

LOKPRIYA SEHKARI AVAS SAMITY LTD. (171)

R/O : Village : Habibpur, Noida Dadri Road, Greater Noida, U.P.

Prop. L/o: 1204 Rohit House, 3 Tolstoy Marg, New Delhi - 110001

CELL : 92139-67725.

Dated: 14th November, 2011.

Ref. No.

By Registered A.D., Speed Post, Fax and Email

Commr. (Plg.) - II
Diary No. 627
Date 24-11-11

To
The Vice Chairman
Delhi Development Authority
Vikas Sadan, INA, New Delhi-110023.
Fax : 011-24623968.
Email: vcdda@dda.org.in

दिल्ली विकास प्राधिकरण
केन्द्रीय कार्यालय
प्राप्ति एवं प्रेषण (मुख्य)

22 NOV 2011

R-7944

Subject: National Capital Region Planning Board- Objection to the Greater Noida Industrial Authority's Master Plan 2021.

Respected Sir,

1. Our society, Lok Priya Sehkari Awas Samity Ltd. (hereinafter "Lok Priya Society") is a co-operative housing society where most of the members of the society are senior citizens and in the twilight of their lives are appealing to you for justice in the hope that your kindself would make the Greater Noida Industrial Authority see reason and stop it from acting in an arbitrary, illegal and unjust manner. We humbly submit that your kindself are also the Co-opted Board Member of the National Capital Region Planning Board and are also the Member of the Planning Committee of the National Capital Region Planning Board having jurisdiction over the masterplans of Greater Noida Industrial Authority.
2. The Greater Noida Industrial Authority (hereinafter "GNOIDA") has applied to the National Capital Region Planning Board (hereinafter "NCRPB") for approval of the GNOIDA's Master Plan 2021. In this context, the Lok Priya society has written a letter dated 4th November, 2011 to the NCRPB objecting to GNOIDA's Master Plan 2021 and further requesting the NCRPB not to approve the aforesaid Master Plan 2021. A copy of the aforesaid letter is attached hereto as Annexure I for your kind perusal, consideration and action. IT MAY ALSO BE NOTED THAT BEFORE GNOIDA CAME INTO EXISTENCE, THE CHIEF TOWN AND COUNTRY PLANNER, UP VIDE ITS LETTER DATED 10.5.1984 PREPARED & APPROVED LAYOUT PLAN/MAP FOR THE RESIDENTIAL COLONY OF THE LOK PRIYA SOCIETY. The Lok Priya Society hereby reiterates the contents of Annexure I (which contents are not being repeated for the sake of brevity). As detailed in para 3 of Annexure I, in view of our Lok Priya Society's pending litigation challenging the GNOIDA Master Plans (including GNOIDA Master Plan 2021) & the 'land use' before the Supreme Court & Allahabad High Court, the GNOIDA ought to exclude the entire Lok Priya Society's Land from the GNOIDA Master Plan 2021 as it is "under litigation" land.
3. In view of the submissions contained in Annexure I, the Lok Priya Society prays to your kindself not to approve or allow the approval of the GNOIDA Master Plan 2021. We also request your most honoured self to give us a chance of personal hearing before you consider the GNOIDA Master Plan 2021. We also seek an opportunity to submit documentation supporting our objection.

Yours Sincerely,

Shyam Agarwal

President - Lok Priya Sehkari Awas Samity Ltd. Cell- 9811117195.

Commr. (Plg.) II

25/11

29/11

DA/MPR/II
AD (Q) II

Represented to
VC DDA as a
member of the NCRPB.
Obj/Sug
for Greater Noida
Authority
Master Plan

सचिव कार्यालय
SECRETARY'S OFFICE
Di. No. 207 MD
Date 22/11/11

O.S.D. (PLG)
Diary No. 316
Date 24.11.2011

23/11/11

24/11/11
25/11/11
29/11

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Ref. No.

Dated

Dated: 04th November, 2011.

ANNEXURE I

To

The National Capital Region Planning Board
(Ministry of Urban Development)
Core-IV B, First Floor,
India Habitat Centre, Lodhi Road,
New Delhi-110003

Subject: Objection to the Greater Noida Industrial Authority's Master Plan 2021 and request for exclusion of the land of Lok Priya Sehakari Awas Samity Ltd. from the Greater Noida Industrial Authority's Master Plan 2021.

Dear Sir,

1. Our society, Lok Priya Sehakari Awas Samity Ltd. (hereinafter referred to as "Lok Priya Society") is co-operative housing society. Lok Priya Society has learnt that the Greater Noida Industrial Authority has applied to the National Capital Region Planning Board for approval of the Greater Noida Industrial Authority's Master Plan 2021. Hence we are writing this letter to you objecting to the Greater Noida Industrial Authority's Master Plan 2021 and further requesting you not to approve the aforesaid Master Plan 2021. (The Greater Noida Industrial Authority is hereinafter referred to as "GNOIDA", and the Greater Noida Industrial Authority's Master Plan 2021 is hereinafter referred to as "GNOIDA Master Plan 2021").
2. In year 1983 our Lok Priya Society purchased 15.5558 hectares land of Khasra Nos. 411, 412 and 645 at village Habibpur, Tehsil Dadri, District Greater Noida (then it was District Ghaziabad), which Khasra numbers after the land consolidation proceedings were changed to Khasra Nos. 536 and 537. Therefore, the subject matter of this letter is 15.5558 hectares land of Khasra Nos. 536 and 537 at village Habibpur, Tehsil Dadri, District Ghaziabad owned by the Lok Priya Society (hereinafter referred to as "Lok Priya Society Land").
3. Our Lok Priya Society has filed writ petitions against GNOIDA:
 - (a) contending that GNOIDA Master Plans (including GNOIDA Master Plan 2021) are not applicable to the Lok Priya Society Land, and
 - (b) challenging the land use under GNOIDA Master Plans (including GNOIDA Master Plan 2021) in respect of Lok Priya Society Land, and
 - (c) challenging the GNOIDA Master Plans (including GNOIDA Master Plan 2021) as arbitrary, illegal & void, and
 - (d) further challenging the acquisition of 4.7350 hectares out of 15.5558 hectares Lok Priya Society Land in Village Habibpur for the purposes of GNOIDA.The aforesaid writ petitions/litigations are presently pending in the hon'ble Supreme Court and the hon'ble Allahabad High Court. Therefore GNOIDA ought to exclude the entire Lok Priya Society's Land from the GNOIDA Master Plan 2021 as it is "under litigation" land.



LOKPRIYA SEHKARI AVAS SAMITY LTD.

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4. Further, the Lok Priya Society hereby objects to the GNOIDA Master Plan 2021 on the grounds that:
- (a) The Lok Priya Society's layout plan was prepared & approved by Chief Town and Country Planner U.P. (C.T & C.P. U.P.) vide its letter dated 10.5.1984, and further approved & sanctioned by the District Magistrate, Ghaziabad vide the registered agreement dated 18-9-84 & written permission dated 29-6-85 and finally the Lok Priya Society's layout plan was implemented under supervision of the Modinagar Prescribed Authority before the GNOIDA came into existence, and
 - (b) It is a fact that the Master Plan of GNOIDA was not in existence at all the times when:
 - (a) the Lok Priya Society had completed development of its land before GNOIDA was constituted in year 1991 and (b) when the Lok Priya Society applied to GNOIDA for no-objection certificate for energising the Lok Priya Society's electricity connection, and therefore the GNOIDA could not have clamped an arbitrary landuse on the Lok Priya Society or have refused the NOC vide order dated 07-04-1993 to the Lok Priya Society who had prior permissions from all relevant government authorities including an approved layout plan prepared & approved by Chief Town and Country Planner U.P. (C.T & C.P. U.P.) which was valid, effective and subsisting in law.
5. The Lok Priya Society hereby further objects to the GNOIDA Master Plan 2021 on the ground that Lok Priya Society's land is 'under litigation' and must be excluded from the land use planning under the GNOIDA Master Plan 2021. **We further request you to consider our objection and not to approve the GNOIDA Master Plan 2021 until the GNOIDA excludes our land from the GNOIDA Master Plan 2021.**
6. In the event you approve the GNOIDA Master Plan 2021, your action in so approving would be prejudicial to us and badly affect us. **Therefore, we request you to follow the principles of natural justice and give us a chance of personal hearing before you consider the GNOIDA Master Plan 2021. We also seek an opportunity to submit documentation supporting our objection.**
7. For your perusal, a brief synopsis of our case is set out below and we would explain the same in detail when you give us a chance for personal hearing:
- (a) Our society, Lok Priya Sehakari Awas Samity Ltd. ('Lok Priya Society') is a co-operative housing society. In year 1983 our Lok Priya Society purchased 15.5558 hectares land of Khasra Nos. 411, 412 and 645 at village Habibpur, Tehsil Dadri, District Greater Noida (then it was District Ghaziabad), which Khasra numbers after the land consolidation proceedings were changed to Khasra Nos. 536 and 537. The Lok Priya Society layout plan was prepared & approved by Chief Town and Country Planner U.P. (C.T & C.P. U.P.) vide its letter dated 10.5.1984.
 - (b) Thereafter the District Magistrate, Ghaziabad through the Additional District Magistrate (Administration) sanctioned & approved the Lok Priya Society colony layout plan & development vide the registered agreement dated 18-9-84.
 - (c) The Lok Priya Society was also granted written permission dated 29-6-85 by the Additional District Magistrate (Administration) on behalf of the District Magistrate, Ghaziabad for the development of its land.

