

Director (Plg.) MPR/TO,
D.D.A. Vides Minar N. DELHI 2
Dy.No. 12.16
Dated 1/2/11

Commr (Plg.)-I's Office
Diary No A-287
Date 27/1/12

O.S.D. (F-1)
Diary No. 294
31.1.12

Commr. (Plg.) - II ✓
Despatch 414
Date 30.1.12

Dated:- 23.01.2012

To,
Shri Kamal Nath
Hon'ble Minister,
Ministry of Housing & Urban Development,
Govt. of India,
New Delhi

दिल्ली विकास मंत्रालय
केन्द्रीय डायरी कम
प्राप्ति एवं प्रेषक (मुद्रा)
25 JAN 2012
कमरी सं R-673

SUB:- REPRESENTATION AND SUGGESTIONS ON BEHALF OF THE
RESIDENTS OF DELHI IN ORDER TO ERADICATE THE
CORRUPTION AND ARBITRARY EXERCISE OF POWERS BY
THE OFFICIALS OF LOCAL BODIES AND PROBLEMS BEING
FACED BY THE RESIDENTS IN AVAILING THE BENEFIT
PROVIDED BY GOVT. BY BRINGING A WELL DRAFTED
MASTER PLAN OF DELHI 2021 IN FORCE W.E.F.
07.02.2007.

Hon'ble Sir,

We the residents of Delhi, respectfully submits as under:-

1. As you are aware that the people purchased the
properties in Delhi with their hard earned money. Some
colonies being developed by the Colonizer after getting
the layout plan sanctioned and some colonies developed by
Ministry of Rehabilitation, D.D.A, M.C.D. Some of the
colonies are regularized by Govt. of India way back in
1977. Large part of population of Delhi are residing in
un-authorized colonies regularized by the Government of
India now and in the process of regularization, Urban
Villages and Rural Villages.

2. That so far as colonies where the layout plan were
prepared and sanctioned before carving the colonies,
there is not much of problem.

3. The problem has arisen in the areas where either
there is no layout plan like un-authorized colonies, Civil

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Lines, Urban & Rural Village etc. Regularized plans were prepared at the time of regularization of the colonies or Urbanisation of Rural Villages.

4. That foremost problem is while dealing with sub-division/partitioning of plots/building due to increase in number of family members and their partition or due to selling of their respective partitioned share or the bigger chunk of land being sold to various persons by carving out smaller plots in Large part of Delhi, Planned colonies, regularized colonies, Urban Villages, Rural Village and Un-authorised Colonies.

After the purchase, normally, the purchaser build the structure without obtaining the requisite sanction plan from the Competent Authority, as he normally face difficulties in sanctioning because of lack of layout plan or lay out plan. **Due to raising of construction, persons face undue hardship, harassment at the hands of officials and unscrupulous complainants having vested interests, has to reside under constant threat of demolition or to oblige them.**

5. Municipal Corporation of Delhi has also passed Resolution No. 802 dt. 28.10.1964 wherein M.C.D has recognized the partition and sale prior to coming into force of Corporation i.e. 31.12.1957, properties devolved on transfer in inheritance and treating them as approved sub-division under Section 312 & 313 of the Act. This way,

it is not helping the large section of population of Delhi.

Moreover, the Govt. while framing norms for Special Areas, Unauthorised Regularised colonies, Villages, as is provided under Regulation 16.3 of MPD-2021, notified in Gazette on 17.01.11, has recognised sub-division upto 8.2.2007.

Similarly, in Zonal Plan of Zcne-C pertaining to Civil Lines, sub-division of plots of not less than half acre is permitted. With the passage of time, half acre of plot loses its significance in Civil Lines area as number of properties have come out to claim the benefit of Resolution No. 802 dt. 28.10.1964 of M.C.D. This way, other General public is feeling deprived of the benefit being availed by other persons and the persons residing in other part of Delhi.

