

DELHI DEVELOPMENT AUTHORITY

<u>S. No.</u>	<u>Item No.</u>	<u>Decision</u>
	63/95	Action Taken Report of the ^{64th} Tech. Committee Meeting held on 28.5.96 was laid on the table, discussed and noted.
1.	67/96	<p>After detailed discussions the Tech. Committee approved the proposal contained in para 5 of the Agenda note subject to the following changes:—</p> <ol style="list-style-type: none">i) In para 5.4 modification in MPD 2001 be processed to the extent that "gas godowns are permitted in all use zones except in regional parks/distt. parks and developed recreational areas/parks."ii) Suitable ^{allocation} location be made for ^{matching} equal number of shops/show room-cum-office ⁱⁿ of the size of size or 3 x 4.5 m in the nearby service centre/ shopping centre ^{located} at a distance of 0.5 to 1.0 km. The allotment will be made on pre-determined commercial rates.iii) The matter be placed before the Authority for processing the corresponding modifications in MPD-2001.
2.	68/96	The Tech. Committee approved the proposal contained in para 3 of the agenda note.
3.	69/96	<p>The item was deferred ^{with} in the observation that a joint inspection again be carried out with DESU and a comparative viability statement for the alternative site be worked out immediately, and the matter be brought in the next Tech. Committee</p> <p>^{near Gangi College/Sun Fort by DDA and Shukh Sarai by DESU}</p>

...2/-

near Gangi College/Sun Fort by DDA and Shukh Sarai by DESU

4. 70/96

The Tech. Committee approved the recommendations contained in para 4 of the Agenda note with the observation that Commr. MCD be suitably ~~be~~ informed of the decision and accordingly the matter ^{can be placed} be brought in the Standing Committee under the Chairmanship of Chief Secy./L.G., if required.

5. 71/96

After detailed discussion the Tech. Committee decided to locate the proposed jail site on the eastern side of the G.T. Road, in consultation with the Jail authorities.

6. 72/96

The item was deferred with the observations that Commr. (Plg.) may discuss in a meeting with the representatives of Commr. MCD, Development Commr. cum-Secy. (Environment), GNCTD, Commr. (Industries), GNCTD and Chief Regional Planner NCRPB. The matter be brought before the Tech. Committee within a fortnight.

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DELHI DEVELOPMENT AUTHORITY
(DEV. CONTROL & BUILDING)

F.1(17)96-MP

Dt.04.06.96

Minutes of the 64th meeting of Technical Committee held on 28.5.96 at 10.00 A.M. in the Conference Hall, Vikas Minar, 5th floor, New Delhi.

The following were present:

DELHI DEVELOPMENT AUTHORITY:

1. Sh. Anil Kumar, Vice Chairman (In chair)
2. Sh. R.K. Bhandari, Engineer Member
3. Sh. Arun Mhaisalkar, Commr. (Plg.)
4. Sh. K.K. Bandyopadhyay, Addl. Commr. (AP)
5. Sh. Chandra Ballabh, Addl. Commr. (DC&B)
6. Sh. A.K. Jain, Addl. Commr. (Projects)
7. Sh. M.N. Khullar, Chief Architect
8. Sh. R.K. Jhingan, Director (LS)
9. Sh. Shamim Ahmed, Jt. Director (NL) I

T.C.P.O.:

10. Sh. K.T. Gurumukhi, Addl. C.P.

N.D.M.C.:

11. Sh. A.K. Kansal, Chief Architect

M.C.D.:

12. Sh. Shamsher Singh, Addl. Town Planner

C.P.W.D.:

13. Sh. Kapil Setia, Dy. Architect

D.E.S.U.:

14. Sh. S.K. Mehta, SE (Plg. II)
15. Sh. S.C. Chattopadhyay, DE (Plg. I)
16. Sh. H.N. Lamba, XEN DL V

DELHI POLICE:

17. Sh. Pavinder Soni, Inspector

SPECIAL INVITEES:

18. Sh. B.L. Khurana Chief Engg. (Elect.) DDA
19. Sh. A.K. Gupta, Director (Narela)
20. Sh. B.K. Jain, Director (SP)
21. Sh. S. Srivastava, Director (AP) I for item no. 62/96 and 63/96.

22. Sh. H.S.Sikka, Director (AP) II for item no. 63/96
23. Sh. I. Mohan, Director (AP) II for item no. 56/96
and 65/96
24. Sh. K.L.Sabharwal, Jt. Director (UE&PPR) for item
no. 64/96
25. Sh. D.K.Saluja, Director (T) for item nos. 58/96,
59/96, 60/96 and 61/96.
26. Sh. Ashok Kumar, Director (Bldg.) for item no. 56/96
27. Sh. Amit Dass, Jt. Dir. (ZP) for item nos. 57/96
and 65/96

1 A. Item No.63/95

Sub : Action taken report on the decisions of the Technical Committee meeting held on 7.5.96.

F.1(28)95-MP

The Action Taken Report on the decisions of the 63rd Technical Committee meeting held on 7.5.96 was noted.

1. Item No.56/96

Sub : Issue of NOC for construction on property no.7361/A, Ram Nagar on Main Qutab Road, New Delhi.

F.3(204)61-MP

The Technical Committee approved the proposal contained in para 3 of the agenda note with the observation that for relaxation in height from 12.5m to 24m, the matter be referred to Authority.

2. Item No.57/96

Sub : Approval under special permission from the Authority under sub-clause 8(2)A of MPD-2001 for religious premises for plot nos.1,2,3 &4 in residential use zone at Sector-V Mehrauli Badarpur Road, New Delhi.

F.3(30)96-MP

The Technical Committee recommended the proposal contained in para '3' of the agenda note for consideration of Authority under 'Special Permission' under sub-clause 8(2)A of MPD-2001.

3. Item No.58/96

Sub : Route alignment for laying 2 nos. 33 KV underground 3x300 sqm. XLPE cables from Shalimar Bagh 200/33KV to Wazirpur 33KV sub-station, Phase-II.

F.6(4)96-MP

The Technical Committee approved the proposal of route alignment as contained in para 2.1 of the agenda note.

4. Item No.59/96

Sub : Route alignment of 66KV double circuit tower line from Patparganj Industrial Area sub-station to Vivek Vihar S/Stn.

F.6(8)95-MP

The item was deferred with the observation that the views of PWD including the feasibility of the route alignment on the eastern side of 60m r/w road along the existing H.T. overhead line be obtained.

CXX

5. Item No.60/96

Sub : Route approval for laying:

i) 2 nos. 33 KV 3x300 sqm. XLPE cable from Tower no.181 (Naraina 33 KV tower line) Khyber line to 33 KV proposed grid at Sh^ekhwati Line.

ii) 2 nos. 33 KV 3x300 sqm. XLPE cables from Naraina 220/33 KV sub/stn. to Delhi Cantt.

F.6(13)96-MP

The Technical Committee approved the proposal of route alignment as contained in para 2.1 & 2.2 of the agenda note.

6. Item No.61/96

Sub : Route alignment for laying 2 nos. 33KV 3x300 sqm. XLPE cable from Bhagirathi 66/33 KV S/Stn. to proposed 33KV S/Stn. at Dwarkapuri.

F.6(6)96-MP

After detailed discussion, the Technical Committee observed that the feasibility of alternative route alignment be explored through joint inspection/consultation with DESU, with a view to reduce the route length.

7. Item No.62/96

Sub : Request for replacement of asbestos roof with RCC roof in DDA built industrial sheds at Okhla Industrial Area Ph.I & II.

F.3(14)95-MP

The Technical Committee observed that a coordinated proposal in consultation with DSIDC & MCD be formulated for its consideration.

8. Item No.63/96

Sub : Request of Delhi Orthodox Syrian Church Society for NOC regarding upgradation of existing 'Primary school' (Area 2.02 acres) to Senior Secondary School in Safdarjung Dev. Area.

F.PA/Jt.Dir.(AP)I/95/D-106

After detailed discussion, the Technical Committee did not agree for the upgradation of the Primary School site (0.82 ha.) to Senior Sec.School (required 1.6 ha. as per MPD-2001). Arising out of this, it was decided to write to Director of Education, GNCTD that in future the requests for such upgradation be considered only after obtaining 'No objection Certificate' from DDA/Allotting Authority.

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9. Item No.64/96

Sub : Planning Permission for an integrated school at Najafgarh Dhansa Road near village Bakargarh, West Delhi.

F.9(1)96-MP

After detailed discussion the Technical Committee made the following observations:

- a) The proposal to use 3.9 ha. to be developed as Integrated School with hostel facility was approved. The balance area of 0.6 ha. may be maintained as green/playfield with 'zero' FAR.
- b) Arrangement of services i.e. water, power, drainage sewerage etc. would have to be made by the society, till the time municipal services are extended in this area.
- c) The school proposal may be integrated in the Mini Master Plan Scheme by GNCTD for village development for this area.
- d) Public and semi-public facilities being permissible within 0.5 km. of the settlement, relaxation upto 0.8 km in the instant case, without processing the change of land use, was recommended to Authority for approval.

10. Item No.65/96

Sub : Agenda item reg. processing of the objections/suggestions reg. proposed change in land use of zone 'E', TYA, Delhi.

F.20(9)93-MP

The Technical Committee approved the proposal contained in para '3' of the agenda note for further processing the change of land use u/s 11-A of D.D.Act,1957.

11. Item No.66/96

Sub : Change of land use from 'Utility' (drain) to 'Residential' for 4 Pockets of an area measuring 5.15 acres for C/o staff quarters (152) for NDMC at Laxmi Bai Nagar/Sarojini Nagar on the reclaimed land after covering khushak nallah.

F.20(1)96-MP

The scheme was explained by Chief Architect, NDMC. After detailed discussion, it was desired to work out comparative land utilisation details in consultation with NDMC for placing the proposal to Authority.


