant. However, some excess coverage against Standard Building Plan of DDA was noticed in the adjacent flat at ground floor i.e. Flat No.02, Ground Floor, Block-D-7, Sector-E-1, Vasant Kunj. But neither any construction activity was found going on nor any building material was found stacked at impugned site. Accordingly, the variation/deviation/excess coverage against Standard Building Plan of DDA at Flat No.02, Ground Floor, Block-D-7, Sector-E-1, Vasant Kunj, New Delhi has already been booked under Section 344(1) and 343 of the DMC Act, vide U.C. File No.440/B/UC/NG/23 dated 26/09/2023 and simultaneously the Show Cause Notice has been issued and served upon the Owner/Builder/Noticee. They further assured Court that immediate action will also be taken against the variation/deviation/excess coverage at flat under dispute as per the provisions of DMC Act and as per prevailing laws.

5. Taking into account the assurance and inspection report submitted by Executive Engineer (Bldg.), Najafgarh Zone on behalf of both the respondents i.e. MCD and DDA, it is directed that the covering of shaft, which has been illegally done at the disputed site, be revoked and brought to par with original design.

6. An Action Taken Report in this regard be submitted to this Court within 60 days of this Order. Accordingly, the case is disposed of.

7. Given under my hand and the seal of the Court this 3rd day of October, 2023.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities