

Office of the Director (Pig.) MPPR-2021
 Ministry of Urban Development, New Delhi
 Dy. No. 1518
 Dt. 2-4-12

M/D Renew 2021

19/3

Miss Anuradha Hora
 d/o
 Sh Kulbhushan Hora
 H-310, Vikaspuri
 New Delhi-110018
 Ph:9818222665

The Hon'ble Minister,
 Ministry of Urban Development,
 Nirman Bhawan,
 C Wing, Room No:104C,
 Dr Maulana Azad Road, New Delhi-110011

OFFICE OF UDM
 Dy. No. 1079
 Date 20/3/12

OFFICE OF THE DIR (Pig.)
 MPR/TC; D.D.A. N. DELHI-2
 Dy.No. 1518
 Dated 28-3-12

**Re: Grievance against Provisions of Delhi
 Master Plan 2021**
**: Infringement on legitimate rights of law
 abiding Super Senior Citizens and Disabled.**
**: Provision of Rear Setback in houses where
 there is no back lane.**

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 Sir,

I am writing this letter on behalf of my senior citizen father Sh Kulbhushan Hora aged 82 years, owner / first allottee of House No: H-310, Vikaspuri, New Delhi and is residing there for the past 30 years .

2. The house is erected on plot of size 104 sq mts allotted by DDA in the year 1976. The construction was done as per building by-laws, layout plans/Zonal development plans and norms prevailing at that point of time after taking necessary approvals and sanctions of the building plans from DDA.

3. The Block H consists of houses which are one side open with no back lanes. The lay out plans provided for **MANDATORY REAR/ FRONT SETBACK OF 3MTS.** The houses are constructed back to back. When all the houses followed building bylaws, an open duct was created to ensure air circulation, natural sunlight and privacy to all the houses. **IN THE ABSENCE OF BACKLANE IT WAS ALL THE MORE NECESSARY.**

4. Unfortunately, some of the residents and builders in the vicinity have already occupied/encroached upon rear setbacks illegally and erected structures alongside the common boundary walls without sound foundations in total contravention to structural safety norms. We had already informed the concerned authorities about these violations. (Copy of letter dated 10.03.2001 and 10.06.2001 enclosed).

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As per

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*DIR (Pig.) To be sent to DDA & M/UPA
 IB*

5. Instead of enforcing law, people who have blatantly flouted the rules have been given leverage and the provisions of **Delhi Masterplan 2021**

A)Have allowed regularization of illegal construction without ensuring stability and integrity of the unsafe structures and without giving cognizance to security/safety of life and property of adjoining houses who share the common wall.

B)Right to setbacks allowed through earlier layout plans has been abridged by the new Masterplan.It has allowed zero rear setback in houses of size 104 Sq mts.

C)IT IS SILENT ON THE ISSUE OF ZERO REAR SETBACK FOR HOUSES WHERE THERE IS NO BACKLANE.

D)Also the provisions stating “in case the permissible coverage is not achieved with the above mentioned setbacks in a plan, setbacks of preceding category may be allowed “ is a further encouragement to to encroach upon setbacks.

E)MCD officials, taking advantage of the lacuna,are now allowing wall to wall construction even where there is no backlane.It is detrimental to the rights of the law abiding immediate rear neighbourhood residents who share the common wall, endangering their life and property.There will be virtually no space left for free airflow and natural light.

6. The owner of house no:H-315,VIKASPURI in our immediate rear neighbourhood has started demolition / reconstruction in an illegal manner.The provision of zero setback as prescribed in the new Master plan are going to have serious repercussions on our life. It is all the more a matter of serious concern since

1.There is no back lane and houses are back to back.

2.The entire activity is going to take place only at a distance of 3 mts (rear setback in our area) from the kitchen and bedroom of my old sick parents. My father is 82 years old, suffering from parkinsons and arthritis and is wheel chair borne.My mother is 75 years old and a patient of osteoarthritis and high cholestrol.I am also disabled using mobility aids and facing serious health problems.

3.My parents are not able to move out of the house and the rear setback area is the only breathing space and only passage for natural light from the open sky.

4.It is not possible to shift to an alternate place in this old age since the the house has been made disabled friendly to cater to our limitations.

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5. The new building is to be raised upto 15 mtrs with parking.
6. The activity is going to continue for a period of 2 to 2-1/2 years.
7. The activity is taking place alongside the common wall being shared with the house planned for demolition/reconstruction.
8. There is only 4" wall of 7 feet height in between.
9. We shall be deprived of our legitimate right to ventilation and light which we have been enjoying for the last 30 years.
10. In the absence of enough sunlight and air flow building of ours shall not only be prone to damage but also lead to damp and unhygienic living conditions totally rendering it unfit for human habitation and aggravate health problems of old sick senior citizens in their old age.
11. Since the foundations for the new construction will be deeper and larger than the existing foundations due to larger loading and there being no back lane and zero setback, excavation shall be alongside our the rear boundary wall. It is bound to cause damage to our rear wall/sewer systems and foundations.
Moreover, we do not have anyone to help us to redo the job in case any eventuality arises/damage caused. This exercise will put us to great discomfort and make our life a hell.
12. Further effects due to noise dust/ smell/ leaks / heat / spillage/debris/ vibrations during demolition / construction are going to be more drastic since there is no back lane and the new plan shall have zero rear setback. It is going to be more harmful since the activity shall stretch upto 2 to 2-1/2 years.
13. As you are aware that Delhi is prone to earthquake/lies in Seismic Zone IV and the adjoining house is to be raised upto 15 mts with 4" wall alongside the common boundary wall in total contravention to safety measures making our building vulnerable to risk specially during contingencies of earthquake and other natural disasters. These buildings can come down like a pack of cards in case of any such eventuality and do more harm to law abiding neighbours who constructed the house leaving sufficient space at the back in conformance of with the construction bylaws.

7. Amendments regarding setbacks are in total contravention to the earlier provisions of the Masterplan and shall play havoc with the lives of law abiding citizens.

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8 Keeping in view the above facts, provision relating to setbacks specially the rear set back need to be revised immediately specifically for houses where there is no backlane and where the earlier provisions had allowed the rear set backs to save the law abiding senior citizens from unnecessary mental/physical torture .

9. It is once again requested that suitable instructions be passed to the concerned authorities to sanction building plan of House No:H-315, Vikaspuri with rear set back of 3 mts, preserve our legitimate right to enjoy our property and save us from avoidable discomfort in the last leg of our life.

10. The undersigned be given an opportunity to be heard in person so that the case may be explained in detail.

Hoping for an early action.

Yours Faithfully



(Miss Anuradha Hora)

Dated 12.03.2012

Encl: (copy of letter dt 10.3.2012
9/10/2012)

C.C Sh Tejinder Khanna
The Lt.Governor of Delhi
6,Raj Niwas Marg
Delhi-110054

C.C The Director(Planning)
Maste Plan Revision Section
DDA,6th floor
Vikas Sadan,I.P.Estate
New Delhi-110002

The Director of Vigilance
MCD, Civil Lines Zone
MCD Building
Civil Lines
Delhi-6

(Annexure)

Ans
H-310
Vikas puri
New Delhi-18
10.3.2021

Re: Unauthorised/illegal construction
beyond permissible limits in violation
of Building By-laws.

Sir,
I am a resident of H-310, Vikas puri, New Delhi.
I am writing this letter on behalf of my aged senior citizen
father who is the owner of this house.

1. The Block H consists of houses which are
one side open with no back lanes. The by laws provide for an
open space in the front and in the back in addition to the
open shaft by the side of the kitchen.

2. The houses in our block are constructed back
to back and where all houses follow Building by laws made by
MCD an open duct is created to provide air and sun to the
buildings. In the absence of back lanes, it is all the more necessary.
Unfortunately, not everybody seems to be following the by-laws.

3. No. of houses adjacent to our house and
to the rear have clearly flouted these building by-laws depriving
us of legitimate sunlight, ventilation, privacy, security, safety.
A few of these houses are H-309, 312, 313, 314, 315, 316 respectively.

4. The boundary walls at the back are
constructed without foundations at the back. Further these
boundary walls by the adjoining house owners are used to
raise structures upto three stories with 4" walls in total
contrary to safety measures making our building vulnerable
to risks specially during contingencies of earth quake and
fire.

5. As you are well aware Delhi is prone
to earth quake (lies in seismic Zone II) as per Indian
Meteorological Deptt these buildings can come down like
pack of cards in case of any such eventuality and
do more harm to our adjoining neighbours who have
lost their lives.

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Annex 2

constructed the house leaving sufficient space free at the back in conformance with the construction by laws.

6. In the absence of enough sunlight and air circulation, building of our shall not only be more prone to damage but also will lead to damp and unhygienic living conditions specifically for the aged.

7. A few of those houses have already completed this form of illegal construction and it is underway for the remaining (House Nos H-314 and H-315)

8. In view of the above, it is requested an immediate action should be taken to

(a) carry out a survey to isolate the buildings which really violate the by-laws

(b) This should be followed by suitable action to remove unauthorized construction

(c) Immediate / emergent steps be taken to stop currently on going extensions / construction (like in House Nos H-314 and H-315) to avoid further deterioration of living environmental conditions in the area.

9. The way these residents are blatantly going about construction work with total disregard to structural safety and building by laws, it appears it may be in consonance with the authorities responsible for keeping a check on such activities.

10. It is once again requested that suitable remedial steps be taken urgently and we are given an end run as per our entitlement.

11. To avoid any discomfery and harassment to the senior citizens law abiding compliance the same should not be revealed.

Hoping for an early action

Copy to : The Lt. Governor
SE, Vijayapur
6, Jay Narayan Marg
Kollu - 54.

Your Faithful
[Signature]
[Signature]

Answer 3
Am
N. 310
Vibhakti
New Delhi 110001
10.6.2001

Sh. Jagmohari,
The Minister for Urban
Development and
Poverty Alleviation,
Room No 104, C Wing
Minara Bhawan
New Delhi - 110001

Re: Unauthorised / illegal construction
beyond permissible limits in
violation of Building By-laws.

Sir,

I refer to my letter dt 10.3.2001 addressed
to the Secy of Vigilance, MCD and copy endorsed to
the Lt Governor Sh. Vijay Kumar (copy endorsed for your
ready reference)

I had already explained in the
letter dated above the way building by-laws being
blatant ly flouted in and around our house are depriving
us of legitimate privileges / ventilation / privacy / security
and safety.

In spite of my verbal requests to
the local authorities and the written complaints sent
to the Secy of Vigilance MCD and the Lt Governor,
no action has been taken so far. The illegal construction
is still going on. Kindly help us urgently
by taking needed steps to avoid further deterioration
of living / environmental conditions and risk involved
of any eventuality.
Hoping for an early action.

Yours faithfully,

Am

(Am)

dt 10.6.2001

Enclosed: Copy of letter addressed
to Lt Governor's
Secy of Vigilance MCD