((CHANDRA BALLABH)
ADDL.COMMR.(DC&B)
MEMBER SECRETARY

Copy to:

1. OSD to VC for the information of the latter.
2. Engineer Member, DDA
3. Principal Commissioner, DDA
4. Commissioner (Plg.) DDA
5. Commissioner (LD) DDA
6. Chief Architect, DDA
7. Addl. Commr. (DC&B) DDA
8. Addl. Commr. (Projects)
9. Addl. Commr. (AP) DDA
10. Chief Planner, TCPO
11. Chief Architect, NDMC
12. Town Planner, MCD
13. Secretary DUAC
14. Land & Development Officer (L&B)
15. Sr. Architect (H&TP) CPWD
16. Deputy Commissioner of Police (T)
17. Chief Engineer (Plg.) DESU
18. Commissioner (LM)
19. Director (Land Scape)
20. Secy. to L.G.
21. Director (PPR)


(P.V. MAHASHABDEY)
JOINT DIRECTOR (MP)

DELHI DEVELOPMENT AUTHORITY
(DEV. CONTROL & BUILDING)


No.F.1(3)96-MP

Dated: 24.5.96

MEETING NOTICE

The 64th Technical Committee meeting of the DDA will be held on 28.5.96 at 10.00 A.M. in the Conference Hall, 5th floor, Vikas Minar, I.P. Estate, New Delhi.

Agenda for the meeting is enclosed. You are requested to kindly make it convenient to attend the meeting.


27/05/96
CHANDRA BALLABH
ADDL. COMMR. (DC&B)
MEMBER SECRETARY

I N D E X

S.NO.	ITEM NO.	PARTICULARS	PAGE NO.
1A.	63/95	Action taken report on the decisions of the Technical committee meeting held on 7.5.96. F.1(28)95-MP	
1.	56/96	Issue of NOC for construction on property no.7361/A, Ram Nagar on Main Qutab Road, New Delhi.F3(204)61-MP	1-12
2.	57/96	Approval under special permission from the Authority under sub-clause 8(2)A of MPD-2001 for religious premises for plot nos. 1,2,3&4 in residential use zone at sector-V, McHrauli Badarpur Road, New Delhi.F3(30)96-MP	13-14.
3.	58/96	Route alignment for laying 2 nos. 33 KV underground 3X300 sq.m XLPE cables from Shalimar Bagh 200/33 KV to Wazirpur 33KV S/Stn.Ph. II.F6(4)96-MP.	15-16
4.	59/96	Route alignment of 66 KV double circuit tower line from Patparganj Industrial Area sub-station to Vivek Vihar S/Stn. F.6(8)95-MP	17-18
5.	60/96	Route approval for laying: i) 2 nos. 33 KV 3X300 sq.mm XLPE cable from Tower no.181 (Naraina 33 KV Tower line) Khyber line to 33 KV proposed grid at Shkhwati Line. ii) 2 nos. 33 KV 3 x 300 sq.mm XLPE cables from Naraina 220/33 KV S/Stn. to Delhi Cantt. 33 KV S/Stn.F.6(13)96-MP	19-20
6.	61/96	Route alignment for laying 2 nos. 33 KV 3x300 sq.mm. XLPE cable from Bhagirathi 66/33 KV S/stn. to proposed 33 KV S/Stn. at Dwarkapuri.F6(6)96-MP	21-22
7.	62/96	Request for replacement of asbestos roof with RCC roof in DDA built industrial sheds at KOKhla Industrial Area Ph.I & II F3(14)95-MP	23-25
8.	63/96	Request of Delhi Orthodox Syrian Church Society for NOC regarding upgradation of existing 'Primary School' (Area 2.02 acres) to Senior Secondary School in Safdarjung Dev. Area.F.PA/JT.Dir.(AF)I/95/D-106.	26-31
9.	64/96	Planning permission for an Integrated School at Najafgarh Dhansa Road near village Bakargarh West Delhi.F9(1)96-MP.	32-33
10.	65/96	Agenda item reg. procession of the objections suggestions reg. proposed change in land use of zone E TVA, Delhi.F20(9)93-MP	34-41
11.	66/96	Change of land use from 'Utility' (Drain) to 'Residential' for 4 pockets of an area measuring 5.15 acres for C/O staff quarters (152) for NDMC at Laxmi Bai Ngr./Sarojini Nagar on the reclaimed land after covering Khushak Nallah. F. 20(1)96-MP	42-43

SR.NO. 14/ ITEM NO. 63/95/TC.

ACTION TAKEN REPORT ON THE DECISION OF THE TECHNICAL
COMMITTEE MEETING HELD ON 7.5.1996.


S.NO. / ITEM NO. / SUBJECT

EXTRACT OF DECISIONS

PRESENT POSITION AND FOLLOW
UP ACTION

1. 63/95
Action taken report on the decisions
of 62nd Technical Committee meeting
held on 23.4.96 F1(28)94-MP
Action taken report was discussed and
noted. -----
Decision conveyed to Chief
Engineer DESU, and Chief Engg.
(Elect.) DDA on 17.5.96
2. 52/96
Route alignment for erection of 33 KV
DC Power Line from proposed 33/11
KV sub-station at Wazirabad water
works to outer Ring Road (Road no.
50) and laying of 2 nos. 3 x 300 sqm.
XLPE cable upto 220/33 KV station
at Gopalpur. F6(5)94-MP
Route alignment as contained in para
2.1 and 2.2 of the agenda note
approved.
Decision conveyed to the Chief
Engineer DESU and Chief Engg.
(Elect.) DDA on 17.5.96
3. 53/96
Route proposal for laying of 2 nos.
3 x 300 sqm. XLPE cables from 220/33
KV sub-station park street to Motla
Khan sub station. F6(4)95-MP

Decision conveyed to the Chief
Engineer DESU and Chief Engg.
(Elect.) DDA on 17.5.96
4. 54/96
Change of land use of an area measuring
about 3 acres (14520 sq.yds.) from
'Public and semi public' (Education &
Research) to 'Residential'.
F.16(42)74-MP/Vol. II
Deferred
Referred to CL& CLM which was
discussed in the chamber of
Principal Commr.DDA on 22.5.96.
5. 55/96
Request for acquisition of land in
Village Haibatpur by Delhi Agricultural
Marketing Board for Fooder Market.
F.14(1)96/CRC|DDA.
Proposal agreed in principle
with certain observations.
Decision conveyed to Jt.Secy.
DMS and Project Director (RD)
GNCTD on 20.5.96.


P.V. Mahaschuday
DCMP.

SUB : ISSUE OF NOC FOR CONSTRUCTION ON PROPERTY
NO. 7361/A, RAM NAGAR ON MAIN QUTAB ROAD,
NEW DELHI.

F.3(204)61-MF

1.0 BACKGROUND

As a follow up of the decision of the Technical Committee meeting held on 6.9.94, the above noted subject was considered in the Technical Committee meeting held on 6.2.1996 as a part of Urban Renewal Scheme of the area measuring 3.34 hec.

The Technical Committee decided/observed as under :-

- i) Qutab Road widening be incorporated as per approved alignment plan.
- ii) Approval of the total Urban Renewal Scheme be delinked from detailing and development of land belonging to M/s. Dewan & Sons.
- iii) Adequate provision be made for the facilities like Engineering Services, Circulation including parking and public open spaces for overall as well as pocket wise scheme.
- iv) Authority's decision contained in resolution No.172 dt. 30.8.71 may be incorporated to the extent possible with Development Control Norms applicable for urban renewal area i.e. 33.33% max. ground coverage, 83 max. FAR and 12.5m. max. height to be followed in general.
- v) AC(AF) was authorised to discuss with the owner of the property for achieving the spirit of the concept and may consider relaxation in the permissible height with a view to achieve the mandatory public open spaces and other facilities by compensating these areas.

vi) Power requirement be suitably provided in consultation with DESU.

1.1 The decision of the Technical Committee was submitted as an affidavit in the High Court on the request of the Panel Lawyer, DDA in C.W.P No.647/1995.

1.2 In pursuance of the Technical Committee's decision, the issue was also discussed with Shri Raj Gopal of M/s.Deewan & Sons Investment(Pvt.)Ltd. on 23.2.1996 wherein the appellant submitted that since the matter is subjudice he would like to wait for the decision of the court.

1.3 With the approval of Vice-Chairman, DDA, Sh.Raj Gopal of M/s.Deewan & Sons Investment Pvt. Ltd. was invited to discuss the issue with Commissioner(Plg.) on 15.3.96, the party could not come for the discussion. In the meantime, on the date of hearing by the High Court i.e. 11.4.1996, the next date is fixed for 13.9.96 by Hon'ble High Court.

1.4 Sh.Raj Gopal alongwith his Advocate and Secretary, M/s.Deewan & Sons Investment Pvt. Ltd. had a discussion on 15.4.96 with Commissioner (Planning), DDA wherein A.C.(AP) and A.C.(DC&B) & other officers of the Planning Department were also present.

M/s. Dewan & Sons Investment Pvt. Ltd. during meeting with Commissioner(Planning) was requested to give their suggestions in writing so that a decision in the matter could be taken.

1.5 M/s. Dewan & Sons Investment Pvt.Ltd. vide his letter dated April 19, 1996 through their Advocate(Annexure-I) while giving the synopses of the case is insisting upon to honour the Authority Resolution of 1971 but has also finally submitted as under:-

"Without prejudice to the rights of the Petitioner

as flowing from the Resolution of the Authority dated 30.8.1971 (which granted FAR 300 and ground coverage of 50%) with a view to obtaining the co-operation of the authorities concerned, namely, the DDA and the MCD, the Petitioners make the following without prejudice submissions:-

The Petitioner may agree for reduction in FAR from 300 to 250 and reduction of ground Coverage from 50% to between 45 - 50% as also for the road widening, if necessary, in the light of the Supreme Court judgement in case of "Statesman" subject to FAR being granted on the original plot area. Open spaces may be carved out upon the Petitioner's being favourably, accommodated by appropriate relaxation in the FAR, ground coverage and height restrictions so as to achieve the maximum coverage permissible on each floor".

2.0 OBSERVATIONS

In the scheme considered by the Technical Committee, D.D.A. is prepared to give the FAR on the full plot owned by M/s. Dewan & Sons Investment Pvt.Ltd. even though some of the portion may be effected in the road right of way or is required for mandatory green.

The only issue contradicting with the views of D.D.A. is that of permissible FAR which in scheme considered by the Technical Committee is according to the MPD-2001 provisions. (Page 159 under para 8(4) under sub-head specific premises (Residential plot-plotted housing)

3.0 RECOMMENDATIONS

The Technical Committee may consider the land use of the property for the commercial purposes permitted in the residential use zone but the building shall

6/11/1996
7.5.1996
5.

ANNEXURE - I

April 19, 1996

To,

The Commissioner [Planning],
Delhi Development Authority,
5th Floor, Vikas Minar,
I.T.O.,
New Delhi.

Reference: Your Letter No. 3(204)61-MP/D-46 dated 8.4.1996
addressed to M/s. DEWAN & SONS (P) LTD.,

Subject: Request for issue of NOC for construction of
commercial complex on property No. 7361/A, Ram
Nagar on main Qutab Road, New Delhi, [High Court
case CWP 647/95].

BRIEF WRITTEN SUBMISSIONS ON BEHALF OF
M/s. DEWAN & SONS (P) LTD.,

*_*_*_

Sir,

10/4/96
24/4/96

This is with reference to the captioned communication on the cited subject. As desired, we had appeared before you on 15.4.96 and made detailed submissions, minutes of which were directed by you to be recorded by the Officials of the DDA present during the course of hearing. These have, however, not been supplied to us to date.

During the course of hearing it was also desired by you that we file a brief synopsis of our submissions. Pursuant to your said directions the present synopsis and submissions are being filed.

SYNOPSIS :-

October 1961

Predecessor in interest of the Petitioner applied to MCD for sanctioning of the Building Plans for the captioned property.

24.9.1962.

Town Planner informed the Petitioners that Qadim Sharif Estate (Qutab Road) fell within the category of already built up commercial area with FAR not exceeding 300.

4.2.67 & 30.11.68.

DDA informs that Zonal Plan of Qadim Sharif Estate, in which the plot of the Petitioner was situated, was under consideration.

The DDA also subsequently stakes its claim to ownership to the suit property as a result of which Suit No.

AC (AD)
- M. Kumar
for M/s. DEWAN & SONS (P) LTD.
for the if necessary
22/4

341 of 1968 was instituted in the Delhi High Court for declaration of ownership of the Suit property.

1.5.1970

Petitioner enters into an Agreement to Purchase the suit property and pays the whole of the sale consideration. The predecessor in title of the Petitioner delivered and conveyed vacant peaceful possession to the Petitioner.

3.12.1970

The Screening Board of the DDA recommends that the Plot of the Petitioner falls in the same built up complex as Tourist Hotel and Press Building and be also designated as commercial with 300 F.A.R.

30.8.1971

Recommendations of the Screening Board placed before the Authority of the DDA which resolves vide Resolution No. 172 that plot under reference facing Qutab Road and falling in the same built up complex, should be treated at par with the neighbouring plots, but no building plans be sanctioned pending disposal of the case in the High Court.

15.11.1973

MCD informed the Petitioner that they have no objection to consideration of building plans provided clearance is obtained from the DDA from the land use, location and ownership point of view.

6.6.1974

The Learned Single Judge (Hon'ble Mr. Justice V.D.Misra) passed a decree of declaration of ownership in favour of the Petitioner in Suit No. 341 of 1968 and against the DDA with costs while passing strictures against the then Vice-Chairman and the then Secretary of the DDA.

DDA filed Appeal being RFA(OS) 47 of 1974 against the judgment of the Single Judge before a Division bench of the High Court.

In the meanwhile on 25.2.1977, 19.4.1977 and 4.5.1977 representations made by the Petitioner to the

DDA, Chairman DDA and the Minister for Works and Housing for sanction of plan.

- 14.3.1980 **A Division bench of the High Court dismissed the appeal of the DDA in RFA (OS) No. 47 of 1974 while upholding the stricture passed by the learned Single Judge.**
- 28.3.1980 **Petitioner represents to the Minister for Works and Housing for issuance of NOC and on 25.7.80 and on 21.8.1980 to the Prime Minister which is forwarded to the DDA on 21.11.1980 but of no avail.**
- 1981 **DDA and others file SLP(Civil) No. 6636 of 1981 before the Supreme Court of India against the decision of the Division Bench dated 14.3.1980.**
- 28.11.1983 **The Supreme Court dismisses the Special Leave Petition of DDA while granting liberty to the DDA to seek review of the order of the High Court dated 14.3.1980.**
- 1984 **DDA filed Review Application No. 3 of 1984 for review of the High Court order dated 14.3.1980.**
- 26.10.1987 **The High Court dismissed the review application of the DDA while imposing costs.**
- 8.1.1988 **Urban Land Ceiling Authority declares that there is no excess vacant land.**
- 9.2.1990 **The Urban Land Ceiling Authority further issues no objection certificate for execution of the Sale Deed pursuant to agreement dated 1.5.1970.**
- 13.2.1990 **Sale Deed executed between the predecessor in title and the Petitioner.**

- 19.11.1990 to 1994 The Petitioners made repeated representations on 7.3.90, 19.11.90, 19.2.1991, 31.1.1992, 27.2.1992, 25.3.1992, 22.4.1992, 17.9.1993 and in 1994 for grant of NOC to the DDA, Lt. Governor of Delhi and other authorities but to no avail.
- February 1995. Petitioner files Writ Petition Civil No. 647/95 before the High Court of Delhi for directions to the DDA to issue NOC.
- 6.2.1996 Technical Committee of the DDA considers the matter of the Petitioner's property.

SUBMISSIONS :-

1. That the Petitioner submits that in accordance with the provisions of the **Master Plan 1962** the land use of the area in question is indicated at pages 60-61 under the heading "FAR coverage, etc. For already built up commercial areas in the walled city like Chandini Chowk, etc. [List given below]" the Qadim Shariff Estate falls in the list at item No.14 with maximum FAR of 300.

It was on this basis that the Town Planner on 24.9.1962 and the Screening Board of the DDA in its meeting of 3.12.1970 recommended that the plot in question be designated as Commercial with FAR 300. In this context it may be noted that the premises immediately adjoining the Petitioner, namely, Tourist Hotel and Press Building of S. Chand are also commercial with Far 300.

The DDA in the Authority Resolution No. 172 dated 30.8.1971 had resolved to accept the recommendations of the Screening Board with the only condition that the building plans be not sanctioned till disposal of the case in the High Court.

In this context it may be further noted that the Screening Committee meeting was with reference to finalisation of the Zonal Development Plan of the area and the land use of the property in question. The Petitioner submits that consequent upon the Resolution of the DDA dated 30.8.1971 rights of the Petitioner's with respect to the land use of the property stood crystallised and which was in conformity with the then prevailing law. Merely because of insistence of the DDA in pursuing with the litigation [and which litigation was

consistently decided against the DDA] the Petitioner cannot be faulted in any manner and ought not to be penalised for no fault of the Petitioner.

2. The Petitioner submits that vested right had accrued to the Petitioner upon the Authority Resolution dated 30.8.1971 and which rights cannot be disturbed by the Authority at this stage after the DDA has lost the litigation.

3. That the Petitioner further submits that the coming into force of MPD 2001 can have no bearing on rights that have vested in accordance with the law under the Master Plan 1962. Not only is this the settled legal position the MPD 2001 also specifically recognises this submission of law on pages 148 and 149 thereof. At page 148 in the para above Development Code MPD 2001 records:-

"Already approved Sub-Zonal (earlier named Zonal) plans, in conformity with the Master Plan shall continue to be operative. In the absence of Zonal plan of any areas the development shall be in accordance with the master plan."

The Petitioner submit that the above is a clear reflection of the facts that where Zonal plan had been approved in accordance with the Master Plan 1962 the same shall continue to be operative. For those areas where no Zonal plan had been approved development would be in accordance with the Development Code in the MPD 2001.

This position is further clarified in the Development Code in clause 3(4) which provides that:-

"lay out plans already approved by the Authority or any other local authority concerned, in accordance with the law shall be deemed to have been approved under this Code."

The Petitioner submits that the Screening Committee's recommendations and approved by the Authority were with respect to the land use of the Petitioner's property and in the light of the preparation of the Zonal plan of the area is an approval of the Zonal plan and the land use of the Petitioner's property within the meaning of the above statement of lay contained in the Development Code of MPD - 2001.

Merely because the Authority by its Resolution of 30.8.1971 deferred passing of building plan and made it contingent upon the resolution of the dispute pending in the High Court with respect to the title, the Petitioner submits, cannot be any ground to deprive the Petitioner and divest the Petitioner of

rights that accrued and vested in the Petitioner in 1971 for no fault of the Petitioner.

4. The Hon'ble Supreme Court of India while considering the case of DCM in its judgment reported in 1991 (3) SCC 277 [DDA Vs. DCM] in the context of the objections of the DDA requiring the DCM to file an amended modified plan to conform to MPD 2001 instead of the Resolution of the DDA dated 1.2.1983 and on the extent of land held by DCM; held that DCM would have to exclude the land under the various leases and land allegedly trespassed upon by it and reduce the scheme from 63 acres to 52 acres but in so doing and in the context of DDA's submission of filing new plans to conform to MPD 2001 stated as under:

"...The scheme in the modified form would have to be brought in, not anew but has substituted for the original scheme and that scheme would register its birth, legitimacy and binding force as of the original scheme. The mandate in this regard should be clearly understood by the authorities concerned..."

5. The minutes of the Technical Committee, the Petitioner submit are liable to be reviewed not only in the light of the aforesaid legal and factual submissions but also because of the following:

A. **Road widening** of Qutab Road can have no meaning in the light of the fact that all the adjoining areas along the length of the Qutab Road are already built up and cannot be demolished. Consequently creation of an indentation along with the length of Qutab Road would serve no useful purpose. In AIR 1990 SC 383 [NDMC Vs. Statesman] the Supreme Court in the context of erection of "Pedestrian walk-way" and "Podium" along with the length of Barakhamba Road observed as under:-

"...In the very nature of the concept of a Pedestrian walk-way of either side of the way the insistence for provision of such a walk-way in an individual case without integration and continuation of the walk way along with the whole of the road, would indeed, be purposeless...."

