

PANKAJ BHATNAGAR

HN-53, PARDA BAGH,
DARYA GANJ,
NEW DELHI-110002
Dated: - 03.02.2012

To,

The Commissioner of Planning
Delhi Development Authority,
Vikas Minar
IP State,
New Delhi-110002

Commr (Plg.)-I's Office

Diary No A-382

Date 8/2/12

OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy. No. 3792
Dated 5/6/12

Sub: Objection to the Master plan as well as Zonal development plan of Zone a Walled city in regard to change of land use of Parda Bagh Rehabilitation colony from green to residential.

Sir,

The undersigned is resident of Parda Bagh Rehabilitation Colony in Darya Ganj this Colony was established in 1950 by the Ministry of Rehabilitation Government of India. This Colony has never been shown in the Master plan and Zonal Development plan of this area. The Colony is in the maintenance control of MCD which was transferred to MCD in 1964 by the Ministry of Rehabilitation.

In 1979 MCD passed resolution for the change of land use of this colony from Green to residential. But DDA did not make any change in the plan regarding change of land use.

In 1999 the Zonal Development plan of this area was approved with out showing the Rehabilitation Colony. Residents of this area approached the Minister of Urban Development regarding Change of land use. MCD also made correspondence with the DDA in this regard. Then the Ministry of Urban development and DDA issued directions to the MCD in the form of some documents to make the Redevelopment plan of the area on the bases of one of the provision minimum displacement of present function and land use.

In May 2010 MCD sent redevelopment plan of area Parda Bagh on the basis of directions of DDA and Ministry of Urban Development. I.e. minimum displacement and present function of land use. DDA in



Received on 23-2-12
Miss Anita - put up in Zone A. (Walled city)

23/2/2012

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principal agreed to change of land use Parda Bagh colony from green to residential and Lehna Singh market from green to commercial.

DDA has raised certain queries regarding MCD offices Godown and stores and Mahavir Vatika community centre. The Zonal Development plan 2021 passed again showing the entire Parda Bagh area as a "Green".

It is pertinent to mention that both DDA and MCD have done land use violation in the area Parda Bagh in Darya Ganj in the following manner.

1. A Colony established by Ministry of Rehabilitation Government of India in 1950 has been removed from the master plan and Zonal development plan.
2. A market established by Ministry of Rehabilitation Government of India in 1950 has been removed from the master plan and Zonal development plan.
3. DDA has un-officially considered the Parda Bagh colony as a slum and constructed one slum community centre named Parda Bagh community centre.
4. DDA has allotted land to one Gass Company for commercial use named hem gass agency with out making any change of land use.
5. MCD illegally acquired land from ladies restricted park and constructed offices stores and Godown.
6. MCD illegally acquired land from ladies restricted park and constructed Mahavir Vatika community centre.
7. DDA in its final approved plan of 2021 has removed senior secondary schools from this area which were shown in 1st Zonal development plan, 2001 Zonal development plan and draft Zonal development plan of 2021.

In the above facts and circumstances you are requested to please consider the case of change of land use of Parda Bagh colony from green to residential.

Yours faithfully



(PANKAJ BHATNAGAR)

O.S.D. (P-1) 861
Plary No. 861
Date 2.2.12

PANKAJ BHATNAGAR

HN-53, PARDA BAGH,
DARYA GANJ,
NEW DELHI-110002
Dated: - 07.02.2012

Commr. (Plg) - II 491
Dispatch 7/2/2012

To,

The Commissioner of Planning
Delhi Development Authority,
Vikas Minar
IP State,
New Delhi-110001

OFFICE OF THE DIR (Plg.)
MPRTC, D.D.A. No. DELHI-2
Dy. No. 329.3
Date 5/2/12

P. Singh
for
7/2

Ref: - Review of Master Plan 2021

Sub: Objection to the Master plan as well as Zonal development plan of Zone A Walled city in regard to change of land use of Parda Bagh Rehabilitation colony from green to residential.

Sir,

The undersigned is resident of Parda Bagh Rehabilitation Colony in Darya Ganj and this Colony was established in 1950 by the Ministry of Rehabilitation Government of India. This Colony has never been shown in the Master plan and Zonal Development plan of this area. The Colony is in the maintenance control of MCD which was transferred to MCD in 1964 by the Ministry of Rehabilitation.

In 1979 MCD passed resolution for the change of land use of this colony from Green to residential. But DDA did not make any change in the plan regarding change of land use.

In 1999 the Zonal Development plan of this area was approved without showing the Rehabilitation Colony. Residents of this area approached the Minister of Urban Development regarding Change of land use. MCD also made correspondence with the DDA in this regard. Then the Ministry of Urban development and DDA issued directions to the MCD in the form of some documents to make the Redevelopment plan of the area on the basis of one of the provision minimum displacement of present function and land use.

In May 2010 MCD sent redevelopment plan of area Parda Bagh on the basis of directions of DDA and Ministry of Urban Development.

Received on 23/2/12.
M/s Anita - put up in Zone A' (walled city)

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I.e. minimum displacement and present function of land use, DDA in principal agreed to change of land use Parda Bagh colony from green to residential and Lehna Singh market from green to commercial.

DDA has raised certain queries regarding MCD offices Godown and stores and Mahavir Vatika community centre. The Zonal Development plan 2021 passed again showing the entire Parda Bagh area as a "Green".

It is pertinent to mention that both DDA and MCD have done land use violation in the area Parda Bagh in Darya Ganj in the following manner.

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1. A Colony established by Ministry of Rehabilitation Government of India in 1950 has been removed from the master plan and Zonal development plan.
 2. A market established by Ministry of Rehabilitation Government of India in 1950 has been removed from the master plan and Zonal development plan.
 3. DDA has un-officially considered the Parda Bagh colony as a slum and constructed one slum community centre named Parda Bagh community centre.
 4. DDA has allotted land to one Gass Company for commercial use named hem gass agency with out making any change of land use.
 5. MCD illegally acquired land from ladies restricted park and constructed offices stores and Godown.
 6. MCD illegally acquired land from ladies restricted park and constructed Mahavir Vatika community centre.
 7. DDA in its final approved plan of 2021 has removed senior secondary schools from this area which were shown in 1st Zonal development plan, 2001 Zonal development plan and draft Zonal development plan of 2021.

In the above facts and circumstances you are requested to please consider the case of change of land use of Parda Bagh colony from green to residential.

Yours faithfully

Pankaj Bhatnagar

(PANKAJ BHATNAGAR)

AP/Pls/AP

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HOUSE BLDG. CONTROLLER, DELHI.

WAVELL CANTEN.

DELHI.

No. REC/283/60/50

Dt. 27.10.50

The Accommodation Officer.

Sub. Allotment of quarter at Parda Garden No. 53

Sh. Dina Nath son of
is a bonafide resident of E. Park Camp Colony.
He has paid advance rent for a tenement vide
receipt No. 283/60. Please allot one tenement
to the above mentioned person. Allottee is
required to present himself for taking possession
of the quarter within one week from the date
of receipt of this allotment order.

Sd. S. Trikha,

House Building Controller

Sd. Initialed.

Delhi

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3. Direct Commissioner of MCD and Vice Chairman of the DDA to accord sanction of prosecution against the official of their own department who have done landuse violations in the area Parada bagh in Darya Ganj New Delhi.

Thanking you,

Yours faithfully,

(PANKAJ BHATNAGAR)

D.D.A.-T:B.R.

(To be pasted on the top of file/note)

B/F Slip No. 375
Department CLP/19/11
Subject Review of Master Plan of Delhi-2021
Report by _____
Action taken _____

Director's Signature

Date _____

To VC's Sectt.

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MOST IMMEDIATE

Commr. (Plg) - II
Dairy No. I-243
Date 4-4-12

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of India

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रण भवन/Nirman Bhavan

नई दिल्ली/New Delhi

Dated, the 2nd April, 2012

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1. The Vice Chairman,
Delhi Development Authority,
Vikas Sadan, INA, New Delhi.
 2. The Director
National Institute of Urban Affairs
I & II floor, Core 4-B India Habitat Centre,
Lodhi Road, New Delhi-110003

Subject:- Review of Master Plan of Delhi-2021.

Sir,

I am directed to forward herewith a copy of O.M. No.11/CPB/2012/R-223 dated 27th March, 2012 along with representation of Shri Pankaj Bhatnagar, Parada Bagh (Resd.) Welfare Association, Darya Ganj, New Delhi on the subject cited above.

It is requested that the issue raised therein may please be looked into an appropriate reply may be furnished the Association under intimation to this Ministry.

Yours faithfully,

27/4/2012
(S.K. Sarkar)
Under Secretary (DDIB)
Tel.No.23061681

Encl. as above:

Copy to:- The Deputy Secretary, Lok Sabha Secretariat,
Parliament House Annexe, New Delhi-110001 w.r.t. their
O.M.No.11/CPB/2012/R-223.

27/4/2012
(S.K. Sarkar)
Under Secretary (DDIB)

To be examine in Zone-A
file of Master plan review-2021
put up in file.
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Minister of Education
Government of India
New Delhi

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The Vice-Chairman,
D.P. Development Authority,
V.P. Road, New Delhi

The Director,
National Institute of Advanced Studies,
1 & 2 Floor, Gate 4-B, Indira Nagar, New Delhi 11001

Subject: Review of the Report of D.P. 201

I am directed to forward herewith a copy of the
Report (D.P. 201-23) dated 23rd March 1975, along with
recommendation of the Joint Committee, for your
reference. A copy of the Report is also being sent
to the

It is requested that you may please
forward the Report to the Ministry of Education
for their consideration.

Yours faithfully,
[Signature]

Secretary,
Ministry of Education,
Government of India,
New Delhi

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**LOK SABHA SECRETARIAT
COMMITTEE ON PETITIONS BRANCH**

Telegrams : LOKSABHA, NEW DELHI
FAX : 23010756

PARLIAMENT HOUSE ANNEXE
NEW DELHI-110001

Dated: 27 March 2012

No. 11/CPB/2012/R-223

OFFICE MEMORANDUM

Subject: Representation from Shri Pankaj Bhatnagar regarding modification in the Master Plan of Delhi in respect to Pardahbagh, Daryaganj, New Delhi.

The undersigned is directed to forward herewith a copy of the representation as received from Shri Pankaj Bhanagar dated 22 February 2012 on the above subject.

2. The Ministry of Urban Development is therefore requested to furnish their comments on the representation(both in Hindi & English versions) by **10 April 2012** to this Secretariat for consideration of Committee on Petitions, Lok Sabha.

Encl: As above.


(MD. AFTAB ALAM)
DEPUTY SECRETARY
Tel: 23035337

**Ministry of Urban Development,
(Dr. Sudhir Krishna- Secretary)
Government of India
Nirman Bhawan
New Delhi**

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PARDA BAGH (RESID.) WELFARE ASSOCIATION (REGD)
H.NO. 53 PARDA BAGH DARYA GANJ NEW DELHI-2

Dated: 22/11/2012

To,

Shri Anant Gangaram Geete
Chairman,
Committee on Petition
Lok Sabha, Parliament
New Delhi

SUBJECT MATTER OF THE PETITION

After 64 Years of Independence of India rights of the properties have not been conferred to the families who came from Pakistan after partition in 1948. A such colony established by the Ministry of Rehabilitation Govt of India in the area Parda Bagh in Darya Ganj in 1950 has not been shown in the Master Plan of Delhi as well as Zonal Plan of Zone A Walled City

In 1999 Ministry of Urban Development and DDA have issued directions in this regard to the MCD to make redevelopment plan of the area and confer ownership rights to the residents on the basis of one of the provision that is Minimum Displacement of Present Function and land use and direction was clear that all built up structure will be accommodated.

Ministry of urban Development has given so many reminders to the MCD on this matter, but MCD and DDA both are just sending letters to each others. There is no compliance to the directions of Ministry of Urban Development and Ministry of urban Development has not taken any action against MCD. Both DDA and MCD have done land use violations in the area Parda Bagh in Darya Ganj Delhi which is a cognizable offence as per section 29,34 of Delhi Development Act 1957.

The undersigned Petitioner filed objection to the DDA in regard to modification of the plan but that has not been considered/accepted.

As directed by Chairman
forwarded to Dis (P & C) under me
BS
28/2/12
28/11/12
22/11/12
22/11/12
22/11/12

no/c

FACTS OF THE CASE

1. PARDA BAGH REHABILITATION COLONY WAS established by Ministry of Rehabilitation Government of India in 1950. In this colony there are 50 houses. Copy of the allotment letter is enclosed as **Annexure-1 (pageNo.**
2. In 1959 Ministry of Rehabilitation Government of India reduced the amount of the rent of the accommodations of Rehabilitation Colony because the residents were in very poor conditions. **Annexure- 2 (Page No. 11**
3. In 1961 when 1st Master Plan of Delhi was prepared the land use of this colony was declared as green.
4. This colony was handed over to MCD for maintenance in 1964 by Ministry of Rehabilitation..
5. In 1979 MCD passed resolution allowing the residents to construct there own houses at the same place where this colony exists and same resolution was forwarded to DDA for changing the land use from green to residential. But DDA did not made any change in the plan. **(Annexure-3) Page No. 12-13**
6. In 1999 1st Zonal Development Plan of this area was passed by the DDA showing this whole area as a green (land use).
7. Residents of this area met the then Urban Development Minister Sh. Jagmohan and apprised him about the error. The Additional Commissioner (Engineering) MCD also sent a letter to DDA enclosing the copy of the resolution passed in 1979 demanding change of land use. The Minister gave directions to the Vice Chairman of the DDA to visit the site.

8. In the month of June the area was visited by the Vice Chairman of the DDA with the officers of Planning Department.
9. Documents were issued by the Ministry of Urban Development and DDA directing MCD to make redevelopment plan of this area accommodating existing residential structures. DDA in its report clearly stated that residential structures are in unorganized manner. MCD was also directed to make the vacant area green. **(Annexure 4 to 6) Page No. 11110**
10. Urban Development Ministry Public Hearing was also issued directing MCD to make redevelopment plan of this area on the basis of Minimum Displacement of Present function of this area. **(Annexure 7) Page No. 11111**
11. The Urban Development Minister in his letter has also stated that all built up structures will be accommodated in the redevelopment plan and matter has been resolved with the DDA. **Annexure-8 Page No. 11112**

Both DDA and MCD have done land use violations in the area Parda Bagh in Darya Ganj New Delhi which is a cognizable offence

12. That in the 1975 Municipal Corporation of Delhi declared southern side of the Parda Bagh as a Mahavir Vatika and later on constructed one community centre over there. No approval was taken by the Municipal Corporation of Delhi from the Delhi Development Authority under section 13 of Delhi Development Act 1957. It is a clear violation of section 53 A of Delhi Development Act 1957. There is restriction of power of local authority as per

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Delhi Development Act 1957. At the time of construction of community centre land was acquired from ladies restricted park. The Municipal Corporation Delhi has violated section 12 & section 14 of Delhi Development Act 1957.

13. That in the year 1976 The Delhi Development Authority allotted land to M/s Hem Gas Agency for commercial use. But when the land use is District Park how can land be allotted to Hem gas agency.
14. That after few years slum department of DDA has declared this area as a slum area without following the procedures and constructed one Slum community Centre here named as Parda Bagh community Centre. As per section 3 -of chapter -II of THE SLUM AREA (IMPROVEMENTAND, CLEARANCE) ACT 1956 declaration of slum area "(t) where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the building in that area (a) are in any respect unfit for human habitation or (b) are by reason of dilapidation over crowding faulty arrangement of street lack of ventilation light of sanitation facilities or any combination of these factors are detrimental to safety-health or morals, it may be by notification in the official gazette declare such area to be a slum area." As a matter of fact there is no slum area here. DDA has not declared this area as a slum in official gazette. Delhi Development Authority transferred this community centre of slum department of Municipal Corporation of Delhi. The Petitioner is surprised that Delhi Development Authority has constructed one slum community centre in this area, but neither slum nor slum community centre is reflecting in the Zonal Development plan of the area. The slum department of Delhi Development Authority has not taken any approval before constructing slum community centre from it own planning department. Slum Department of Delhi Development Authority without

checking the status of Parada bagh Rehabilitation colony considered it as a slum and constructed slum community centre. Most of the displaced families are from West Pakistan and are of Punjabi Community. DDA slum wing has constructed one Punjabi Library here. Now no body knows Punjabi language. The library is use less and no body uses this library.

15. That in 1964 when this colony was handed over to the MCD for maintenance purpose then MCD illegally grabbed the land which was earlier a park for the children of Parada bagh rehabilitation colony. MCD has constructed offices, god owns, stores, and allowed the families of MCD employees to reside there. The most. Astonishing, negligent, corrupt, conduct of MCD proves - here that the employees living here have constructed temples for themselves.
16. That the Ministry of Personnel and Public Grievance has order Ministry of Home affair for vigilance enquiry against MCD for "illegal encroachment and unauthorized construction on Government land by MCD" Copy enclosed as **Annexure- 9 Page No. 14 to 20**
17. Ministry of Urban Development (Public Grievance) has send four reminders to the MCD on this issue but MCD has not taken any action. **Annexure-10 Page No. 21**
18. DDA under RTI on 1.12.2005 replied to the undersigned petitioner that "Minimum Displacement of present function and land uses in the area". **Annexure-11 Page NO. 22**
19. DDA on 20.1.2006 replied under RTI appeal that land use of the area is green and the change of land use in the area can only be initiated on the basis of an approved scheme which is to be prepared by the MCD. **Annexure-12 Page No.**

20. That the Delhi Development Authority has not followed the basic procedure at the time of making of Zonal development plan of this area.

(I) It is the requirement of Section 7 of Delhi Development Act 1957 that before preparing a master Plan and Zonal Development Plan a civic survey is required to be conducted by the DDA. DDA has not done any survey of this area so why a colony established in 1950 by Ministry of Rehabilitation has not been incorporated in the plan.

(II) As per section 8 of Delhi Development Act 1957 the Zonal development Plan must have detailed information of the particular area. The whole area has been shown as district park on the contrary fact is this that in parada Bagh area there is one rehabilitation colony with 50 houses and a market with 46 shops. Delhi Development Authority has constructed one slum community centre by its slum department. Mahavir Vatika Community Centre. Hem gas agency whom allotment was made by the Delhi Development Authority. MCD has constructed illegal offices in this area.

(III) As per section 4 of Delhi Development (Master Plan and Zonal Development Plan) Rules 1959 the draft master plan shall subject to the provisions of subsection (2) of section 7 of the Act consist of such maps, diagrams, charts, reports and other written matter of an explanatory or descriptive nature as pertain to the development of the whole or any part of Delhi. It is the legal requirement of section 7 of Master Plan Rule 1959 that a notice to and representation from local authority must be given. Here in this area local authority is Municipal Corporation Delhi. It is the legal requirement of Delhi Development Authority (Procedure for reference to the Central Government) Rules 1960 that before making any reference to the Central Government the Authority shall in respect of that area prepare a statement which shall contain information on the following matters:

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(a) Description of the area.....

to

Terms and condition and the Authority shall consider the reply, if any of the local authority and make such modifications.

(IV) As per section 10 (2) the Authority shall also give reasonable opportunities to every local authority within whole local limits any land touched by the plan is situated to make any representation with respect to the plan.

DDA has not followed the above mentioned provisions, and submitted wrong facts before the Central (Ministry of Urban Development). The Zonal Development Plan of Zone A approved declaring Parda Bagh as a whole district park with petrol pump only, but actual position is totally different.

21. That section 14 of Delhi Development Act 1957 states that: "After coming into operation of any of the plans, in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan. (Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land & building for the purpose and to the extent for and which it being used upon the date on which such plan comes into force."

The Parda Bagh Rehabilitation colony and 46 shops are existing In Parda Bagh area before coming into operation of 1st Master Plan in 1962. The colony and shops were established in this area in the year 1950.

The prohibition of user of land or building otherwise than in conformity with any of the plans in force is subject to the exception provided in proviso of section 14 of the Act. Misuse of land or building if continuing since before the coming into operation or any of the plan is

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provided to be lawful upon such terms and conditions as may be prescribed by regulations and/or regulations as such have not been made by the Delhi Development Authority exercise of its power it cannot complaint against continuance of user of any land or building which is not in conformity with any of the plans even after coming into force. In M/s White Hill Vs. DDA & ors 30 (1986)DLT234, it was held that the respondent (DDA) itself is responsible for creating chaotic conditions for continued user of such buildings as envisaged in the proviso to section 14 of the Act. In this Parda Bagh no rule and regulations prescribed by the Delhi Development Authority in regard to this Parda Bagh Rehabilitation colony. When rights of the properties were conferred to the other rehabilitation colonies in Delhi then matter of Parda Bagh colony was not decided.

22. That when the DDA approved the draft of Zonal Development plan of Zone A Walled City vide Item No.95/2007 dated 30.10.2007 and in this draft zonal development plan whole area has again been shown as green. DDA has not considered the directions issued by its own office in 1999 about the land use of Parda Bagh. The Petitioner is surprised and hopeless in front of the adamant, illegal, unjustified attitude of the DDA that when DDA has already done modification to its earlier Zonal Development Plan of Zone A by issuing documents mentioned as per Annexure NO 4 to 8, then DDA has no reason to not to change the land use of Parda Bagh Rehabilitation colony. That the Petitioner has already filed objections to the draft Zonal development plan of ZONE A Walled City on 3.4.2008.

23. That the Zonal Development Plan of Walled City Zone A has now been approved by the Ministry of Urban Development by its notification No.K-12011/3/Zone-A/Walled City/ 2010/ DDIB/ dated 1.6.2010. In this plan whole Parda Bagh area has been shown as District Park. The objections filed by the Petitioner have not been considered.

24. That on 11.5.2010 the MCD has sent Plan to the DDA on the basis of directions issued by the Ministry of urban Development and DDA regarding change of land use of Parda Bagh Rehabilitation colony from green to residential and of Lehana Singh market from green to commercial. **Annexure-13 Page No. 212-27.**

25. That the DDA on 30.5.2010 issued letter to MCD to give clarification of MCD stores, godowns. Mahavir Vatika Community center and schools. MCD has not given reply till date to the quarries raised by the DDA. Then it has already been mentioned that DDA itself has illegally declared this area as slum area and constructed one slum community center in this area. DDA has also allotted land to Hem gas agency without making change of land use. Copy of the letter is annexed as **Annexure-14 Page No. 25-29**

DDA has also passed an order Under RTI Act 2005 on 22.11.2011 which indicates that MCD has not sent an reply to the DDA. Copy of the order is enclosed as **Annexure- 15 Page No. 30**

26. That the matter of conferring of ownership rights to the residents of Parda Bagh colony are pending because both DDA and MCD themselves have done land use violations in the area Parda bagh in Darya Ganj.

In the above facts and circumstances, you are humbly prayed to please direct the :

1. Ministry of Urban Development and DDA to make change of land use of Parda Bagh Rehabilitation colony in Darya Ganj from green to residential.
2. Direct MCD to confer ownership rights to the residents of Parda bagh colony in the sizes in which they are residing.