

1335/Adm-85
30/4/12 (16)

Dated: 26.4.2012

To
Archana Mahapatra
Director (Planning) DDA,
Zone (C&G), 3rd floor,
Vikas Minar, New Delhi.

OFFICE OF THE DIR (PIG.)
MPP/TC, D.D.A. N. DELHI-2
Dy. No. 4.0.39
Dated 13/6/12

Ref: Review of Master Plan for Delhi 2021- Participative approach.

Sub: Suggestions for review of Master Plan of Delhi 2021.

Sir,

The applicants namely Shri Swarn Singh Chawla, Shri Mahender Kumar Jain, Smt. Amita Narang and Shri Anoop Narang are residents of Chawla Farm House (owned by Shri Swarn Singh Chawla), Jain Farm House, (owned by Shri Mahender Kumar Jain), Narang Farm House, (owned by Smt. Amita Narang and Shri Anoop Narang), situated in Village Bhartal in the revenue estate of Mehrauli, Delhi. The aforesaid farm houses are subject matter of acquisition proceedings, initiated by way of Section 4 Notification dated 13.12.2000 and Section 6 declaration dated 7.12.2001.

The acquisition proceedings in respect of farm houses are under challenge before the Hon'ble Delhi High Court being W.P. (C) No.3494 of 2002, 3492 of 2002 and 2121 of 2002. The applicants in the proceedings before the Hon'ble Court have highlighted the futility of the aforesaid acquisition proceedings as, firstly, there is no public purpose involved and secondly, the land in question cannot be used for the alleged public purpose as the aforesaid farm houses fall in the air funnel and even otherwise L.G. had taken a decision on 30.5.1996 not to acquire approved private farm houses and even the Govt. of NCT of Delhi on 31.5.1993 took a decision that a private farm house or those who have submitted their plan before the issue of notification declaring the area as development area under Section 12 of the Delhi Development Act should be left out of acquisition.

Keeping the aforesaid acquisition proceedings in the background, the applicants would like to submit their suggestions, as sought by the Ministry of Urban Development. The suggestions are as under:-

1. That the land constituting the above farm houses was agricultural in the green belt purchased way back by the owners in the year 1984 or near about when there was no whisper about their acquisition.

That the above farmhouses were built up as per layout plans and were duly approval and sanctioned by the MCD on or about August 1985-1987. The owners have completion certificates in respect of the same.

3. That the owners of the above farmhouses have spent a huge amount of money on the land, construction of boundary walls, construction of farmhouses and were irrigated with tube wells. A good deal money and resources were spent on plantation of about 1500 Teak, Ashoka, Safeda, Silver Oak, fruit bearing and ornamental trees, plants, shrubs, nursery flowers, besides dwelling house and out houses for the workers and gardeners. The entire construction and plantation has been in existence for over two decades.

4. That the above said farmhouses have been developed in accordance with the land use plan as per bye-laws of the MCD/DDA and are situated in the extreme outer periphery of Village Barth, quite close to the village abadi on one side and cremation grounds nearby and do not interfere with the planned development of Dwarka Phase I for which acquisition is sought.

*Miss Tomar Ramesh
Methra*

*Amara 2
30/4/12*

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P.S. 12

A.D. (Zone-G)

*Act up in
M.D. 4/12/12*

Sh. Ashok 13/12

5. That the Master Plan Delhi 2021 defines green belt at page 61 S.No.2 of the Plan it is stipulated that the approved farmhouses duly sanctioned prior to 01.08.1990 may continue. Our farms were purchased, built, developed and sanctioned by MCD much before the said date and as per precedents available they require to be denotified as regards the acquisition.
6. That besides being built-up property we are also paying house tax, electricity bills and other government dues in respect of our farmhouses and proposed acquisition of the same would be contrary to the declared Government Policy and Administrative Orders of the authorities.
7. That the notification of acquisition of our farm houses are discriminatory and are violative of the provisions of the constitution of India especially in view of the fact that there are ample number of notifications where acquired farm houses which were sanctioned and built up have been denotified earlier.
8. That the Government of India, Ministry of Urban Development and Poverty Alleviation (Delhi Division) has changed the land use of vast areas of land including our land in question from "Rural use zone" to "Residential, Commercial, Government use, Public and Semi-public facilities, Public, utility. Recreation and Transportation" in Dwarka Scheme Phase II vide its notification no. K130/11/1593-DDI dated 16.10.2000. As such, the acquisition of our farmhouses are without application of mind, contrary to the declared policy, rather based on pick and choose policy, highly discriminatory, would be colossal waste of money and in the event of acquisition, government will have to spend huge amount of money by way of compensation on the basis of actual and real market value of the urbanised land to the owners which will not be a viable proposition for the Government.
9. That our farmhouses provide greenery, ecological balance of keeping green area intact and serve as the huge lung space for the entire area which would be disturbed by acquisition.
10. The Government under its power of eminent domain has mindlessly acquired land including agricultural land and has allowed the same to be encroached upon and after encroachment acquiring additional land to accommodate those encroachers in order to free the land from encroachment. This mindless acquisition and lack of DDA in pacing itself with time and failure to provide infrastructure facilities and residential accommodation has led into mushrooming of more than 1700 unauthorised colonies in which more than 70% of the population of Delhi resides.
11. The applicants are also victims of aforesaid mindless acquisition causing undue harassment to the applicants. The aforesaid farm houses of the applicants, which are situated in Village Bhartal and are subject matter of acquisition, cannot be used for any public purpose or put to any use of public importance, but the authorities have turned a blind eye to the reality and are keen in acquisition of the aforesaid farm houses.
12. The farm houses of the applicants fall in the air funnel or aircraft safety zone available for the planes which take off or land at Indira Gandhi International Airport. The area in fact falls in the aircraft safety zone and as per international safety standards the area should be free from all type of Civil Construction for human habitation. Thus, any construction which the DDA proposes by constructing dwelling houses etc. would be encroachment upon the air funnel or aircraft safety zone.
13. Further establishing of residential colonies in the aircraft safety zone would result in rise in the population of scavenger birds and other local birds in the

area which would aggravate the threat of birds hit, above these residential colonies. Any development on the land where the farm houses of the applicants are situated would seriously compromise safety of the aircraft taking of and landing at Indira Gandhi International Air Port.

14. No residential or other infrastructure development to increase habitation can be carried out in and around the area because of unbearable noise pollution caused by the aircrafts descending upon and landing at the airport. The noise level is at such a high level that the residents of nearby areas like Vasant Kunj are spending sleepless nights. It is stated that residents of Vasant Kunj, Pushpanjali and other nearby areas have also filed petitions before the Hon'ble Delhi High Court against the menace of noise pollution.

15. That apart from the land of the applicants falling under the aircraft security zone there are two huge oil depots of Indian Oil and Bharat Petroleum near the land of the applicants. These depots besides supplying the fuel to the aircrafts, also fulfill petrol need of at least half of the NCT of Delhi. At any time of the day about 100 tankers are lined at the depots supplying fuel to the city. If something goes wrong, there is enough oil in these depots to destroy the residential localities, if any constructed around it.

The blatant example of such mishap is the fire at IOC depot at Sitapura in Agra which caused death of large number of persons. Thereafter, as a policy decision it was decided that no habitation or residential colony may be constructed within a radius of 2-3 Kms of the oil depots, whereas the farmhouses of the applicants are only 1500 metre from the oil depots. Therefore, establishing any residential colony or commercial establishment around the aforesaid oil depots would be an invitation to a disaster like in Sitapura, Agra.

16. It is further stated that the farm houses of the applicants are sanctioned farm houses and as per the policy by the Lt. Governor dated 3.5.1996 sanctioned farm houses are not to be acquired and even the MPD-2021 talks of framing farm houses policy. In Zonal Plan KII (page 21- note no.3) applicants farmhouses are shown as other built up areas to be dealt with as per MPD 2021 Policy administrative orders. Likewise, on page 22 note 5 of the said Zonal Plan KII, "existing farmhouses shall be dealt as per policy MPD 2021 provisions".

The DDA in terms of the Master Plan has proposed a new policy to regularize all the farm houses built before February, 2007. However, the policy has not yet been finalized or given final approval by the Central Government and the Govt. of NCT of Delhi. Therefore, the said policy should at least provide for non acquisition of approved farm houses which are in existence prior to February, 2007.

As the farm houses are breathing lungs of otherwise populated city of Delhi and therefore, efforts need to be made that these small breathing lungs of the city are kept alive to prevent the city from becoming a gas chamber.

17. The farm houses of the applicants are on the one side of the proposed Dwarka Phase-II project and are not in the centre of the project and therefore, can be easily left out of the pending acquisition proceedings apart from being within the aircraft safety zone. Otherwise the farm houses of the applicants in terms of the decision of the Lt. Governor dated 3.5.1996 can be accommodated within the Dwarka Phase-II.
18. The farm houses of the applicants are by the side of the road close to cremation ground with village on one side and oil depots and underpass on the front side. The farm houses are quite aloof and do not interfere with the acquisition and, therefore, can be easily left out. The Lt. Governor has denotified land of Radha Swami Satsang situated in Village Pochanpur.

subject matter of same Section 4 notification and part of the same scheme of Dwarka Phase-II.

19. It is further stated that the government has formulated a scheme to regularize unauthorized colonies which have also come up on acquired and awarded land but no benefit is being awarded to the applicants or other farm house owners despite the fact that they had authorisedly constructed the farm houses after seeking permission from the appropriate authorities.
20. The applicants also submit that there is already shortage of water and electricity and other basic facilities in the area and any development in the form of residential colony would further aggravate the problem.

In view of the aforesaid, it is requested that the suggestions made above may be taken into consideration while reviewing the provisions of MPD-2021 so that the approved farm houses of the applicants, which were constructed as per the provisions of Master Plan of Delhi, are not lost to the mindless acquisition carried out by the authorities.

Thanking you,

Yours sincerely,

1. 
(Shri Swarn Singh Chawla)

2. 
(Shri Mahender Kumar Jain)

3. (Smt. Amita Narang)

4. (Shri Anoop Narang)