

BADARPUR TRADERS UNION (Regd.)

Plot No. 5 MATHURA ROAD, BADARPUR, NEW DELHI.

Phone : 9810128832.

OFFICE OF UDM

Dy. No. 4420

Date 12/12/11

To

The Hon'ble Sri Kamal Nath

Minister for Urban Development

and Rural Affairs,

Govt of India.

Handwritten notes:
 R.D.
 get facts
 I will be meeting
 him after 10 days
 21/11
 UDM
 facts may pl. be
 made available
 by 19/12/11. UDM will
 meet them next week
 by 12/12

Sub; Representation on behalf of Badarpur Traders Union
 for allotment of alternate land VIDE FILE NO F-16(106) 76
 MP Part as per Master Plan -2021.

PS to UDA
 Sec (U)

Hon'ble Sir,

With due respect the undersigned who represents the Badarpur Traders Union has been inviting your kind attention to their grievance.

The Badarpur Traders Union is the only body in Delhi representing the cause of the Sand traders within the Territory of Delhi. The said Union was allotted lands in the year 1967 for running its business of sand trading. The said land measuring around 8.52 acres was allotted on lease basis and till date the undersigned has been paying the lease amount timely and regularly.

That the rights and stake of the undersigned was duly accepted and considered in the Resolution No 114 dtd 29.4.1977. In the said Resolution it was stated that;

" A reference is invited to Resolution No. 56 of The South Zone Committee of the MCD dtd 23.8.1969, making certain suggestions on the Draft Zonal plan in which it is mentioned that the existing shops and the Badarpur Sand Traders in front of Village Badarpur be allowed a retain strip of land bounded by Tughlakabad Railway

Station." A Copy of the said Resolution is marked as ANNEXURE A for ready reference.

On 11.5.1987 the Technical Committee of the DDA considering the rights and necessity of the undersigned decided to allot an area of 6.5 acres to Badarpur Traders Union as one compact chunk on permanent basis. The said Decision of the Technical Committee was duly communicated to the undersigned vide letter dtd 8.6.1987. **A Copy of the said letter along with a copy of the decision of the Technical Committee is marked as ANNEXURE- B.**

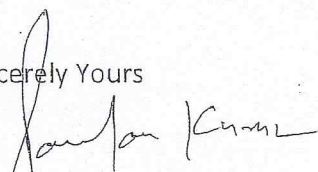
That sometimes in the year 2008, Delhi Metro Rail Corporation along with the NHAI took possession of an area of around 6 acres for the planned development of Delhi. It is pertinent to submit that since a large chunk of area was taken away from the undersigned causing serious hardship as the undersigned and its members started facing problems on account of paucity of space. The undersigned thereafter made several representations to the concerned authorities requesting them provide sufficient space; **A Copy of such representation is marked as ANNEXURE -C.**

It is respectfully submitted that the Undersigned is in dire need of space being the only sand union within the State of Delhi. The claim of the undersigned was also agreed and accepted by the DDA in its various decisions and discussion. Because of taking away a substantial portion of land by Delhi Metro and NHAI the undersigned is suffering serious hardship.

That in similar circumstances the Traders dealing in Marble and Charcoal who were doing business in Delhi were allotted alternate lands. It is to mention that prior to such allotment these persons had occupied the land un-authorisedly, neither there was any decision unlike of the undersigned in their favour by the DDA to allot lands nor there space of occupation was referred in the Master Plan of Delhi.

PRAYER: In facts and circumstances your goodself is prayed to confirm the possession of the undersigned over an area of 2.5 acres which is presently in their possession and direct DDA to allot additional land of 6 acres to the undersigned so that the members of the undersigned can be suitably accommodated.

Sincerely Yours



BADARPUR TRADERS UNION

Thru PAWAN KUMAR

(GENERAL SECRETARY)

A-14.

APPENDIX "G" ITEM NO. 224

DELHI DEVELOPMENT AUTHORITY

Copy of Resolution No. 114, passed at an ordinary meeting of the Delhi Development Authority held on 29-4-77.

No. 114
A.29.4.77

Subject:- Allotment of land to Badarpur Sand Traders.
(F.16(106)/76-MP-Pt.)

In the draft zonal plan for zone F-19 (Badarpur) an area measuring about 20 acres (8.03 Hectares) is earmarked for community centre to serve the neighbourhood in the zonal plan and also to serve the requirement of the surrounding villages, namely Badarpur, Molarband, Madanpur Khadar, Ali, Tajpur and others. In the draft zonal it is also recommended that the existing offices, police station, bus station for inter-state and local routes, etc. should also be accommodated in the community centre.

2. A reference is invited to Resolution No. 56 of the South Zone Committee (N.D.S.) of the M.C.D. dated 23.8.69 making certain suggestions on the draft zonal plan in which it is mentioned that the existing shops and the Badarpur Sand Traders in front of village Badarpur be allowed to retain a strip of land bounded by Tughlaqabad Railway Station on the West, existing Mathura Road on the east, existing Mehrauli Badarpur Road on the south and the proposed community centre on the north, and the area of the community centre should be extended including this area. A representation has also been received from the Badarpur Sand Traders that they should be accommodated in this very area by extending community centre.

3. The total area under the community centre scheme as per the above suggestion, works out to 25.25 acres (10.15 hectares), which is bounded by existing 80' wide road of Mohan Co-operative Industrial Estate on the north, existing Mathura Road on the east and existing Mehrauli-Badarpur Road on the south, on the west by Tughlaqabad Railway Station, and the land is earmarked for Railway operational purpose. In the scheme about 4 acres of land has been earmarked to meet the demands of the Badarpur Traders' Union as a Badarpur Sand Mandi. This area will be enclosed by a 7 ft. high brick wall so that a proper internal development could be done. In this area a few repair workshops, to serve as an incidental use to the functioning of Badarpur Sand Mandi and to accommodate the truck repair shops, have also been provided, including the retail shops. The remaining area for the community centre works out to about 20 acres.

4. The details of the truck repairing-cum-workshop area, including the retail shops with the architectural control, have been prepared by the Town Planner, D.D.A. for implementation with the following details:-

Total area of the Scheme		10.15 Hectares.
1)	Community Centre	8.03 "
	Shops-cum-office plots	0.80 "

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	Cinema	0.15	Heetares.
	Police Station	0.30	"
	Petrol Pump 2 Nos.	0.28	"
	Parking	0.92	"
	Roads	2.17	"
	Parks & Open spaces	2.74	"
		<u>8.03</u>	"
2.	Land allotted to Badarpur Traders Union	1.60	"
3.	Repairing and workshop plots.	0.52	"
	Total	<u>10.15</u>	"

5. The matter is placed before the Authority for consideration.

RESOLUTION

Resolved that the matter be examined by the Technical Committee in the first instance.

1/10/2010

DELHI DEVELOPMENT AUTHORITY
(Receipt & Despatch Cell)

Acknowledgement

Receipt Number : REC / M / 10 / 5.921 Date: 15/09/2010 4:47:19PM
Letter Date : 15/09/2010 4:47:19PM
Subject : SUBMISSION
DDA file Number : NIL
Received From : BADARPUR TRADERS UNION
Addressed To : M VICE CHAIRMAN, DDA

Enclosures Attached :-

Serial no.	code	Copy	Description
1	24	15	MISCELLANEOUS

Total Pages

The correctness of the above enclosures are subject to verification by the concerned Department

Received By : MAHESH CHAND

BADARPUR TRADERS UNION (Regd.)

