

**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, Email: comdis.delhi@delhi.gov.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]**

Case No. 3021/1061/2023/05/6029-6030

Dated:20-10-2023

In the matter of:

**Sh. Gulshan
S/o Guru Dutt**

.....Complainant

Versus

**The S.H.O.
Baba Haridas Nagar Police Station,
Najafgarh Bahadurgarh Road,
Block-A, Naveen Palace,
Jharoda Kalan, Delhi-110072.**

..... Respondent

Date of Hearing: 16.10.2023

Present: Sh. Gulshan, Complainant.
Sh. Devender Kumar, Inspector appeared on behalf of
Respondent

ORDER

The complainant Sh. Gulshan, S/o of Sh. Guru Dutt, a wheel chair bound person with 55% mental illness filed a complaint dated 15.05.2023 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act and alleged that his uncle Sh. Chander Dutt & his family has illegally blocked the entrance to his home, making it very difficult for his family

to commute. Additionally, he claimed that his uncle's three sons had mistreated his wife while he was away. They also threw their furniture and other belongings. Local Police did not take any action on his complaint. Thus he prayed this Court for taking appropriate action and helps his family & wheelchair bound father in getting way to their residence.

2. The matter was taken up with SHO, Police Station, Baba Hari Dass Nagar vide letter dated 24.05.2023 followed by reminder dated 11.07.2023. In the absence of any response from respondent, a hearing was scheduled on 16.10.2023. Both parties submitted their respective facts as under:-

3. During the hearing, complainant reiterated his written submission. However, the representative of Respondent vide his reply dated 12.10.2023 informed that the Complainant's father namely Guru Dutt is mentally disabled and complainant needs help in providing passage from his ancestral house encroached by his Uncle and his sons. However it was also clarified that the complainant and his father was not residing at disputed property and there has been no issue of accessibility at their current residence. The dispute relates to his ancestral house and the matter was enquired and the statement of complainant was taken on record. Complainant was directed to provide any proof / legal documents evidence in support of possession / distribution of property but he failed to provide any document. As per the gist of complainant, statements and enquiry made it was revealed that complainant wants to get proper share of his father in his ancestral house which was divided between his uncle and his father in 1987. Now, his uncle Chander Dutt has taken possession of his property as previously he was residing separately and complainant was using this property and passage all alone. On enquiry both parties failed to provide any kind of possession documents. Thus, it was concluded that the matter is purely civil in nature hence, no police action is required in this matter. Complainant was directed to approach Civil Court accordingly.

4. After due deliberations and discussion and considering the submissions of the complainant & respondent, the Court observed / recommended as under:-

(i) Court noticed with concern that the role of Delhi Police in the instant case though minimal but the basic courtesy to reply to the Notice / reminders of the Court has not been followed by the concerned SHO in particular and Delhi Police in general. **Thus, SHO, PS Baba Haridas Nagar Sh Raj Kumar Tomar is hereby advised to be cautious and ensure timely submissions to this Court's correspondence in future.**

(ii) The Court also observed that this is a civil matter and a dispute between two factions of the same family, and under the grub of the Rights of Persons with Disabilities Act, 2016, this issue was presented in this Court, quoting incorrect reasons with respect to barrier-free accessibility of the PwD, which is not tenable as this is a property dispute with a built-up area of a joint family, which has now been divided between the two inherent. The PwD person in question, does not live in that premises. It was only his son who wanted to utilise the premises for his own professional use (opening a repair shop or so) which was being opposed by other family members. Thus, this Court has no further comments on the case and it disposed.

5. Given under my hand and the seal of the Court this 20th day of October, 2023.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities