

REVIEW of MPD 2021
MAINING ADDRESS OF THE APPLICANTS A-1 TO A-16 PRIYA 1-157-
DARSHINI VIHAR PATPARGANJ MAIN ROAD DELHI-92
MR/DR. ASHISH MAKKAR, A-2, PRIYADARSHINI VIHAR,
PATPARGANJ MAIN ROAD, DELHI-110092

To, DIRECTOR PLANNING (M. TAPAN MANDAL). 9871282718
9560316400
ZONE (E & O)

3RD FLOOR VIKAS SADAN, MINAR,
NEW DELHI:-

AREA PLANNING
REVIEW OF MPD-2021
NEW SUGGESTION
Dy. No. SUGG. 16
DATE 30-4-12

DR. E. & S. O. 2012
Dy. No. L562
30/4/12

SUBJECT:- REVIEW OF MASTER PLAN 2021/CORRECTION REQUIRED IN THE DESCRIPTION OF "PATPARGANJ MAIN ROAD" STARTING FROM JHEEL BUS TERMINAL TO MADHUBAN RAILWAY CROSSING, (APPROXIMATELY 5 KM LONG) ALREADY A NOTIFIED ROAD AMONGST 2183 ROADS OF 1ST COMMERCIAL NOTIFIED LIST.

DEAR SIR,

Dy. No. (Plg.) MPPR-2021
DDA Vikas Minar N. Delhi
Dy. No. 1848
23-05-12

OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy. No. 3275
Dated 18/8/12

IT IS MOST RESPECTFULLY SUBMITTED THAT THE APPLICANTS STREET i.e. PATPARGANJ ROAD STARTING FROM JHEEL BUS TERMINAL AS ITS ORIGIN POINT TO MADHUBAN RAILWAY CROSSING AS ITS TERMINAL POINT, WAS ALREADY NOTIFIED AS A COMMERCIAL STREET, IN THE FIRST LIST OF 2183 STREETS, IN THE NOTIFICATION DATED 15-9-2006.

2. THAT DUE TO THE ADMITTED INADVERTANCE, A MISTAKE OCCURRED AND THE STRETCH OF THE APPLICANTS GOT LEFT OUT, SINCE

1. " ADMITTEDLY THE APPLICANT'S STRETCH QUALIFIED TO BE INCLUDED IN THE WHOLE LENGTH OF THE ALREADY

DESIGNATED COMMERCIAL STREET i.e. PATPARGANJ ROAD STARTING FROM JHEEL BUS TERMINAL AS ITS ORIGIN POINT

TO MADHUBAN RAILWAY CROSSING AS ITS TERMINAL POINT.

23/3/12

ADD (MPPR/TC)
E. I. (E)

23/3/12

II. THE COOPERATIVE HOUSE BUILDING SOCIETIES (CHBS)
ADMITTEDLY ARE ELIGIBLE TO BE INCLUDED IN A COMMERCIAL
STREET/STRETCH,

AS PER THE NORMS LAID DOWN IN MPD 2021.

A patch of 150 meters only in the middle of the road, which is very much part and parcel of 5.00 km. long AFORESAID Patpar Ganj Road, has been excluded from declaring as commercial when admittedly there is no restriction on such properties from carrying out commercial activities and as a whole Partpar Ganj Road has been declared as a Commercial Street.

The MCD has in clear words admitted that they have committed an error in mentioning the word CHBS in place of GHBS and CHBS are not excluded from mixed use streets and commercial streets. The Applicants are also aggrieved by the stand of the M C D that a fresh notification is required to be issued to include/declare the patch where applicants' properties are situated, as commercial patch, inspite of its being an integral of the aforsaid notified road . The said stand of MCD is aimed to further harass the applicants as it is clear from the records that a human error/mistake has been committed by respondent MCD and to rectify the mistake no notification is required to be issued.

That it is worth mentioning that there is a wide difference between Group Housing Building Society (GHBS) and Cooperative House Building Society (CHBS). In the case of Group Housing Building Society a big plot is allotted to the Society. The society is permitted to construct multi-storied Flats over and those are allotted to the individual members on the basis of draw of lots. On the other hand, in case of Cooperative House Building Society, separate plots are allotted to individual members and a member is permitted to construct his own house over the plot so allotted, according to his requirement as per existing bye-laws.

The present Representation raises the following questions of law of general public importance which needs determination by this office through the participative suggestions.

Whether any fresh notification is required to do away with a mistake committed by respondent MCD, despite submitting affidavits by CTP in the Supreme Court in regard to a patch, right in the middle of Patpar Ganj Road, where applicant's properties A1-A16 aresituated, when admittedly the rest of Patpar Ganj Road as a whole ,was declared as commercial?

1. PATPAR GANJ MAIN ROAD FROM JHEEL BUS TERMINAL TO MADHUBAN RAILWAY CROSSING, IN SHAHDARA (SOUTH) ZONE, WAS NOTIFIED AS MIXED LAND USE STREET UNDER MPD 2001, EXCLUDING THE CHBS (CO-OPERATIVE HOUSE BUILDING SOCIETY) AND REHABILITATION COLONIES, BECAUSE AT THAT POINT OF TIME, PLOTS PERTAINING TO CHBS (CO-OPERATIVE HOUSE BUILDING SOCIETIES, ALL OVER DELHI, WERE NOT PERMITTED TO CARRY OUT THE COMMERCIAL ACTIVITIES, IN THEIR PLOTS/PREMISES)

2. INITIALLY AND BEFORE THE AMENDMENT DATED 7TH SEPTEMBER 2006, TO THE MASTER PLAN 2001, CHBS PLOTS (CO-OPERATIVE HOUSE BUILDING SOCIETIES PLOTS) WERE NOT ELIGIBLE TO BE DECLARED AS A PART OF THE MIXED USE STREETS, THEREFORE THE STRETCH OF CHBS AND REHABILITATION COLONIES FALLING ON THIS STREET WAS EXCLUDED, I.E. STRETCH OF PRIYADARSHINI VIHAR FROM A-1 TO A-16 (CHBS PORTION) WAS LEFT UN-NOTIFIED.

3. HOWEVER WITH THE AMENDMENT TO THE MPD 2001, ON THE MIXED USE REGULATIONS VIDE NOTIFICATION NUMBER 1456 (E) DATED 7-9-2006, THE PROVISION OF EXCLUSION OF CHBS UNDER MIXED LAND USE STREET WAS DELETED AS A RESULT OF WHICH, A PART OF THE ROAD WHICH WAS EXCLUDED UNDER MIXED LAND USE STREET IN MPD 2001, BECAME FULLY QUALIFIED & ELIGIBLE TO BE DECLARED A PART OF THE MIXED USE STREET. IN THE SAME NOTIFICATION DATED 7TH SEPTEMBER 2006, ALSO, THE DESCRIPTION OF THE ROAD "PATPAR GANJ MAIN ROAD" DOES NOT EXCLUDE PORTION OF CHBS.

4. THROUGH THAT NOTIFICATION, DATED 7TH SEP. 2006, THE CIVIC BODY/ MCD/ NOTIFYING AUTHORITY WAS SUPPOSED TO CARRY OUT THE PROCESS OF IDENTIFICATION, SURVEY AND DECLARATION OF MIXED USE STREETS.

5. HOWEVER EITHER DUE TO OVERSIGHT OR NOT PAYING DUE ATTENTION TO THE FACT THAT THE NOTIFICATION DATED 7TH SEPTEMBER 2006, REMOVED THE NON-ELIGIBLE CONDITION WITH RESPECT TO CHBS, UNDER MIXED LAND USE STREET, WHILE DECLARING THE ROAD AS A COMMERCIAL ROAD VIDE NOTIFICATION DATED 15TH SEPTEMBER 2006, THE CHBS PORTION OF THE ROAD CONTINUED TO BE EXCLUDED AND LATER ON THE SAME MISTAKE CONTINUED/ REFLECTED, WHILE THE ROAD AS A COMMERCIAL STREET UNDER MPD 2021.

6. IT HAPPENED BECAUSE, THE CIVIC BODY / MCD , AS PER THEIR NOTIFICATION DATED 15/9/2006 DECLARED "ALREADY NOTIFIED MIXED USE STREETS" AS COMMERCIAL STREETS, WITHOUT GIVING ANY ATTENTION TO THE FACT THAT THE RIDER OR EXCLUSION CLAUSE OF CHBS, HAS ALREADY BEEN DELETED/ TAKEN AWAY , BECAUSE OF THE NOTIFICATION OF 7TH SEPTEMBER 2006.

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THE MCD HAS MENTIONED THE NOTIFICATION OF 15TH SEPTEMBER 2006, WHERE BY THEY STATE THAT PATPARGANJ ROAD WAS DECLARED AS COMMERCIAL ROAD EXCLUDING CHBS, WHERE AS THE RESTRICTION TO THE CHBS WAS TAKEN AWAY BY THE NOTIFICATION OF 7TH SEPTEMBER 2006. THE NOTIFICATION DOES SPEAK OUT ON THE AREA RESTRICTED TO BE DECLARED COMMERCIAL, WHICH ARE ONLY GHBS AND LUTYENS AND NDMC AREA.

THE MCD ITSELF SHOULD HAVE TAKEN THIS INTO CONSIDERATION WHILE EXCLUDING THE CHBS IN THEIR 15TH SEPTEMBER NOTIFICATION .BEING A PART OF THE ROAD OF 1ST LIST, AND LEFT UNNOTIFIED BY THE M.C.D,

That it is submitted that because of the mistake/carelessness of the Municipal Corporation of Delhi, the applicants could not run their business activities, for which is they are otherwise legally entitled. Even after the de-sealing of the property, the applicants could not run their business in a proper manner, as their stretch, which is an integral part of the notified road under name and style of 'Partpar Ganj Road' is not considered as a part of commercial road. For Municipal Corporation Delhi, it is merely a mistake or inadvertency but for the applicants it is getting subjected to mental torture, humiliation and a matter of their daily earning and right to live with dignity, which they were enjoying prior to the notification of State Government. Till date all the property owners including the Petitioners are suffering from huge financial losses as their business activities from these properties have snatched away wrongly and illegally. The action of Municipal Corporation of Delhi is a classic case of gross violation of Article 14, Article 19(l) (g) and 21 of the Constitution of India.

That the residents of this stretch of the road including the applicants, made a representation on 12.11.2007 to the Chief Town Planner, MCD. In the said representation the applicants gave a detailed narration of events happened from the beginning. But, said representation did not yield any result. A true copy of the representation of the applicants dated 12.11.2007 is annexed hereto and marked as Annexure

That on 15.11.2007, the applicants, in tune with their earlier letter, preferred a representation to the Monitoring Committee appointed by Hon'ble supreme Court. A true copy of the representation of the applicants addressed to the Monitoring Committee appointed by Hon'ble supreme Court dated 15.11.2007 is annexed hereto and marked as Annexure

That on 01.05.2008, the applicants addressed yet another letter to the office of Additional Commissioner (Engineering), MCD, Town Hall. Through this letter, the applicants have appraised the authority about the steps they have taken to rectify the error committed by the MCD and how they had been handled by the authorities. A true copy of the representation of the applicants dated 01.05.2008 is annexed hereto and marked as Annexure

That on 06.05.2008, the applicants again preferred a representation to the office of Additional Commissioner (Engineering), MCD, Town Hall against the deliberate exclusion of a patch in the middle of a notified road among 2183 roads of the first list. The applicants had also informed the said authority that they have already approached concerned officers. A true copy of the representation of the applicants dated 06.05.2008 is annexed hereto and marked as Annexure

That on 21.07.2008, the applicants preferred a representation to the office of Deputy Commissioner, Shahdara South, reiterating their grievances. A true copy of the representation of the applicants dated 21.07.2008 is annexed hereto and marked as Annexure

That it is submitted that apart from sending written communications, the applicants were following up the matter through personal visits to various officials but they could not get any positive action on the part of the respondents.

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That the applicants were lucky enough to lay hands on the copy of notes of Chief Town Planner /Deputy Town Planner, from the file connected with our representation marked ,to the Additional Commisioner Engineering Municipal Corporation of Delhi, whereby he admits that the exclusion of CHBS mentioned in the Government of Delhi notification was a mistake. It is also clear from the said note that subsequent to the notifications, even the embargo on the rehabilitation colonies was lifted. Municipal Corporation of Delhi realized this grave mistake which is clear from Chief Town Planner/ Dy. Town Planner's note dated 6.2.2009. A copy of the note of the town planner dated 06.02.2009 is annexed hereto and marked as Annexure. The views of the Deputy Town Planner were supported and confirmed by the Chief Town Planner, Delhi as well.

That on 18.09.2009 the Sr. Town Planner (DP), 4thFloor, Nigam Bhawan, Kashmere Gate, Delhi-110006, send a reply to the RTI application filed by one of the applicants, wherein it was informed that the file is not available in the town planning department. A true copy of the RTI reply of Sr. Town Planner (DP) dated 18.09.2009 is annexed hereto and marked as Annexure-

That on 06.05.2010, the applicants preferred an RTI application addressing to the Senior Town Planner, MCD. The applicants among other queries also sought information as to whether there is any restriction to include the plots of CHBS abutting the notified commercial/mixed use roads. A true copy of the right to information application preferred by applicants dated 06.05.2010 is annexed hereto and marked as Annexure-

That on 07.06.2010, the applicants preferred an appeal under RTI Act.

That on 16.06.2010, the first appellate authority, the Sr. Town Planner in its reply had informed the applicants that the stretch from Madhban Chowk to Karkari More, Preet Vihar, Shankar Vihar, Nirman Vihar, Swath Vihar, New Rajadhani Enclave etc (all CHBS area/ Patches). had been declared as Commercial Street vide notification dated 15.09.2006. It was further mentioned that as per the mixed use regulations mentioned in Chapter 15 of MPD-20121, all residential plots, (CHBS plots also) which abut and falls in the aforesaid stretch shall avail the benefits of commercial (LSC).It was further mentioned that till date the status of road remain as Commercial Street. A true copy of the letter of 1st Appellate Authority dated 16.06.2010 is annexed hereto and marked as Annexure

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That as there was no positive action on the part of the MCD; the applicants were forced to send a legal notice to the Commissioner, MCD on 20.03.2010. But, the respondent did not care to comply with the legal notice. A true copy of the legal notice dated 20.03.2010 is annexed hereto and marked as Annexure

That this has forced the petitioners to approach the Hon'ble High Court of Delhi in the month of May 2010 vide WP (C) No. 4445/2010. The petitioners apprised the Hon'ble Court about the injustice done to them and the inaction on the part of respondents to rectify their mistake. Petitioners had produced all available records in their possession to show that the MCD has committed a serious mistake. In order to buttress their contention the petitioners produced the note of Chief town planner/Deputy Town Planner dated 06.02.2009. / and a copy of the note of Additional Commissioner Engineering MCD. A true copy of WP (C) No. 4445/2010 filed by the petitioner before the Hon'ble High Court of Delhi dated nil is annexed hereto and marked as Annexure-

That on 08.07.2010, the matter came up before the Hon'ble Court for hearing. The MCD admitted the mistake and the same is recorded in the High Court order. The MCD had also stated before the Hon'ble High Court that since this Hon'ble Court in M.C Mehta's case had prohibited any further notification's except with the leave of this Hon'ble Court. Unfortunately, the Hon'ble High Court was of the opinion that since this Hon'ble Court, in MC Mehta's case had passed an order restraining the MCD from issuing any further notification, except with the leave of court, the applicants were directed to approach Hon'ble supreme Court for relief. The writ petition was disposed of with the above direction.

That on 10.08.2010 the Chief Town Planner of MCD replied to the appeal of the Applicants. In his reply the respondent has admitted that ".....the policy of 'Mixed Use Regulations' as notified by DDA in September, 2006 and then again as part of Master Plan for Delhi-2021, there is no such condition of exclusion of CHBS from the mixed use streets or commercial streets as notified under the policy.....". Thus it is ample clear that the respondent MCD has committed a serious mistake and the said mistake was admitted by them. A true copy of the reply dated 10.08.2010 the Chief Town Planner of respondent MCD is annexed hereto and marked as Annexure-

IT WAS NOT ONLY LOSS OF REVENUE BUT OUR BASIC LIVLIHOOD WAS ALSO SUFFERING ALONG THE QUALITY OF LIFE , ALL THESE MONTHS. BEAUSE OF THIS ONLY, WE WERE SUBJECTED TO MENTAL TORTURE AND AGONY.

ENCLOSED, ALSO PLEASE FIND THE TRUE COPY OF THE AFFIDAVIT, SO FILED BY M C D AND ON RECORDS OF THE HON"BLE SUPREME COURT INDICATING THE ERROR, WHICH TOOK PLACE AT THE M C D , BECAUSE OF WHICH , WE ARE SUFFERING FOR THE LAST 6 YEARS NOW.OUR SUFFERINGS AND MENTAL TRAUMA, THAT WE HAVE BEEN GOING THROUGH IS BEYOND WORDS, WHICH WE HOPE, WOULD BE WELL UNDERSTOOD BY THIS OFFICE.WHILE CONCLUDING THIS REPRESENTATION, WE PRAY FOR THE FOLLOWING:-

THE DESCRIPTION OF THE PATPARGANJ ROAD SHOULD READ AS COMMERCIAL "STARTING FROM JHEEL BUS TERMINAL TO MADHUBAN RAILWAY CROSSING", IN LIEU/INSTEAD OF "STARTING FROM JHEEL BUS TERMINAL TO MADHUBAN RAILWAY CROSSING EXCLUDING CHBS", AS , SINCE 7TH SEPTEMBER 2006 AMMENDMENT TO THE MASTER PLAN DELHI-2021, THERE IS NO EXCLUSION OF CHBS, ON THE NOTIFIED ROAD, AS APPLICABLE TO ALL THE NOTIFIED ROADS, IN DELHI.

THANKING YOU IN ANTICIPATION, WE REMAIN GRATEFUL,

Very truly yours,

For & on behalf of residents of A-1, to A-16, priyadarshini vihar

Patparganj main road, DELHI-110092

A-1	A-7	A-13
A-2	A-8	A-14
A-3	A-9	A-15
A-4	A-10	A-16
A-5	A-11	
A-6	A-12	

Handwritten signatures and names next to the A-1 to A-16 labels.

MAILING ADDRESS:- DR ASHISH MAKKAR
A-2, PRIYADARSHINI VIHAR
PATPARGANJ ROAD, DELHI-110092

FROM:-
RESIDENTS OF PATCH OF PRIYADARSHINI
VIHAR- HOUSE NUMBER A-1 TO A-16, MAIN
PATPARGANJ ROAD, DELHI-110092

TO:
OFFICE OF CHIEF TOWN PLANNER
M.C.D, DELHI

SUBJECT:-INCLUSION OF A "UNNOTIFIED PATCH" LOCATED IN THE MIDDLE
OF A "NOTIFIED ROAD" LEFT OUT DURING THE 1ST SURVEY OF
COMMERCIAL ROADS, FOR REASONS NOT KNOWN TO US.

Dear sirs,

We are located on and very much a part of one of the ALREADY NOTIFIED Roads of
the first list of 2183 roads. The description of the road is PATPARGANJ ROAD
STARTING FROM JHEEL KHURANJA BUS TERMINAL TO MADHUBAN
CHOWK RAILWAY CROSSING

The GEOGRAPHICAL/PHYSICAL LOCATION of the "UNNOTIFIED PATCH OF
PRIYADARSHINI VIHAR " is on the PATPARGANJ MAIN ROAD starting from
jheel khuranja as its ORIGIN POINT to madhuban chowk as its TERMINAL POINT..

The COMPLETE ROAD of almost 3.2 KMS. App. (2.5 km on the LEFT HAND SIDE
of our patch and .7 km on our RIGHT HAND SIDE) has been declared as a
COMMERCIAL ROAD in the First list of 2183 roads declared under commercial
category.

2. The description of the road speaks out as follows:-

"JHEEL KHURANJA BUS TERMINAL TO MADHUBAN CHOWK RAILWAY
CROSSING OTHER THAN PLOTTED AREA"

This description of the road in terms of the land use PERTAINS to the period
BEFORE AMMENDMENT to the MASTER PLAN, subsequent to which there is NO
DIFFERENCE between PLOTTED & NON PLOTTED AREA..

3. we presume that while declaring this as a commercial street/road, no one has PAID
any HEED to the word "OTHER THAN PLOTTED AREA" And as a matter of
PURELY HUMAN ERROR, the same description pertaining to the MIXED LAND

OFFICE OF THE DIR (Pig.)
MPR/TO D.O.A.N. DELHI-2
Dy.No. 3228
Dated 10/8/12

RECEIVED
Town Planning Department
MCD, Kashmir Gate, Delhi

12-11-07
del-12/11/07

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USE of the PERIOD before AMMENDMENT, has been DUPLICATED/
REPEATED, under the headings of commercial roads and there by DEBARRING us

of our LEGITIMATE right of being a PART of the Commercial Road. This has Cuased
us enormous amount of Mental Turmoil and Agony.

4. While the 1st SURVEY was conducted, during the exercise of declaring
commercial streets, We remember categorically, having been visited by the SURVEY
TEAM and collecting all the necessary details from us, BUT STILL our Patch was not
INCLUDED in the commercial street, for REASONS best known to the survey team.
5. EVER SINCE, the error/ technical mistake, came to our notice, we have taken up the
matter with the concerned authorities of the zone(D.C Office, shadara south), including
the office of Chief Town Planner, for getting this CORRECTED/RECTIFIED, so that the
word "OTHER THAN PLOTTED AREA" may please be Deleted, as there is NO
DIFFERENCE between a PLOTTED AREA and NON PLOTTED area, if the
PLOTTED AREA is LOCATED on a STRETCH/STREET with COMMERCIAL
ISATION of the STREET/ROAD is more than 70%, which is very much in the case of
our main road.

6. Enclosed, please find the photocopies of the ACKNOWLEDGED representations handed
over the D.C office of the concerned zone. Every time, we visited them, they assured us
about the Rectification/Correction, required in the same matter. This went on for a
couple of months and all of them agreed upon in PRINCIPAL about the grave mistake,
so taken place.

While the first representation made by us to the D.C office, yielded the result of
ASSURANCE that the same would be RECTIFIED AND CORRECTED in the 2nd List
of commercial street, BUT ultimately, it did not appear in the 2nd list either..

7. Our patch was again surveyed for the 3rd list and finally, as given to understand, that
our patch has qualified for the Mixed land use, Where as our Geographical/PHYSICAL
LOCATION entitles us for the benefit of COMMERCIAL STREET. The AVERAGE
of the COMPLETE street/Road "Jheel khuranja to Madhuban Chowk" should apply on
OUR PATCH as we are VERY MUCH a PART of the Road Starting from Jheel
Khuranja bus terminal to Madhuban Chowk railway crossing and THAT TOO in the
MIDDLE of it with 2.5 kms of the LEFT hand side and .7 Km on Right hand side.

8. We also fail to understand that how come the AVERAGE OF OUR PATCH ONLY
IS BEING CONSIDERED SEPARATELY, whereas we are very much a part of the
road. The average of the COMPLETE road is to be taken into Consideration and NOT
IN patches, as the Roads are declared as commercial as a SINGLE INDENTITY and
NOT IN PARTS OR PORTIOSN OR STRETCHES.

9. We are NOT A STRETCH on our own, as WE Do not have a ORIGIN POINT and
A TERMINAL POINT of our own and are a part of the road in the MIDDLE OF the
Road, extending 3.2 kms.

10. We also understand that a FRESH SURVEY has been ordered by the HON'BLE
High Court, as regard to 2183 roads, already declared/notified. As we are very much a

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part of the road and with all that has been narrated from point 1 to point 9, we meet all the REQUIREMENTS as EVERY ONE ELSE on the ROAD, the AVERAGE of the COMPLETE ROAD should APPLY on our patch of Priyadarshini vihar and the patch may please be notified/included in the FRESH SURVEY by DELETING THE word "OTHER THAN PLOTTED AREA"

11. We may also like to add here the DISCRIMINATORY ATTITUDE that we have been subjected to.

The part of Vikas marg starting from Madhuban Chowk to Karkari More is also an EXAMPLE of PLOTTED AREA, has been INCLUDED IN THE COMMERCIAL ROAD STARTING from Marginal Band Road "PUSHTA" to karkari more. THE EARLIER description of the road was mixed land use covering portion from pushta to madhuban chowk.

The Separate AVERAGE of the portion starting from madhuban chowk to karkari more is NOT MORE THAN 70%, as REQUIRED for commercial status, BUT STILL, has been declared as a commercial road, as a whole being a part of the vikas marg. The patch of plotted area starting from madhuban chowk to karkari more is a separate portion with a ORIGIN POINT OF ITS OWN AND TERMINAL POINT OF its own. In spite of all this, the average of complete vikas marg has been taken into consideration.

Whereas, we have been treated as a separate patch, ALTHOUGH, being in the Middle of the Road, with NO ORIGIN point and NO TERMINAL point of its own..

We Hope that your good honour would look into the matter and DELIVER us the JUSTICE.

Thanking you and with best personal regards, we remain,

Very truly yours

(2) Shiv Bansal
A-14

(3) RAMSII (MCD) SRI
A-15
Recd 4

Residents of A-1 to A-16
P.D VIHAR, DELHI-92

c.c. TO,
OFFICE OF COMMISSINOR, MCD, DELHI
c.c. To,
MONITORING COMMITTEE ON SEALING,
INDIA HABITAT CENTRE, LODHI ROAD, NEW DELHI

8- Mohd Javed
A-5 P.D. Vihar DL 92

9- As. S.A. Farooqui

A-13, Priyadarshini Vihar

Amrinder

A-11 P.D. Vihar Delhi-92

(4) A.S. SINGHAL

A-12

(5) Mohd NASION
A-8

(6) VINAY CHOPRA
A-16

(7) K.K. Varma
A-4

12. A-11

A-2 P.D. Vihar

(13) A-3

A-3 P.D. Vihar

FROM:-

RESIDENTS OF PATCH OF PRIYADARSHINI
VIHAR- HOUSE NUMBER A-1 TO A-16, MAIN
PATPARGANJ ROAD, DELHI-110092



TO,

Monitoring Committee
OFFICE OF CHIEF TOWN PLANNER Sealing
M.C.D., DELHI INDIA HUDA Centre
Local Rd. N. Delhi.

SUBJECT:-INCLUSION OF A "UNNOTIFIED PATCH" LOCATED IN THE MIDDLE
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Khuranja bus terminal to Madhuban Chowk railway crossing and THAT TOO in the
MIDDLE of it with 2.5 kms of the LEFT hand side and .7 Km on Right hand side.

8. We also fail to understand that how come the AVERAGE OF OUR PATCH ONLY
IS BEING CONSIDERED SEPARATELY, whereas we are very much a part of the
road. The average of the COMPLETE road is to be taken into Consideration and NOT
IN patches, as the Roads are declared as commercial as a SINGLE INDENTITY and
NOT IN PARTS OR PORTIOSN OR STRETCHES.

9. We are NOT A STRETCH on our own, as WE Do not have a ORIGIN POINT and
A TERMINAL POINT of our own and are a part of the road in the MIDDLE OF the
Road, extending 3.2 kms.

10. We also understand that a FRESH SURVEY has been ordered by the HON'BLE
High Court, as regard to 2183 roads, already declared/notified. As we are very much a

-142- 16

USE of the PERIOD before AMMENDMENT, has been DUPLICATED/
REPEATED, under the headings of commercial roads and there by DEBARRING us

of our LEGITIMATE right of being a PART of the Commercial Road. This has Cuased
us enormous amount of Mental Turmoil and Agony.

4. While the 1st SURVEY was conducted, during the exercise of declaring
commercial streets, We remember categorically, having been visited by the SURVEY
TEAM and collecting all the necessary details from us, BUT STILL our Patch was not
INCLUDED in the commercial street, for REASONS best known to the survey team.
5. EVER SINCE, the error/ technical mistake, came to our notice, we have taken up the
matter with the concerned authorities of the zone(D.C Office, shadara south), including
the office of Chief Town Planner, for getting this CORRECTED/RECTIFIED, so that the
word "OTHER THAN PLOTTED AREA" may please be Deleted, as there is NO
DIFFERENCE between a PLOTTED AREA and NON PLOTTED area, if the
PLOTTED AREA is LOCATED on a STRETCH/STREET with COMMERCIAL
ISATION of the STREET/ROAD is more than 70%, which is very much in the case of
our main road.

6. Enclosed, please find the photocopies of the ACKNOWLEDGED representations handed
over the D.C office of the concerned zone. Every time, we visited them, they assured us
about the Rectification/Correction, required in the same matter. This went on for a
couple of months and all of them agreed upon in PRINCIPAL about the grave mistake,
so taken place.

While the first representation made by us to the D.C office, yielded the result of
ASSURANCE that the same would be RECTIFIED AND CORRECTED in the 2nd List
of commercial street, BUT ultimately, it did not appear in the 2nd list either..

7. Our patch was again surveyed for the 3rd list and finally, as given to understand, that
our patch has qualified for the Mixed land use, Where as our Geographical/PHYSICAL
LOCATION entitles us for the benefit of COMMERCIAL STREET. The AVERAGE
of the COMPLETE street/Road "Jheel khuranja to Madhuban Chowk" should apply on
OUR PATCH as we are VERY MUCH a PART of the Road Starting from Jheel
Khuranja bus terminal to Madhuban Chowk railway crossing and THAT TOO in the
MIDDLE of it with 2.5 kms of the LEFT hand side and .7 Km on Right hand side.

8. We also fail to understand that how come the AVERAGE OF OUR PATCH ONLY
IS BEING CONSIDERED SEPARATELY, whereas we are very much a part of the
road. The average of the COMPLETE road is to be taken into Consideration and NOT
IN patches, as the Roads are declared as commercial as a SINGLE INDENTITY and
NOT IN PARTS OR PORTIOSN OR STRETCHES.

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A TERMINAL POINT of our own and are a part of the road in the MIDDLE OF the
Road, extending 3.2 kms.

10. We also understand that a FRESH SURVEY has been ordered by the HON'BLE
High Court, as regard to 2183 roads, already declared/notified. As we are very much a

-141- 17

part of the road and with all that has been narrated from point 1 to point 9, we meet all the REQUIREMENTS as EVERY ONE ELSE on the ROAD, the AVERAGE of the COMPLETE ROAD should APPLY on our patch of Priyadarshini vihar and the patch may please be notified/included in the FRESH SURVEY by DELETING THE word "OTHER THAN PLOTTED AREA"

11. We may also like to add here the DISCRIMANATORY ATTITUDE that we have been subjected to.

The part of Vikas marg starting from Madhuban Chowk to Karkari More is also an EXAMPLE of PLOTTED AREA, has been INCLUDED IN THE COMMERCIAL ROAD STARTING from Marginal Band Road "PUSHTA" to karkari more. THE EARLIER description of the road was mixed land use covering portion from pushta to madhuban chowk.

The Separate AVERAGE of the portion starting from madhuban chowk to karkari more is NOT MORE THAN 70%, as REQUIRED for commercial status, BUT STILL, has been declared as a commercial road, as a whole being a part of the vikas marg. The patch of plotted area starting from madhuban chowk to karkari more is a seprate portion with a ORIGIN POINT OF ITS OWN AND TERMINAL POINT OF its own. Inspite of all this, the average of complete vikas marg has been taken into consideration.

Whereas, we have been treated as a separate patch, ALTHOUGH, being in the Middle of the Road, with NO ORIGIN point and NO TERMINAL point of its own..

We Hope that your good honour would look into the matter and DELIVER us the JUSTICE.

Thanking you and with best personal regards, we remain,

Very truly yours

(2) Shiv Bansal
A-14

(3) RAMSHI CHANDSAL
A-15
Recd 4

(4) A.S. SINGHAL

A-12

(5) Mohd NASION

A-8

(6) VINAY CHOPRA

A-16

(7)

K.K. Varma

A-4

Residents of A-1 to A-16
P.D VIHAR, DELHI-92

c.c. TO,
OFFICE OF COMMISSINOR, MCD, DELHI
c.c. To,
MONITORING COMMITTEE ON SEALING,
INDIA HABITAT CENTRE, LODHI ROAD, NEW DELHI

8- Mohd Javed
A-5 P.D. Vihar DL 92

9- Mr. S.A. Farooqui

A-13, Priyadarshini Vihar

10- Anand Bhatia

A-11 P.D. Vihar Delhi-92

12- A-11

A-2 P.D. Vihar

(13) A-3

A-3 P.D. Vihar

THE OFFICE OF ADDITIONAL COMMISSIONER(ENGINEERING)
MCD, TOWN HALL,
DELHI-110006

140-
Subject:- Resurvey
Diary No 5268
11/5/08

SUBJECT:- DELIBERATE EXCLUSION OF A PATCH IN THE MIDDLE OF A NOTIFIED ROAD, AMONG 2183 ROADS OF THE FIRST LIST. REQUEST FOR THE FRESH SURVEY OF PATPARGANJ MAIN ROAD, ORIGINATING FROM THE JHEEL KHURANJA BUS TERMINAL TO SHAKARPUR CROSSING/MADHUBAN-NIRMAN VIHAR CROSSING, IN TRANSYAMUNA AREA.

DEAR SIRs,

IT IS AFTER SUFFERING AND RUNNING AROUND FROM POST TO PILLER FOR THE LAST 18 MONTHS, THAT WE ARE APPROACHING YOUR GOOD HONOUR FOR DELIVERING US THE JUSTICE AND ALLVATE OUR MENTAL AND PHYSICAL SUFFERINGS.

1. WE ARE REPRESENTING A PATCH OF BUILDINGS ,A-1 TO A-16 PRIYADARSHINI VIHAR,, PATPARGANJ MAIN ROAD, DELHI AND ARE LOCATED ON A NOTIFIED ROAD-PATPARGANJ MAIN ROAD STARTING FROM JHEEL KHURANJA BUS TERMINAL TO SHAKARPUR CROSSING CUTTING ACROSS GEETA COLONY, KHUREJI KHAS, RADHU PALACE CINEMA UPTO NIRMAN VIHAR-MADHUBAN/SHAKARPUR CROSSING.
2. IT IS ONE OF THE 2183 ROADS DECLARED AS COMMERCIAL IN THE FIRST LIST, SOMETIMES IN THE 2ND HALF OF 2006 .
- 3.EVER SINCE THEN WE HAVE BEEN IN TOUCH WITH THE CONCERNED AUTHORITIES OF THE ZONE, OFFICE OF DEPUTY COMMISSIONER SHADARA SOUTH KARKARDUMA, DELHI. ENCLOSED PLEASE FIND THE COPIES OF ALL CORRESPONDENCES WITH THAT OFFICE INCLUDING THE FIRST LETTER OF PROTEST DATING 24-11-2006 UNDER DIARY NUMBER 19234, WHEN MR J.P.AGGARWAL WAS THE DEPUTY COMM.
- 4.OUR LAST CORRESPONDENCE DATED 16-4-2008 IS ALSO ENCLOSED HERewith ACKNOWLDGED BY THE D.C OFFICE UNDER DIARY NUMBER 5448, FOR YOUR READY REFERENCE.
5. WE HAVE ALSO APPROACHED THE OFFICE OF CTP AND HAVE MET MR BUGGA PERSONALLY ON A NUMBER OF OCCASSIONS AND THEY HAVE AGREED IN PRINCIPAL THAT A HUMAN ERROR HAS TAKEN PLACE , WHERE

IN A PATCH OF BUILDINGS, VERY MUCH IN THE MIDDLE OF A NOTIFIED ROAD HAS BEEN EXCLUDED FOR REASONS NOT KNOWN TO US.

6. IF THE REASON FOR THE EXCLUSION IS THE "PLOTTED AREA", WE FAIL TO UNDERSTAND HOW COME , ALL PLOTTED AREAS OF PREET VIHAR, NIRMAN VIHAR, SWASTHA VIHAR, SHANKAR ENCLAVE, NEW RAJDHANI ENCLAVE, HAVE BEEN DECLARED AS COMMERCIAL, INSPITE OF THE FACT THAT COMMERCIALISATION AT THAT PATCH IS NOT EVEN 50 % AND ADDED IN THE ROAD STARTING FROM MARGINAL BUND ROAD- SHAKARPUR TO KARKARI MORE AS A NOTIFIED ROAD, INCLUSIVE OF PLOTTED AREAS.. THE PLOTTED AREAS ON THE STRECH OF VIKAS MARG HAS A ORIGIN POINT OF ITS OWN STARTING FROM NIRMAN VIHAR CROSSING AND A TERMINAL POINT OF OF ITS OWN AT KARKARI MORE. INSPITE OF THIS IT HAS BEEN ADDED TO THE VIKAS MARG, WHERE AS OUR PATCH OF BUILDINGS DO NOT HAVE A ORIGIN POINT OF OUR OWN AND NO TERMINAL POINT OF OUR OWN, BUT STILL IT HAS BEEN EXCLUDED AND TREATED AS A SEPARATE PATCH AND EXCLUDED FROM THE ROAD.

7. WE HAVE ALSO APPROACHED THE OFFICE OF CHAIRPERSON, STANDING COMMITTEE MR VIJENDER GUPTA, WHO HAS ALSO INSTRUCTED THE CONCERNED OFFICIALS TO LOOK INTO THE MATTER AND DO THE NEEDFULL(COPY OF THE LETTER , ENCLOSED HEREWITH).

8. ENCLOSED, ALSO PLEASE FIND THE COPY OF THE OFFICIAL ORDERS SIGNED BY EARLIER D.C. MR VERMA, STATING THE RESURVEY OF THE ROAD IN QUESTION, BUT UNFORTUNATELY, IT HAS NOT BEEN EXECUTED UPTILL NOW.

9. IT IS ONLY YESTERDAY THAT WHEN WE APPROACHED THE OFFICE OF D.C, SHADARA SOUTH, WE HAVE BEEN ASKED TO PUT UP OUR REPRESENTATION TO YOUR GOOD OFFICE AND THUS WE ARE APPROACHING YOUR GOOD HONOUR FOR THE LONG PENDING JUSTICE AND RELIEF.

10. IN FACT, WE ARE VERY MUCH A PART OF THE MAIN ROAD, STRECHING FOR ALMOST 3 KMS AND ARE IN THE MIDDLE OF THE ROAD. HOW COME A ROAD/STREET HAS BEEN DECLARED COMMERCIAL AFTER EXCLUDING 16 PLOTS, WHICH HAVE NO ORIGIN AND TERMINAL POINT OF ITS OWN.

11. WHEN IT IS NOT A SEPARATE PATCH OR A ROAD, HOW CAN THIS BE TREATED OTHER THAN THE STATUS OF THE ROAD IN QUESTION. THE AVERAGE OF WHOLE OF THE ROAD, SHOULD BE APPLICABLE ON THIS PATCH, BEING VERY MUCH AN INTEGRAL PART OF THE ROAD.

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IN THE WAKE OF THE ABOVE MENTIONED HARD FACTS, WE ARE
REQUESTING YOUR GOOD HONOUR, SO AS TO LOOK INTO THE MATTER
AND INSTRUCT THE OFFICIALS FOR DOING THE NEEDFULL.

1/5/2008

THANKING YOU AND IN THE MEANTIME , WE REMAIN,

VERY TRULY YOURS,



FOR & ON BEHALF OF RESIDENTS/OCCUPANTS
OF A-1 TO A-16, PRIYADARSHINI HIHAR, PATPARGANJ
MAIN ROAD, OPP RADHU PALACE CINEMA, DELHI-110092.

C.C.
OFFICE OF COMMISSIONER, MCD, TOWN HALL, DELHI-
OFFICE OF CTP, KASHMERI GATE, DELHI

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THE OFFICE OF ADDITIONAL COMMISSIONER(ENGINEERING)
MCD, TOWN HALL,
DELHI-110006

CTP Office

SUBJECT:- DELIBERATE EXCLUSION OF A PATCH IN THE MIDDLE OF A NOTIFIED ROAD, AMONG 2183 ROADS OF THE FIRST LIST.
REQUEST FOR THE FRESH SURVEY OF PATPARGANJ MAIN ROAD, ORIGINATING FROM THE JHEEL KHURANJA BUS TERMINAL TO SHAKARPUR CROSSING/MADHUBAN-NIRMAN VIHAR CROSSING, IN TRANSYAMUNA AREA.

1987.

DEAR SIR,

IT IS AFTER SUFFERING AND RUNNING AROUND FROM, POST TO PILLER FOR THE LAST 18 MONTHS, THAT WE ARE APPROACHING YOUR GOOD HONOUR FOR DELIVERING US THE JUSTICE AND ALLVIAE OUR MENTAL AND PHYSICAL SUFFERINGS.

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2. IT IS ONE OF THE 2183 ROADS DECLARED AS COMMERCIAL IN THE FIRST LIST, SOMETIMES IN THE 2ND HALF OF 2006 .
- 3.EVER SINCE THEN WE HAVE BEEN IN TOUCH WITH THE CONCERNED AUTHORITIES OF THE ZONE, OFFICE OF DEPUTY COMMISSIONER SHADARA SOUTH KARKARDUMA, DELHI. ENCLOSED PLEASE FIND THE COPIES OF ALL CORRESPONDENCES WITH THAT OFFICE INCLUDING THE FIRST LETTER OF PROTEST DATING 24-11-2006 UNDER DIARY NUMBER 19234, WHEN MR J.P.AGGARWAL WAS THE DEPUTY COMM.
- 4.OUR LAST CORRESPONDENCE DATED 16-4-2008 IS ALSO ENCLOSED HEREWITH ACKNOWLEDGED BY THE D.C OFFICE UNDER DIARY NUMBER 5448, FOR YOUR READY REFERENCE.
5. WE HAVE ALSO APPROACHED THE OFFICE OF CTP AND HAVE MET MR BUGGA PERSONALLY ON A NUMBER OF OCCASSIONS AND THEY HAVE AGREED IN PRINCIPAL THAT A HUMAN ERROR HAS TAKEN PLACE , WHERE

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- 136 -

IN A PATCH OF BUILDINGS, VERY MUCH IN THE MIDDLE OF A NOTIFIED ROAD HAS BEEN EXCLUDED FOR REASONS NOT KNOWN TO US.

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IN THE WAKE OF THE ABOVE MENTIONED HARD FACTS, WE ARE
REQUESTING YOUR GOOD HONOUR, SO AS TO LOOK INTO THE MATTER
AND INSTRUCT THE OFFICIALS FOR DOING THE NEEDFULL.

THANKING YOU AND IN THE MEANTIME, WE REMAIN,

VERY TRULY YOURS,

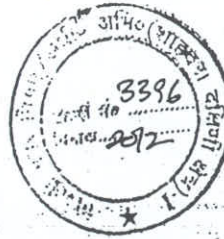


FOR & ON BEHALF OF RESIDENTS/OCCUPANTS
OF A-1 TO A-16, PRIYADARSHINI HIHAR, PATPARGANJ
MAIN ROAD, OPP RADHU PALACE CINEMA, DELHI-110092.

C.C.

OFFICE OF COMMISSIONER, MCD, TOWN HALL, DELHI-
~~OFFICE OF CTP, KASHMERI GATE, DELHI~~ ↙

Annexure 7



To
Office of DEPUTY Commissioner,
Shahadara South,
Karkar Doma,
Delhi.

Subject- Inclusion of a "UNNOTIFIED PATCH" LOCATED IN THE MIDDLE OF A
"NOTIFIED PATCH" left out during 1st survey of COMMERCIAL ROADS, For Reason
NOT KNOWN TO US.

Sir

Enclosed please find Photocopy of various Correspondences that we had with your office
for the last 18 months, regarding our above mentioned LEGITIMATE & JUSTIFIED
DEMAND.

Ever since the time of our First correspondence i.e. 24/11/06 (Since the time MR.
Bhandari was D.C) up till the tenure of MR P.R. SETHI, we have been continuously
visiting your good office but of NO AVAIL.

We also approached the office of STANDING COMMITTEE, who in turn
instructed CTP(Chief Town Planner) to look into the matter and do the need full
(Photocopy of the letter issued by standing committee to the CTP Chief Town Planner is
enclosed here with)

We had also approached the office of monitoring committee with our grievance
and made them understand our plight.

The office of Chief Town Planner, as we understand have already instructed
ATP(Assistant Town Planner) to include this Patch in the Resurvey going on these days
on the instructions of Hon'ble Supreme Court. The same message/information was
conveyed to works Depart. Team, who are responsible for carrying the survey.

During our last visit MR P.R Seth, then Deputy Commissioner had spoken to MR
FAZAL, in front of us on the basis of our request to include our Patch, Which was in the
middle of the Road But left over by virtue of HUMAN ERROR.

Up till this morning we understand that no action has been taken to set right the
mistake which has brought untold mental agony and turmoil. Our enclosure are self
explanatory in terms of what has happened and what is our stand on that. May we request
your good honor to look into our genuine grievance and instruct the concerned
department to do the need full, as we have already gone through enough suffering.

Very truly yours
For Resident of A-1 to A-16,
P.D Vihar, Delhi-110092.

May be sent

to BB (M) II

BB-I

23.02.2008

29

for me
22.02.2008
SEI
Pl Bick
10-2-2008

DELHI NAGAR NIGAM

THE PRESENT REPRESENTATION IS REGARDING A STRETCH OF ROAD WHICH IS PART OF THE ROAD NOTIFIED UNDER MIXED USE POLICY UNDER MPD 2001. THE LIST OF THE MIXED USE STREET WERE NOTIFIED THROUGH ZONAL DEVELOPMENT PLANS, PREPARED UNDER MPD 2001. WHILE NOTIFYING THE PATPARGANJ ROAD FROM JHEEL BUS TERMINAL TO RAILWAY CROSSING, A RIDER HAS BEEN FURTHER ADDED (EXCLUDING COOPERATIVE HOUSE BUILDING SOCIETIES AND REHABILITATION COLONIES).

HOWEVER, UNDER THE MIXED USE POLICY AS ANNOUNCED IN SEPTEMBER 2006, UNDER WHICH VARIOUS STREETS WERE NOTIFIED AS MIXED USE AND COMMERCIAL STREETS, THERE WAS NO SUCH RESTRICTION TO EXCLUDE THE CHBS AND REHABILITATION COLONIES. THE ZONE IN ITS WISDOM DID NOT SURVEY THE PATPARGANJ ROAD, CONSIDERING IT ALREADY NOTIFIED STREET. HOWEVER, A REPORT WAS SOUGHT FROM EACH ZONE TO SEE IF THE EARLIER NOTIFIED STREET HAVE MORE THAN 70% PROPERTIES, UNDER COMMERCIAL USE, THESE WERE NOTIFIED AS COMMERCIAL STREETS, BASED ON SUCH REPORTS. AS SUCH WHILE CONSIDERING IT AS COMMERCIAL STREET, THE STRETCH EARLIER NOTIFIED AS EXCLUDED, REMAINED EXCLUDED AND THERE FOR SUBSEQUENTLY SEALED ALSO.

A VIEW THEREFORE NEEDS TO BE TAKEN THAT COMMERCIAL ACTIVITIES WERE EXISTING IN THIS STRETCH ALSO (HAVING BEEN SEALED). THIS LEFT OUT PORTION OF THE ROAD COULD ALSO HAVE QUALIFIED TO BE DECLARED AS COMMERCIAL STREET, IF PROPER SURVEY WAS CONDUCTED AT THAT TIME. SINCE THE STATUS OF THE ENTIRE ROAD INCLUDING THE EXCLUDED PORTION IS ALREADY AVAILABLE ON RECORD WITH THE ZONE, THE REQUEST FOR DESEALING THE PROPERTIES, THEREFORE NEEDS TO BE CONSIDERED BY THE ADMINISTRATION.

IN VIEW OF ABOVE THE LEFT OUT STRETCH, IF ALSO INCLUDED, WILL RETAIN THE STATUS OF ROAD AS COMMERCIAL. NEEDS FAVOURABLE CONSIDERATION PLEASE.

CHIEF TOWN PLANNER

10-2-2009

DY TOWN PLANNER(G)

6-2-2009

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DELHI NAGAR NIGAM

MAY KINDLY PERSUE THE NOTE OF T.P DEPARTMENT AT PAGE 1/N, WHEREIN IT HAS BEEN MENTIONED THAT THE LEFT OUT PORTION OF THE ROAD COULD ALSO HAVE BEEN QUALIFIED TO BE DECLARED AS COMMERCIAL STREET, IF A PROPER SURVEY WAS CONDUCTED AT THAT TIME AND SINCE THIS LEFT OUT STRETCH WAS EXCLUDED FROM THE NOTIFICATION, THE PROPERTIES COMING UNDER THIS LEFT OUT STRETCH WERE SEALED. THE T.P. DEPARTMENT HAS VIEWED THAT THESE PROPERTIES COULD BE CONSIDERED FOR DESEALING BY THE ADMINISTRATION. IN THIS REGARD, A MEETING WAS ALSO HELD IN THE CHAMBER OF ADDITIONAL COMMISSIONER (ENGG.) ALONG WITH CHIEF TOWN PLANNER.

HOWEVER, THE APPLICANTS HAVE REPRESENTED THAT THEIR PROPERTIES WERE SEALED AGAINST THE MISUSE AND WERE LATER DESEALED BY THE MONITORING COMMITTEE, AFTER SUBMITTING AN AFFIDAVIT THAT SUCH PROPERTIES WOULD BE USED ONLY RESIDENTIAL PURPOSE.

THE MATTER WAS ALSO DISCUSSED WITH MONITORING COMMITTEE AND IT WAS ALSO FELT BY THEM THAT THIS STRETCH COULD HAVE BEEN INCLUDED IN THE NOTIFIED ROAD FROM JHEEL BUS TERMINAL TO MADHUBAN RAILWAY CROSSING.

AS PER THE SAID NOTE OF THE T.P DEPARTMENT, ON THE BASIS OF RECORD AVAILABLE WITH THE RESPECTIVE ZONE, THE SAID NOTIFIED HAS MORE THAN 70% PROPERTIES UNDER COMMERCIAL USE.

FROM THE ABOVE FACT, IT SEEMS THAT THE SAID STRETCH HAD INADVERTENTLY BEEN EXCLUDED FROM THE NOTIFIED ROAD BECAUSE OF THE IMPROPER SURVEY AND MISTAKE. HAD THE PROPER SURVEY BEEN CONDUCTED, THIS STRETCH WOULD HAVE ALSO BEEN INCLUDED IN THE NOTIFIED ROAD.

NOW, THE HONBL. SUPREME COURT HAS STAYED THE FURTHER NOTIFICATION OF ROADS, IN THE MATTER OF M.C. MEHTA VS. UOI AND OTHERS.

IN THE VIEW OF THE ABOVE, IT IS SUBMITTED THAT THE SAID PROPERTIES, WHICH WERE EXCLUDED FROM THE ABOVE REFERRED NOTIFIED ROAD, COULD BE ALLOWED FOR THE COMMERCIAL USE AS A PART OF THE NOTIFIED ROAD TILL THE AMMENDMENT IS DONE, IN THE SAID NOTIFIED ROAD BY THE WAY OF NOTIFICATION OR TILL THE OUTCOME OF THE DECISION OF THE HONBL. SUPREME COURT IN THIS REGARD, AFTER TAKING AN AFFIDAVIT FROM THE APPLICANTS THAT THEY WILL ABIDE BY THE ORDER OF THE HONBL. SUPREME COURT IN THIS REGARD AND KEEP THE MCD/GOVT. HARMLESS AND CHANGE THE USE AS PER THE FINAL VERDICT OF THE HONBLE. COURT.

S.E (B) HQ

E.E.(B) HQ-II

ADD.COM.(ENGG)

03-03-09

02/03/09

03/03/09

APPLICATION FOR INSPECTION AND SEEKING INFORMATION UNDER RIGHT TO
INFORMATION ACT 2005

OFFICE OF THE DIR (Plg.)
MPR/TS, D.D.A. N. DELHI-2
Dy.No.
Dated

130 - 28
63361
6/5/10

TO,

THE SENIOR TOWN PLANNER

MCD, 4TH FLOOR, OLD HINDU COLLEGE BUILDING

KASHMERE GATE, DELHI-110006

A. CONTACT DETAILS

NAME OF THE APPLICANT:- DR ASHISH MAKKAR

MAILING ADDRESS:- A-1, PRIYADARSHINI VIHAR, PATPARGANJ MAIN ROAD, DELHI-110092

MOB. NO:-9871506486

WHEATHER A CITIZEN OF INDIA :- YES.

B. DETAILS OF INFORMATION SOUGHT:-

1. IS THERE A RESTRICTION TO INCLUDE THE PLOTS OF CHBS (COOPERATIVE HOUSE BUILDING SOCIETY) ABUTTING THE NOTIFIED COMMERCIAL/MIXED USE ROADS, SO DECLARED BY MCD IN 2006 AFTER THE AMENDMENTS/MODIFICATIONS DATED 7-9-2006 AND 15-9-2006, TO THE MPD.

2. UNDER WHAT CATEGORY, PLOTS FALLING/ABUTTING COMMERCIAL ROAD DECLARED UNDER NAME AND STYLE OF "FROM MADHUBAN CHOWK TO KARKARI MORE-VIKAS MARG" IN SHAHDARA SOUTH ZONE, HAVE BEEN TREATED.

3. HAVE ALL THE PLOTS OF CHBS ABUTTING NOTIFIED COMMERCIAL /MIXED USE ROADS, BEEN GIVEN THE SAME TREATMENT/STATUS, AS PER THE NEW MASTER PLAN MPD-2021, AFTER AMMENDMENT/MODIFICATIONS DATED 7TH SEPTEMBER 2006 AND 15TH SEPTEMBER 2006.


C. WHEATER THE INFORMATION SOUGHT RELATES TO THIRD PARTY:- NO

D. SPECIFY THE PARTICULARS OF INFORMATION REQUIRED:- AS ALREADY STATED ABOVE

E. CONCERNED DEPARTMENT:- CHIEF TOWN PLANNER

-129-

F.PARTICULARS OF INFORMATION REQUIRED :- AS ABOVE
G.WHEATER APPLICATION BELONGS TO BPL CATEGORY:- NO
H.DETAILS OF FEE PAID :- RS 10/-


DR ASHISH MAKKAR
A-1, PRIYADARSHINI VIHAR,
PATPARGANJ MAIN ROAD, DELH-110092
MOB._9871506486

MAKKAR MEDICAL CENTRE
A-1, Priyadarshini Vihar,
Delhi-110092

APPEAL UNDER RIGHT TO INFORMATION ACT 2005

FROM:- DR ASHISH MAKKAR

A-1, PRIYADARSHINI VIHAR, PATPARGANJ MAIN ROAD

DELHI-110092

128-30
OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No.....
Dated.....

RECEIVED
Town Planning Department
ACD, Kashmere Gate, Delhi

APPELLATE AUTHORITY-CHIEF TOWN PLANNER

4TH FLOOR, NIGAM BHAWAN, KASHMERE GATE,

DELHI-110006

SUBJECT:- LETTER NUMBER TP/G/7612/10 DATED 18-5-2010 ADDRESSED TO US BY THE OFFICE OF SENIOR TOWN PLANNER(L)/(PIO), IN RESPONSE TO OUR RTI APPLICATION, I.D. NUMBER 2378 FILED VIDE RECEIPT NUMBER DATED (PHOTO-COPY OF THE RTI APPLICATION AND THE RECEIPT FOR RS. 10/=, ENCLOSED HERewith FOR YOUR READY REFERENCE)

DEAR SIRs,

THIS REFERS TO THE ABOVE MENTIONED SUBJECT AND IN THE SAME CONNECTION, WE ARE APPROACHING YOUR OFFICE FOR CLARIFICATIONS, REQUIRED IN THE SAME MATTER AND WOULD LIKE TO STATE AS FOLLOWS:-

1. THE LEARNED SR. TOWN PLANNER IN HIS LETTER ADDRESSED TO US, HAS MENTIONED ABOUT GROUP HOUSING, WHERE AS, WE HAVE NEVER SOUGHT ANY CLARIFICATION ON THE ISSUE OF GROUP HOUSING. WE HAVE MENTIONED ABOUT CHBS (COOPERATIVE HOUSING BUILDING SOCIETY), AS OUR PLOT ABUTTING THE MAIN PATPARGANJ ROAD WAS ALLOTTED TO US BY THE COOPERATIVE HOUSE BUILDING SOCIETY AND NOT BE ANY GROUP HOUSE BUILDING SOCIETY.
2. THERE IS A MARKED DIFFERENCE BETWEEN CHBS AND GHBS, WHICH A SENIOR OFFICER OF THE TOWN PLANNING DEPARTMENT, SHOULD HAVE KNOWN VERY WELL BEFORE WRITING TO US AND SHOULD HAVE READ THE REQUIREMENTS OF

THE APPLICATION VERY WELL. IT SEEMS THAT HE HAS NOT GONE THROUGH THE APPLICATION, WELL.

3. IT IS VERY CLEAR THAT THE REPLY TO OUR RTI APPLICATION, WAS MERELY A FORMALITY AND THE SENIOR TOWN PLANNER(L)/(PIO) HAS NOT TAKEN THE APPLICATION , SERIOUSLY.
4. WE ARE ALSO ENCLOSING THE COPY OF THE LETTER NUMBER TP/G/7612/10 DATED 18-5-2010 ISSUED BY SR. TOWN PLANNER AND A COPY OF OUR RTI APPLICATION, UNDER WHICH WE HAD SOUGHT CLARIFICATION ON THE ISSUE OF CHBS AND NOT GHBS, FOR YOUR KIND PERUSAL AND CONSIDERATION.

5.THE OFFICE OF SENIOR PLANNER, HAS ALSO NOT REPLIED OTHER POINTS AND INFORMATION SOUGHT UNDER THE APPLICATION AND THUS THE APPEAL IS TO LOOK INTO THE MATTER.

WE HOPE THAT BEING THE APPELLATE AUTHORITY, IN THE MATTER, YOUR OFFICE WOULD BE GOOD ENOUGH TO GIVE US THE RIGHT CLARIFICATION ON THE INFORMATION SOUGHT.

THANKING YOU AND WITH BEST REGARDS,WE REMAIN,


VERY TRULY YOURS

DR ASHISH MAKKAR

A-1, PRIYADARSHINI VIHAR, PATPARGANJ MAIN ROAD,DELHI-110092

-126- 32

MUNICIPAL CORPORATION OF DELHI
TOWN PLANNING DEPARTMENT
Nigam Bhawan, Kashmere Gate New Delhi 110006

No: TP/G/L..8066/19

Dated: 16/6/19...

To,

✓ Dr. Ashok Makkar,
A- 1, Priyadarshini Vihar,
Patparganj Main Road, Delhi.

Sub: - Regarding 1st appeal before the first Appellate Authority against the reply of I. D.

No. - 2378.

Ref:- Your letter dated 07-06-10.

Sir,

This is with reference to your above referred letter. The clarification sought vide your aforesaid letter w.r.t. the RTI application is as under:-

1. The following sketch of Vikas Marg has been declared as Commercial Street vide notification dated 15-09-06.

Name of Road

Vikas Marg

Stretch

Madhuban Chowk to Karkari

More, Preet Vihar. Shankar

Nagar, New Rajdhani Enclave etc.

As per the mixed use regulations mentioned in chapter 15 of MPD- 2021, all residential plots (CHBS plots also); which abut and falls in the aforesaid stretch shall avail the benefits of commercial. (LSC)

2. Till date the status of the aforesaid stretch of road remain as Commercial Street.
3. The above information provided regarding the CHBS plots is applicable to this particular stretch of road only.

This is for your kind information please.

Yours faithfully,

Shamsher

Sr. Town Planner (L)

125 - 33

MUNICIPAL CORPORATION OF DELHI
TOWN PLANNING DEPARTMENT

NIGAM BHAVAN
KASHMERE GATE
DELHI-110006

No: TP/G/8980/p

Dated: 10/8/10

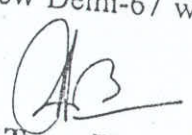
I.D.No.2378

Sub:- Appeal under RTI Act, 2005.

Subsequent to issuing the letter No.TP/G/8715/10 dated 23.7.2010, the appellants were heard once again.

It is further clarified that the policy of the 'Mixeduse Regulations' as notified by DDA in September, 2006 and then again as part of Master Plan for Delhi-2021, there is no such condition of exclusion of CHBS from the mixeduse streets or commercial streets as notified under the policy. Such a condition, however, existed under the mixeduse policy notified under the MPD-2001.

The appeal thus stands disposed of. If the appellant is not satisfied with the information, he may approach to the Central Information Commission, Club Building, opposite Ber Sarai Market, Old JNU Campus, New Delhi-67 within 90 days


Chief Town Planner
1st Appellate Authority
Tel. No.23966788

Copy to:-

1. Sh.Ashish Makkar, A-1, Priyadarshini Vihar, Patpar Ganj Main Road, Delhi-110092.
2. Sr.Town Planner(L)/PIO

Annexure-P-11

Resi-cum-Office : 914623516
914628233

LEGAL AND TECHNICAL SERVICES BUREAU

Head Office : G-80/205, 206, Main Bazar, Laxmi Nagar, Delhi-110 092

Ref. No.

LTS/2010/MCD/10

Dated

20.3.2010

To

The Commissioner,
M.C.D., Town Hall
Delhi

Sub: Legal Notice

Dear Sir,



On authorization and instructions of our clients property owners of properties marked as A-I to A-16 on a stretch of Main Patpar Ganj Road shown in Red colour on Map enclosed as Annexure-A (list of owners annexed here to and marked as Annexure-B), this legal notice is served upon you, detailing herein relevant facts and relief sought for.

1. That Patpar Ganj Road as shown in yellow colour has already been notified as Commercial Road on the basis of norms fixed for the same except stretch of road in question shown in red colour.
2. That under mixed use Policy mooted out in Sept. 2006 under which various streets were notified as mixed use and commercial street.
3. That Shahdara Zone of MCD did not conduct survey of Patpar Ganj Road considering the said road entirely as already notified street, though a portion of Patparganj Road marked in Red Colour, consisting of properties from A-1 to A-16 has been excluded from the earlier notification even though this stretch was also under commercial use.
4. That as per your direction each zone was to submit report in respect of streets having more than 70% properties under commercial use. From Shahdara Zone report it appeared that though Patpar Ganj Road has already been notified earlier as commercial street but excluding the stretch in question. Shahdara Zone did not bother to find out or conduct survey in respect of properties A-1 to A-16 on this stretch of the Road. Consequently this stretch of Road remained excluded from notification and properties were sealed and the properties are lying sealed. Had the concerned zone done proper survey of this stretch also which was under more than 70% commercial use. This stretch also could have been included in the notification in 2006 itself and a great injustice and discrimination could have been avoided.

LEGAL AND TECHNICAL SERVICES BUREAU

Head Office : G-80/205, 206, Main Bazar, Laxmi Nagar, Delhi-110 092

Ref. No.....

Dated.....

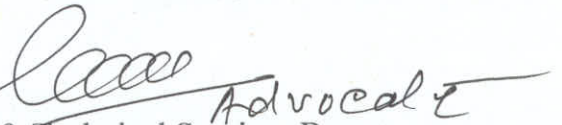
5. That from the information collected through RTI by an affected person MCD has already realized that the stretch in question had inadvertently been excluded from the notified Roads as Shahdara Zone did not bother to conduct a proper survey. It is a clear cut case that, had the proper survey been conducted the stretch in question could also been included in notification declaring this portion also as commercial.

A case on this issue filed by Mr. M.C. Mehta is already pending in the Hon'ble Supreme Court, to prevent further injustice and discrimination, till the said case is finally disposed off by the Hon'ble Supreme Court, or the said stretch is notified through a fresh notification, as an interim measure, these properties be de-sealed and property owners be allowed commercial activities on this stretch also.

Our clients are prepared to give an undertaking under an affidavit that they would abide by the final out come of the case pending for final disposal in Hon'ble Supreme Court.

This interim relief be ordered within 15 days from the date of receipt of this notice, as our clients have already suffered huge financial losses because of improper survey of Shahdara Zone. If relief sought for is not granted within the prescribed period, as per instructions of our clients, we would be compelled to file a suit to seek relief from injustice and discrimination done to our clients.

Yours faithfully,



For Legal & Technical Services Bureau
S-513 IInd Floor, Shakarpur,
Main Vikas Marg, Delhi-110092

Copy of Order

122-36
DILIGENTLY FILED 8/10/10

From,

The Registrar General
Delhi High Court
New Delhi

To,

1. Dr. Ashish Makkar, A-1, Praya Darshan Vihar, Delhi 91
2. Mohd. Nasim, A-8, Praya Darshan Vihar, Delhi 91
3. Mr. Anil Kumar Batla, A-11, Praya Darshan Vihar, Delhi 91
4. Govt. of Delhi, through its Chief Secretary, Secretariate Building, Indraprastha Estate, New Delhi
5. Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi

WRIT PETITION (C) NO. 4445/2010

Dr. Ashish Makkar & others (Vs.
Govt. of Delhi & another

....Petitioner's

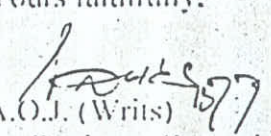
....Respondent's

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of order dated 8.7.2010 passed by Hon'ble Mr. Justice Rajiv Sahai Endlaw of this Court in the above noted case along with a copy of memo of parties.

Please acknowledge receipt.

Yours faithfully,


A.O.J. (Writs)
for Registrar General

BR/13.7.2010

IN THE HIGH COURT OF DELHI AT NEW DELHI

CWP NO. 3341/2010

MEMO OF PARTIES

1. Dr. Ashish Makkar

A-1, Priya Darshini Vihar

Delhi - 110092

2. Mohammed Nasim

A-8, Priya Darshini Vihar

Delhi - 110092

3. Mr. Anil Kumar Batla

A-11, Priya Darshini Vihar

Delhi - 110092

Petitioner.

Versus

1. Govt. of Delhi

Through its Chief Secretary

Secretariate Building, Indraprastha Estate

New Delhi.

2. Commissioner

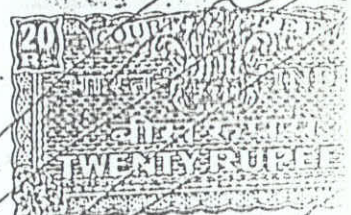
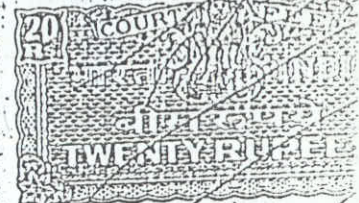
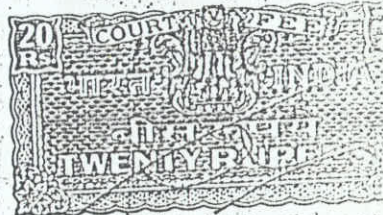
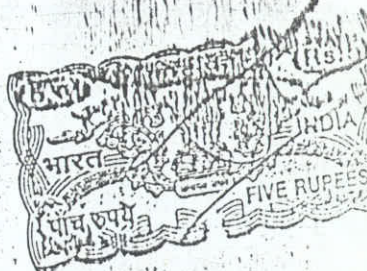
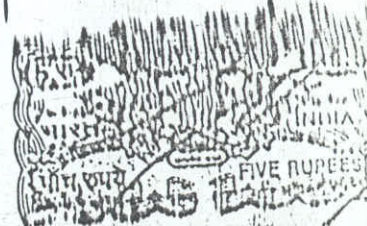
Municipal Corporation of Delhi

Town Hall, Delhi

Respondent.

TRUE COPY

[Signature]
C. Lal & Sarfraz Khan



285~

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 4445/2010

DR. ASHISH MAKKAR & ORS. Petitioners
Through: Dr. G. Lal, Advocate.

Versus

GOVERNMENT OF DELHI & ANR. Respondents
Through: Ms. Maninder Acharya & Mr. Apurva
Kothari, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
08.07.2010

The petitioners impugn the exclusion of their properties in the Notification dated 7th September, 2006 of the Ministry of Urban Development (Delhi Division) of declaration of roads, properties situated whereon can be put to mixed use. As per the documents filed by the petitioners themselves, on the petitioners making representation prior to the filing of this petition to the respondents, the respondents admitted the mistake but have expressed helplessness in view of the order of the Apex Court in *M.C. Mehta's* case, as reported in 2006 (9) SCALE 634 prohibiting issuance of any other Notifications for conversion of residential user into commercial user except with the leave of the Apex Court.

2. The counsel for the petitioners contends that since the respondents have also admitted their mistake in leaving out the properties of the petitioners from the Notification, the petitioners be permitted to, in the meanwhile use their properties in terms of the Notification in which they ought to have been included and the petitioners are willing to give an undertaking to the Court to, upon the stay aforesaid being removed by the Supreme Court, comply with all the formalities.

3. However in view of the order of the Supreme Court, the course suggested by the counsel for the petitioners cannot be adopted. Moreover, till the issuance of the Notification with respect to properties of petitioners or amended Notification, the prescribed use of the properties of the petitioners cannot be permitted to be changed as sought. Remedy, if any, of the petitioners is before the Supreme Court only.

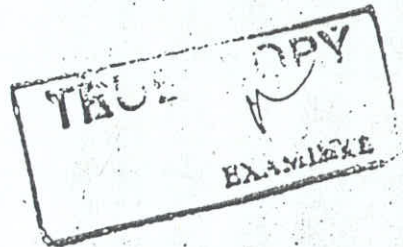
4. The counsel for the petitioners has next contended that the petitioners ought not to be made to suffer by losing out revenue from mixed use of their properties for the mistake of the respondents. The said argument also does not prevail with the undersigned. If the petitioners were aggrieved, they ought to have approached the Supreme Court immediately. The counsel for the petitioners points out that even earlier, mixed use of the properties of the petitioners was permitted. However the rules under which mixed use was then permitted stood superceded by the directions of the Supreme Court and

thereafter mixed use is permitted only on notified streets and in which the properties of the petitioners as of now are admittedly not included.

The petition is dismissed with the aforesaid directions, with liberty to the petitioners to apply to the Supreme Court or to apply to this Court after vacation of the stay order of the Supreme Court.

JULY 08, 2010
gsr.

Sd/
RAJIV SAHAI JUDGE, J.



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. 2501-02 In I.A. No. 22

In

Writ Petition No. 4677 of 1985

IN THE MATTER OF:

M.C. MEHTA.

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AND IN THE MATTER OF:

DR. ASHISH MAKKAR & ORS.

...APPLICANTS

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<u>SL.NO.</u>	<u>PARTICULARS</u>	<u>PAGES</u>
1	Short Affidavit on behalf of MCD as per order dated 3.08.2011.	1-3

DRAWN BY:

FILED BY:

Sanjiv Sen
Standing Counsel, MCD
Supreme Court of India

P. Parameswaran
Advocate-on-record for the MCD

New Delhi
Dated: 07-08.2011.

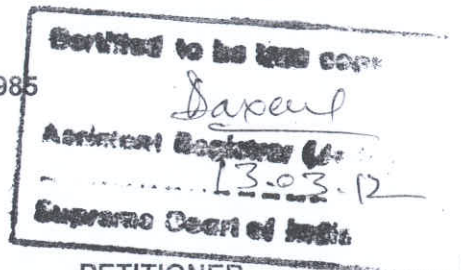
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IN THE SUPREME COURT OF INDIA
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Writ Petition No. 4677 of 1985



IN THE MATTER OF:

M.C. MEHTA.

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VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AND IN THE MATTER OF:

DR. ASHISH MAKKAR & ORS.

...APPLICANTS

SHORT AFFIDAVIT ON BEHALF OF MCD

AS PER ORDER DATED 3.08.2011.



I, Shamsheer Singh, working as the Chief Town Planner, Municipal Corporation of Delhi and having my office at Dr. SPM Civic Centre, JLN Marg, New delhi- 110002 do hereby solemnly declare and affirm as under:-

1. The status as per notification dated 7.09.2006 and 15.09.2006 of the stretch/ street in question was already placed before this Court in the affidavit filed on 2.08.2011 as follows.
2. That it is submitted that in Annexure-I to the Notification dated 7.09.2006 at Zone 'E' (Sl. No. 13) the impugned stretch/street was included as Mixed Use Streets as follows:-

2

"MIXED USE STREETS IN VARIOUS ZONES OF DELHI.

...6. Zone- E:

...13. Patparganj Road From Jheel Bus Terminal to
Madhuvan Railway Crossing
excluding the GHBS and
Rehabilitation Colonies."

3. That after survey another Notification dated 15.09.2006 was notified and this stretch/street of Patparganj Road was notified as commercial as follows:-

"Commercial streets

...Shahdara (South) Zone

...3. Patparganj Road From Jheel Bus Terminal to
Madhuvan Railway Crossing
excluding the CHBS and
Rehabilitation Colonies."

4. That it is most respectfully submitted that the stretch/street of the Applicants i.e. A-1 to A-16 Priyadarshani Vihar qualified to be included in the whole length of the street i.e. Patparganj Main Road starting from Jheel Bus Terminal as its origin point to Madhuvan Railway Crossing as its terminal point.

5. It is clarified that the impugned stretch/street of the applicants in question i.e. A-1 to A-16 Priyadarshani Vihar would also be covered as a commercial stretch/ street since they qualified to be included in the whole length of the street i.e. Patparganj Main Road starting from Jheel Bus Terminal as its origin point to Madhuvan Railway Crossing at its terminal point. The impugned stretch/street in question qualifies to be declared as commercial as per norms laid down in Master Plan Delhi 2021. Moreover, CHBS i.e. Cooperative Housing Building Societies in which the applicants shops/



3

establishments are/ were situated are qualified to be included as a commercial street/ stretch under MPD 2021. In the present case, the applicants stretch/street would be covered as a commercial stretch / street since it fulfill the parameters of a commercial street/ stretch as per the norms laid down in MPD 2021.

6. In view of the above this Hon'ble Court may be pleased to pass appropriate orders in the facts and circumstances of the matter.

Shamsher
DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of paras 1 to 6 of this affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed.

Verified at New Delhi on this 9th day of August 2011.



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED & BEFORE ME AT DELHI ON..... IDENTIFIED BY

09.08.2011 P. Parvinder

Rajendra Kumar
ATTESTED
RAJENDRA KUMAR
NOTARY DELHI-5780
GOVERNMENT OF INDIA

09.08.2011

131-24



दिल्ली नगर निगम
MUNICIPAL CORPORATION OF DELHI

Form CI-1
McDonline
Visit us at: www.mcdonline.gov.in

सीट / RECEIPT NO: AA 63361

नाम/Name: Dr. Ashish Makkar दिनांक/Date: 6-5-10

पता/Address: A-1, Priyadarshan Vihar, विभाग/Department: Town Planning

सम्पर्क/Contact No.: Potla gary man 922, क्षेत्र/Zone:

उद्देश्य/Purpose: देवर-92

Below mentioned amount received, will be credited to the concerned accounts.

नेता/Head of A/c	विवरण/Particulars	राशि/Amount
C9	for Information RRI	10/-
20-0-99		
TOWN PLANNING		

राशि (शब्दों में)/Amount (In words): Ten Rupees only कुल/Total: 10/-

नकद/चैक/डीडी नं./Cash/Cheque/DD No.: Cash बैंक/Bank: शाखा/Branch:

चैक भुगतान स्वीकृत होने की स्थिति में।
Cheques subject to realisation/authorisation

हस्ताक्षर/Signature: 8/7/10

नियंत्रक/Control: 8/7/10