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Phone No.-9810128832

To
Lt. Governor
Delhi

New Delhi

Date: 15.9.2010



Sub:- Representation on behalf of Badarpur Traders Union for alternative land as commilled sy DDA in File No: F16(106) 76 MPPT
Sir,

This is with respect on the dispossession of the Badarpur Traders by the DDA and the Delhi Metro Rail Corporation (DMRC) from Badarpur (the premises in question), New Delhi, where from the said owners/traders carried on their business/trade of Badarpur Sand.

In the year 1962 the said land was acquired for the Railway marshaling yard which was in the possession of the members of the Badarpur Traders Union. At the time of the acquisition Delhi Administration assured the traders that the area which would not be required by the Railways would be allotted back to the owners under the new development scheme. That pursuant to said assurance the traders were granted by the Naib Tehsildar Sh. Sunder Das, the lease of land comprising of rectangles No.29 measuring 9 bighas 2 biswas and rectangle no.32 measuring 32 bighas with effect from 28th June, 1967. The said lease deed was executed on 10.01.1968 for a sum of Rs. 20,488/-@2400 per acre for one year. The lease was further renewed at an enhanced rate of Rs.3600/- per acre per annum, after the expiry of the said lease deed, however, the said enhancement was objected by the owners and accordingly on 20.09.1970, vide letter No. F1/67 - L & B the Delhi Administration

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PLOT NO-5 MATHURA ROAD, BADARPUR, NEW DELHI OPP S.B.I.

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sent information to the owners/ badarpur traders that a temporary license will be issued at the annual rate of Rs.7/- per sq. yd. for a period of 6 months on existing terms and conditions. Pursuant to the said letter it was communicated the owners that it has been decided to grant to the Badarpur Trade Union a temporary license for six months at a annual ground rent of Rs.34640/- w.e.f. 27.06.1070 to 26.12.1972. That aggrieved of the said act of the Delhi Administration the union members filed a suit bearing Suit No. 674/1973 against the cancellation of the lease before the Court of Ld. Sub Judge, Delhi. It is submitted that the said suit was decreed on 11.05.1981 in the favour of the traders union restraining the DDA from canceling the lease/ or the resume land and evict and dispossess the union members otherwise then in due course of law. That pursuant to the said order decreed in the favour of the traders the concerned authorities communicated by way of letter accepting the terms of decree and acknowledging the petitioner as a permanent lessee, entitled to the property in Badarpur for carrying out its business. Pursuant thereto a meeting of the Technical Committee was held which was communicated to the traders vide letter No. F. 16 (106)/76/MP/946-947 dated 08.06.1987 stating inter alia:

"The technical committee discussed at length the reference received form Badarpur Sand Traders Association and desired that the comprehensive scheme of the Community Centre of the land measuring about 18 acres be prepared by the Chief Architect, HUPW after incorporating at area measuring about 6.5 acres for the sand traders in one compact chung. Also, the petrol pump sites etc. may be provided within the centre. The lay out

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Phone No.-9810128832

plan of the rest of the areas outside this pocket may, however, be prepared by the Director (CP) after taking in to consideration the proposal of road under the bridge and the people likely to be effected in the scheme of road widening and under bridge scheme."

That in furtherance of the above stated decision the lease money was deposited by the Sand Traders on a regular basis to the DDA however, even though the petitioner was being considered the lawful occupant and was granted a permanent lease for the stretch of land the DDA started eviction proceedings against the Traders Union wherein an eviction order was passed against the Sand Traders on 15.05.2001.

In the said circumstances the traders union filed an appeal vide PP No. 292/2001 wherein the Ld. Additional District Judge, Vide order dtd.22.09.2001 set aside the eviction order dtd.15.05.2001 as being not substantial in law holding inter alia:

"20. Now as regards the arguments of the Ld. Counsel for the respondent for having resumed the premises, it would be seen that there is no satisfactory document to prove that the respondent ever took physical possession of the premises in question particularly, because it is a vast area measuring 40bighas 18 biswas; and, it is humanly not possible to take over the possession over-a-night and to raise walls. Though some papers have been placed on record for having taken the possession and lodging the report with the police but no case is reported to have been registered by the police to establish that

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any person or the appellant had trespassed therein. Even otherwise, the appellants seems to have taken the shelter of the stay order of the Hon'ble High Court passed on 10.08.2001.