In the Master Plan 2021, Regulation 4.4.3, The permissible Ground Coverage upto 250 sq.mtr is 75% and FAR 300 and above 250 sq.mtr upto 750 mtr is 75% and FAR 225. *Under Head Terms & Conditions IV; Sub-division of plots, is not permitted. However if there is more than one building in one residential plot, the sum of the built up area and ground coverage of all such buildings shall not exceed the built-up area and ground coverage permissible in that plot.*

Even with this, General public is facing great hardship as officials are not regularizing the structure giving the benefit of proportionate coverage, based upon purchased area of the land, on the pretext that sub-division of the plot is not permitted.

The plots are already sub-divided and people are residing there. There will not be much increase in density and population.

6. In the light of these problems, it is suggested that Terms & Conditions IV be replaced as under:-

"Sub-division of plot is permitted. Every owner shall be entitled to proportionate share of the built up area permissible and ground coverage and FAR based upon the ownership rights of land and sum of total built up area, permissible ground coverage of all such buildings shall not exceed built-up area, permissible ground coverage and FAR in that plot and set backs of the plot which is sub-divided shall be maintained."

7. Although the Government has stated that amalgamation is permitted, but there is no provision in the Master Plan for amalgamation of plot, therefore it is suggested that the same be incorporated as "Terms & Condition IV(a) and the same be read as

IV(a) *Amalgamation of plots are permitted. However, sum of the built-up area permissible Ground Coverage and FAR on all such plots shall not exceed the built up area, permissible and ground coverage and FAR on the total amalgamated area of the amalgamated plots and set backs of the resultant larger plot shall be maintained.*

8. In Group Housing, sub-division of plot is not permitted. Buildings/Flats or portions built on the land are old or that it has been sold to different persons.

9. As such it is suggested that it be incorporated in the MPD-2021 4.4.3 (B) Residential Plot-Group Housing (X)

That the owner(s) of the building(s) /flats or portions built on the land, is/are permitted to re-build/re-develop the building(s)/flats or portions built on the land of same permissible coverage, built up area and proportionate FAR which was approved while sanctioning the Group Housing Scheme, and signatures/no objections of other owners of building(s)/flats etc. shall not be insisted upon.

If all the owners of the Group Housing plot are interested in redeveloping the plot and availing the benefits of present norm, then the plans have to be got sanctioned by all the stake holders.

10. D.D.A has permitted certain additions and alterations in the existing flats sold by them. These flats are constructed by D.D.A on the basis of Guidelines pertaining to Group Housing.

But, this benefit has not been given to Group Housing being built by the respective co-operative societies or Private Builders on the plots purchased by them. The occupants of these flats being allotted to individuals by co-operative societies or builders are facing undue hardship as they are neither entitled for the benefit of addition and alterations being permitted in D.D.A Flats nor the benefit of the enhanced permissible coverage provided in Group Housing by MPD 2021.

SUGGESTIONS

The additions and alterations permitted in DDA Flats be also permitted in all such Group Housings and society flats.

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SUGGESTIONS

It be further added that this enhanced permissible Ground Coverage and FAR of Group Housing shall be utilized by respective co-operative societies by enrolling fresh members and giving the same to new members instead of adding the area to existing structure.

This way, most of the problems of the occupants of co-operative societies will be removed.

11. Shri Tejinder Khanna, Hon'ble Lt. Governor of Delhi had submitted his report and suggested that local area plans be prepared for Urban Village including Civil Lines Area. But, Local Area Plans are rarely prepared by the concerned Authorities.

12. In the **Zonal Plan-C of Civil Lines**, earlier also local area plans has to be prepared, but the same had not been prepared yet. This has deprived the occupants of Civil Lines the benefit of enhanced permissible Ground Coverage and FAR permitted in the residentially plotted development and Group Housing. There is no separate provisions for Civil Lines area. But, only in Zonal Development Plan-C, coverages and FAR has been provided.