The Petitioner submits that the same logic applies with full force to the road widening of Qutab Road.

Without prejudice the Petitioner submits that in the event the road widening was to be incorporated by the DDA, the Petitioner ought to be given FAR on the basis of the original plot size and not the reduced plot size.

B. That the minutes of the Technical Committee are also bereft of any plans and do not particularise the facilities, engineering services, circulation, open spaces, etc. In the absence of these, the true scope and meaning of the minutes of the Technical Committee can not be appreciated.

Without prejudice, however, the Petitioner submits that open spaces if insisted upon by the DDA to be provided may be so provided subject, however, to the fact that the DDA compensate the Petitioner adequately by relaxation's towards FAR, ground coverage and height of the proposed building to make the project viable.

C. In the minutes No.IV of the Technical Committee it was recorded to the effect that the Authorities decision contained in Resolution No. 172 dated 30.8.1971 be incorporated to the fullest extent possible with the Development Control norms applicable in the Urban Renewal Scheme i.e. 33% maximum ground coverage 83 FAR and 12.5m height.

The Petitioner submits that the first part of the **Authority Resolution of 30.8.1971 was absolute in that the same granted to the Petitioner FAR 300, user Commercial** with ground coverage of 50%.

Urban Renewal Scheme has not been prepared and approval of the Urban Renewal Scheme was delinked from the consideration of the land in question as per item No.II of the Technical Committee Minutes. Consequently the Petitioner submits that **Item IV of the Technical Committee minutes is impossible of being dove-tailed**. It was in this light of the matter that the Technical Committee in Item No.VI had authorised further discussions for achieving the spirit of the concept and consider relaxation and which is the purpose of the present hearing.

D. **The Petitioner submits that in the light of the aforesaid the minutes of the Technical Committee are liable to be reviewed accordingly.**

The Petitioner submits that had the DDA not sought to set-up title to the Land in question, consequent upon which the litigation between the parties commenced, the building plans of the Petitioner would have been passed by the DDA / MCD in 1970. The Petitioners have already suffered for the erroneous stand of the DDA, in that, the whole project has been delayed, financial costs have increased and the Petitioners have faced untold mental agony for aver two decades for no fault of the Petitioners. DDA ought not to seek to penalise the Petitioners

once again by seeking to reduce the FAR, ground coverage and by imposing height restrictions.

Further it is yet to be ascertained as to whether it is the DDA or the MCD that has to pass the Building Plans.


E. **Without prejudice** to the rights of the Petitioner as flowing from the Resolution of the Authority dated 30.8.1971 [which granted FAR 300 and ground coverage of 50%] with a view to obtaining the co-operation of the authorities concerned, namely, the DDA and the MCD, the Petitioners make the following without prejudice submissions:-

The Petitioner may agree for reduction in FAR from 300 to 250 and reduction of ground coverage from 50% to between 45 - 50% as also for the road widening, if necessary, in the light of the Supreme Court judgment in the case of "Statesman" subject to FAR being granted on the original plot area. Open spaces may be carved out upon the Petitioner's being favourably accommodated by appropriate relaxations in the FAR, ground coverage and height restrictions so as to achieve the maximum coverage permissible on each floor.

It may be noted that these without prejudice submissions are being made solely and specifically for the purpose to putting this land to use immediately and avoiding any further litigation, in a spirit of accommodation, and is contingent upon condition that requisite clearances would be granted by the DDA without any further delay.

We undertake to furnish such of the above or other information / documents, as you may desire, on demand.

FILED BY :-


[ARVIND K. NIGAM,]
ADVOCATE,
K-10, HAUZ KHAS ENCLAVE,
NEW DELHI-110016

COUNSEL FOR
DEWAN & SONS INVESTMENTS (P) LTD.

Encl - Copy of Supreme Court judgment

SR.NO.2/ITEM NO.57/96/TC

Sub : Approval under special permission from the Authority under sub-clause 8(2)A of MPD-2001 for religious premises for plot nos.1,2,3 & 4 in residential use zone at Sector-V, Mehrauli Badarpur Road, New Delhi.

F.3(30)96-MP

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1.0 BACKGROUND :

1.1 Reference is received from Desk Officer(Lands), Ministry of Urban Affairs & Employment, No.J-13015/1/87-LD dt.12.4.96 addressed to Commissioner(Planning). He has stated that a plot was earmarked originally for Community Centre in sector-V, M.B.Road (Saket) out of which 4 plots bearing no.s1,2,3 & 4 each measuring 550 sqm. were carved out for religious institutions. Plot No.1 & 2 have already been allotted and plot no.3 & 4 are being considered for religious institutions and thereby requested to accord the approval of D.D.A under special appeal, sub-clause 8(2)A of MPD-2001. The area under community centre is now 3.64 ha.