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- (d) Thereafter, the approved layout plan, site plan of storm water drainage, site plan for water supply, site plan indicating levels, site plan for electrification & site plan for extension of sewerage were all duly approved, signed & stamped by the District Magistrate, Ghaziabad and then handed over to our Lok Priya Society to implement under the supervision of the Modinagar Prescribed Authority.
- (e) That the Lok Priya Society had completed all sorts of development prior to the constitution of the GNOIDA (which was constituted in 1991). In the development, Lok Priya Society had already invested about Rs. 2 crores before year 1991 (which today time would be equal to a very substantial sum).
- (f) Furthermore, the GNOIDA vide its letter dated 02-11-1991 required details of the Lok Priya Society's colony and members etc., which information was furnished vide Lok Priya Society's letter dated 14-12-1991 including the details of permissions obtained by it and the fact the land had been allotted to members. **It is submitted that it is significant to note that the GNOIDA did not reject the Lok Priya Society's development and allotment to its members.**
- (g) It is significant to note that in fact the Master Plan of GNOIDA was not in existence at all the times when: (a) the Lok Priya Society had completed development of its land before year 1991 and (b) when the Lok Priya Society applied to GNOIDA for no-objection certificate for energising the Lok Priya Society's electricity connection, and therefore the GNOIDA could not have clamped an arbitrary landuse on the Petitioner or have refused the NOC vide order dated 07-04-1993 to the Lok Priya Society who had prior permissions from all relevant government authorities including an approved layout plan which was valid, effective and subsisting in law. The Lok Priya Society's layout plan was prepared & approved by Chief Town and Country Planner U.P. (C.T & C.P. U.P.) vide its letter dated 10.5.1984, approved by the District Magistrate, Ghaziabad vide the registered agreement dated 18-9-84 & written permission dated 29-6-85 and was implemented before year 1991 under supervision of the Modinagar Prescribed Authority.
- (h) Thereafter Lok Priya Society was compelled to file a Civil Miscellaneous Writ Petition No.53922 of 1999 before the Hon'ble High Court of Allahabad against the State of U.P., Greater Noida Industrial Development Authority and District Magistrate, Ghaziabad as the Greater Noida Industrial Development Authority denied the No Objection Certificate ('NOC') to the Lok Priya Society for grant of electric connection for energising the sanctioned load of 35 H.P. for commencement of constructions of houses by members of the society despite the Lok Priya Society having registered its purchase of land, allotted plots in favour of 424 members and paid in all stamp duty of about Rs. 12 lakhs cumulatively and further the petitioner-society having obtained all the permissions/ sanctions/ NOCs from all concerned authorities/departments of the State Government in respect of construction of residential colony by way of development of land, earth filling, underground water & sewer line, electrical cables, Roads, plotting, Electric Poles & Cabling, creation of water distribution system, water storage tank, overhead water tank, septic tank and drains & nallah etc as per the municipal byelaws and actually creating such infrastructure over a period of six years at a cost of over two crores. In the aforesaid writ petition CMWP No.53922/99 our Lok Priya Society also prayed before the Allahabad High Court that GNOIDA be directed not to interfere with the rights of our society and its members to use the colony for residential purpose.