21. For the foregoing reasons, the impugned order, since, is not sustainable in the eyes of law, is, hereby, set aside. The appeal stands disposed of accordingly. However, there is no order as to costs."

It is submitted for sake of information that an appeal against the above mentioned order dtd.22.09.2001 preferred by the DDA vide Writ Petition No. 7312/2005 is pending disposal and listed for hearing on 28/10/2010, meanwhile the Hon'ble High Court has directed the concerned authorities to maintain the status quo in respect of the premises in question.

That an appeal vide RCA No. 10/1986 was preferred before the Additional District Judge, Delhi, by the Delhi Administration against the order dtd.11.05.1981 which was subsequently allowed on 14.03.2008. Consequently the traders union filed Regular Second Appeal No. 91/2008 against the order dtd.14.03.2008 before the High Court wherein the Hon'ble High Court was pleased the stay the order dtd.14.03.2007 and revived the original order dtd.11.05.1981 and the concerned authority was therefore, restrained from dispossessing the members of the trader union from the premises other than by due process of law, vide order dtd.09.05.2008.and 26.08.2010.

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DB

DECISION.

The technical Committee discussed at length the reference received from Badarpur Sand Traders Associates and desired that the comprehensive scheme of the community Centre of the land measuring about 18 acres be prepared by the Chief Architect, HUPW after incorporating an area measuring about 6.5 acres for the Sand Traders in one compact chunk. Also, the petrol pump sites etc. may be provided within the centre. The layout plan of the rest of the area outside this pocket may, however, be prepared by the Director (CP) after taking into consideration the proposal of road under bridge and the people likely to be affected in the scheme of road widening and under bridge scheme.

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However, despite of the restraint orders passed by the Hon'ble High Court against the DDA, the authorities concerned allotted the area of the land which was in possession of the Badarpur Traders Union to the DMRC measuring 29,000 sq. mtr. As against the requirement of an area measuring 18,000 sq. mtr. Approximately putting the rightful owners in a detrimental position.

It is pertinent to note here that the conduct of the authorities concerned shows an utter disregard and is in absolute contravention of the orders of the High Court. That the members of the trader union have made several representation and have also protested against the said arbitrary act of the authorities, however, no response has been provided to the Badarpur Sand Traders regarding the situation at hand. It is further submitted that in similar matters in re the marble Traders, in re Coal Traders the Hon'ble High Court had granted an alternative space to the traders for carrying out the trade or business.

That in such circumstances the family of the trader are at the verge of starvation since their fundamental right under Article 21 of the Constitution of India of righty of Livelihood is being violated brazenly. Agrieved dthereof the Badarpur Traders Union on behalf of its members is apprising before your good-self to consider the situation and to return the excess land being beyond the requirement of the DMRC and n the alternative provide an equivalent space to the area which is taken over by the authorities concerned so that he Sand Traders who are also the rightful / legal owners of the property in

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PLOT NO-5 MATHURA ROAD, BADARPUR, NEW DELHI OPP S.B.I.

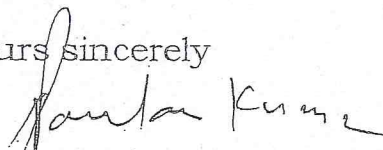
Phone No.-9810128832

question can carry on their trade / business without any obstruction.

Please give alternative land as which is DMRC has taken is 6.5. Acrs.

Thanking You

Yours sincerely



Pawan Kumar

General Secretary

On behalf of Badarpur Traders Union

Enclosure:

- I. Technical committee decision
- II. Order or stay granted in RSA No. 91/2008 26/08/2010
- III. Order copy in re: Marble Traders.
- IV. Order copy in re: Coal Traders.