SUGGESTIONS

It will be appropriate that sub-division of the plot of "not less than half acre" be reduced/replaced to "800 sq.yds" and the same be accordingly replaced in the Zonal Development Plan-C which is now under preparation

SUGGESTIONS

The permissible ground coverage for Group housing in Civil Lines be "enhanced to 33.33%" instead of "25%", FAR be "enhanced to 125%" instead of "75%", height 15 mtr, as the coverage for Group Housing in other part of Delhi is 40% and FAR 200%.

For individual plots coverage be enhanced to "40%" instead of "33.33%" and "FAR 125" instead of "75%" and height 15 mtrs. These charges be also incorporated in Zonal Plan-C.

13. Even Hon'ble Shri Tejinder Khanna in its report has given suggestion that Delhi should in general, maintain a policy of "High density low rise Urban Area" than "low density high rise Urban".

DECLARATION OF ROADS

14. In all, the Urban and Rural Villages wherever the road width is more than 60 ft, the same be declared as commercial or mix land use depending upon the existing commercial activities.

CONVERSION CHARGES

15. That regularization charges, conversion charges and Parking Charges for conversion of commercial or industrial plots notified by the Government is on very higher side and is a deterring factor for the individuals to go for regularization and conversion. It will be appropriate that the same be reduced considerably so that every individual

shall come forward for regularization and conversion of their own free will instead of Inspector Raj of the Local Bodies.

16. Recently in Haryana, Floorwise Sale is regularized. Once floorwise sale is already prevalent in Delhi, so there is no need of any signatures of all the owners of the plot as owner of built-up structure is entitled to raise construction in his portion of purchased property.

Prior to 22.09.2006, when MPD-2001 was amended thereby allowing enhanced coverage, FAR & Height, nobody visualized that the construction will be permitted, as such, terrace was sold with undivided right in land and right to construct as per Municipal Bye Laws.

Because of enhanced coverages, disputes have arisen with regard to terrace rights. It will be appropriate to clearly specify that "if in the Sale Deed, there is clause that construction will be carried out as per Byelaws/regulations and terrace above second floor is sold separately then the advantage of the increased FAR be given to that person who has purchased the terrace".

17. In the Notification dt. 12.08.2008, Condition (XVII) under sub-clause 4.4.3, projections erected before 07.02.2007 on municipal land are made compoundable. This be made as "31.03.2012", so that the projections in future can be controlled by Local Authorities with the strict implementation of MPD 2021.

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18. The officials of MCD/DDA/NDMC and Technical committee of the DDA are mis-interpreting and erroneously applying the provisions of Local Shopping Centre in respect of the already built markets of small size plots like Greater Kailash, Lajpat Nagar, Defence Colony, Kailash Colony etc. which are earlier Shop-cum-Residential and later declared Local Shopping in the Zonal Development Plans published in 1999-2000. Plans in all these areas were sanctioned by giving the benefits of residential coverage from time to time.

Standard Plans were prepared after these shops were sold by the owners. Those plans were prepared on the basis of coverage permitted at that time. Later on, coverage were increased in MPD-2001, and Coverage and FAR has to availed on the basis of provisions of MPD-2001. Now, after MPD-2021, these officials are trying to enforce the coverage of Local Shopping on the plot size of less than 100 s.yds and more than 100 sq.yds, without realizing that the minimum plot size required under Regulation 5 of MPD-2021 is .3 Hectare(3000sq.mtrs).Standard plans were not changed due to increase in coverage provided under MPD-2001.

Suggestion

The coverage as is provided in the residential plots be permitted ,as is provided in Regulation 15 of MPD-2021.

You are aware that more the discretionary power given to officials, more it is misused and leads to corruption.

You are, therefore requested to look into all these suggestions and help in minimizing the problems of general public and eradicate Inspector Raj and corruption in the Local Bodies.

With regards,

Yours sincerely,

K. Raju
[Signature]
[Signature]

X-32
Civil Side
Tis Hazari Court
Delhi

Copy to:

1. Hon'ble LG
2. Vice Chairman, DDA
3. Commissioner, MG

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25.1.12

Vice Chairman
DA
INA Vikas Sadan
New Delhi

From :

Kul Bhushan Gupta

ADVOCATE

D/255/82

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