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- (i) Our Lok Priya Society's writ petition was filed in year 1999 and in the year 2003, despite the pendency of the aforesaid writ petition, the State of UP sought to acquire 4.7350 hectares (out of our Lok Priya Society's total 15.5558 hectares) in Village Habibpur for the purposes of GNOIDA and that too without disclosing the same to the Hon'ble Allahabad High Court or our Lok Priya Society in the aforesaid pending writ petition. This necessitated our Lok Priya Society to file a Supplementary affidavit & amendment applications in the aforesaid writ petition CMWP No.53922/99 order to challenge this acquisition of 4.7350 hectares (out of petitioner's total 15.5558 hectares).
- (j) Vide judgment dated 1-7-09 the Hon'ble High Court of Allahabad dismissed our Lok Priya Society's aforesaid Civil Miscellaneous Writ Petition No.53922 of 1999 holding that our society should approach the civil court by filing a civil suit as various facts would be required to be proved. Being aggrieved by the aforesaid judgment and order dated 1-7-09, our Lok Priya Society filed a review petition being Civil Misc. Review Application No.197228/09, which was dismissed, but the hon'ble Allahabad High Court gave Lok Priya Society the liberty to challenge the aforesaid land acquisition of 4.7350 hectares by way of separate writ petition under Article 226 of the Constitution of India. Accordingly the Lok Priya Society challenged the acquisition notification seeking to acquire 4.7350 hectares (out of the total 15.5558 hectares of Lok Priya Society's colony) vide Writ Petition No. 63678 of 2010 before the Allahabad High Court.
- (k) Also our Lok Priya Society filed a Special Leave Petition (Civil) No.27567-68/2010 before the Hon'ble Supreme Court of India challenging the judgment dated 1-7-09 the Hon'ble High Court of Allahabad. In the aforesaid Special Leave Petition (Civil) No.27567-68/2010, the Lok Priya Society has submitted before the Hon'ble Supreme Court of India that: (a) GNOIDA Master Plans (including GNOIDA Master Plan 2021) are not applicable to the Lok Priya Society Land and (b) Lok Priya Society has challenged the land use under GNOIDA Master Plans (including GNOIDA Master Plan 2021) in respect of Lok Priya Society Land, and (c) Lok Priya Society has challenged the GNOIDA Master Plans (including GNOIDA Master Plan 2021) as arbitrary, illegal & void. Upon hearing the Special Leave Petition (Civil) No.27567-68/2010, the Hon'ble Supreme Court of India issued notice to the GNOIDA which has filed its Counter Affidavit and the Lok Priya Society has filed its Rejoinder Affidavit. The Special Leave Petition (Civil) No.27567-68/2010 is now pending final disposal by the Hon'ble Supreme Court of India.
8. In light of all the foregoing, our Lok Priya Society submits as follows:
- (a) As detailed in para 3 of this letter above, in view of our Lok Priya Society's pending litigation challenging the GNOIDA Master Plans (including GNOIDA Master Plan 2021) & the 'land use' before the Supreme Court & Allahabad High Court, the GNOIDA ought to exclude the entire Lok Priya Society's Land from the GNOIDA Master Plan 2021 as it is "under litigation" land.
- (b) As detailed in para 4 of this letter above, before the GNOIDA came into existence (in year 1991) the Lok Priya Society had completed development of its land and the GNOIDA could not have clamped an arbitrary landuse on the Petitioner or have refused the NOC vide order dated 07-04-1993 to the Lok Priya Society who had prior permissions from all relevant government authorities including an approved layout plan prepared & approved by Chief Town and Country Planner U.P. (C.T & C.P. U.P.) vide its letter dated 10.5.1984, further approved by the District

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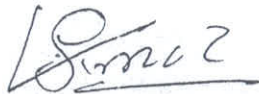
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Magistrate, Ghaziabad vide the registered agreement dated 18-9-84 & written permission dated 29-6-85 and which layout plan was implemented under supervision of the Modinagar Prescribed Authority before the GNOIDA came into existence.

- (c) The Lok Priya Society hereby further objects to the GNOIDA Master Plan 2021 on the ground that Lok Priya Society's land is 'under litigation' and must be excluded from the land use planning under the GNOIDA Master Plan 2021. We further request you to consider our objection and not to approve the GNOIDA Master Plan 2021 until the GNOIDA excludes our land from the GNOIDA Master Plan 2021.

We request you to give us a chance of personal hearing before you consider the GNOIDA Master Plan 2021. We also seek an opportunity to submit documentation supporting our objection.

Yours Sincerely,



(For Lok Priya Sehakari Awas Samity Ltd.)