2.0 EXAMINATION :

2.1 The site under reference falls in zone 'F' and according to MPD-2001 and DZP of 'F' zone, this site forms part of it, area shown as gross residential use. However, according to approved layout plan submitted by CPWD, this site is shown as religious (plot no.1,2,3 & 4) and the plan was modified on November'84. As per MPD-2001, the maximum area of a religious premises is 400 sqm. to serve a population of 5,000 persons.

2.2 According to MPD-2001 development code clause 3(4) the layout plans already approved by the Authority or any other local authority concerned in accordance with law shall be deemed to have been approved under this code. (Page 149 L.H.Gazette)

Sue : Route alignment for laying 2 nos. 33KV underground 3x300 sqm. XLPE cables from Shalimar Bagh 200/33KV to Wazirpur 33KV Sub Station, Phase-II.

F.6(4)96-MP

1.0 RECOMMENDATION/BACKGROUND

- 1.1 S.E.(Plg.) DESU vide letter dt.9.4.96 has submitted the above said route proposal for consideration of DDA. The cables are proposed to be laid to evacuate the power from Shalimar Bagh 220/33 KV S/stn. for further distribution to Wazirpur Indl. Area, Ashok Vihar, Tri Nagar. The route proposal is shown in DESU drawing no.13-4061. The total length of the route is 4.90 km.

2.0 ROUTE DETAILS

- 2.1 Route starts from 220/33KV S/Stn. at Shalimar Bagh. Initially, it is taken parallel to the western Yamuna Canal on the northern side. It is then taken along western side below the outer footpath upto 24M R/W road leading to Uttari Pritam PUra. Here, cables shall cross the outer ring road. From here the cables shall be taken along 24M R/W roads below the proposed footpath upto the road abutting T.V.Tower complex, it is then taken along the existing road upto the western Yamuna Canal. From there, it is taken parallel to Ring Road on the western side upto the opposite side, existing Wazirpur Indl. Area S/Stn. From here, it crosses the Ring Road to meet the Wazirpur Indl. Area S/Stn. The cables shall be laid about a depth of 1M. No structure/trees are affected in the proposal as per information supplied by DESU.

3.0 OBSERVATIONS

- 3.1 The route is proposed in a very zig-zag manner and it should be taken straight along western Yamuna

canal. As per the information given by Executive Engineer(Plg.)DESU, it is stated that the western Yamuna Canal Authorities does not give them permission for laying of cables along the canal. He has further clarified that an overhead route along this western Yamuna Canal was approved by DDA but the approval for the same was not given by Western Yamuna Canal Authorities. Accordingly, the route is now modified and submitted. The route involves crossing of ring road and outer ring road which are maintained by PWD. DESU should obtain permission from PWD for road cutting before start of work. Along other roads, permission of MCD/DWSSDU shall be obtained before the start of work. It shall also be ensured that no underground services are affected in the entire route proposal.

4.0 RECOMMENDATIONS :

- 4.1 The route proposal as explained under para 2.1 may be considered for approval subject to conditions mentioned in para 3.1

(Signature)

(D.K.SALUJA)
DIRECTOR(PLG.)TT UNIT

(Signature)
AC(D-4)

Sub : Route Alignment of 66 KV double circuit tower line from Patparganj Industrial Area sub-stn. to Vivek Vihar sub-station :
(File No. F.6(8)/95-MP.

1.0 INTRODUCTION

- 1.1 S.E.(Plg.)-I, DESU has submitted the above said proposal to strengthen the power supply at 66 KV sub-station Vivek Vihar. The entire route is proposed to be taken overhead. Total length of the H.T. line route is 3.8 Kms. The route details are shown in DESU's drawing No.PL-V - 125.

2.0 ROUTE PROPOSAL

- 2.1 The route starts from 220 KV sub-station at Patparganj Industrial Area. From here, it crosses the Shahdra link Drain and then it is taken in the green belt abutting Rd.R/W along the Delhi-U.P. border upto the railway overbridge. From there, it is inter-connected to one of the existing tower the line is then taken along the western bank of Shahdra link drain until it reaches in-front-of the existing 66 KV sub-station at Vivek Vihar. From here, it crosses the 60 Mtr. R/W Road No.56 to enter the sub-station. 17 towers are required to be created at a spacing of 200-250 Mtrs. The height of tower shall vary between 30 Mt. to 35 Mtr. Narrow based tower of 3MX 3M base are proposed. This line shall feed surrounding areas of Vivek Vihar, CBD Shahdra etc. The route proposed is the shortest path and does not interfere with any of the proposals along the road. About 100 cyclyptus trees may have to be pruned/cut for erection of the line in the green belt along Delhi-Ghaziabad Border

2.2 A joint site inspection of the route proposal was made with DESU officials on 16th April, 96. From the Patparganj Sub-station, the line has been taken through the Automobile Centre in-front of the Patparganj Sub-station. The line is to be extended from the existing pylon in the Automobile Centre. DESU had earlier proposed ^{and erected} 66 KV HT line opposite Anam Vihar ISBT along the Shahdra drain embankment. As the proposed tower line is to cross the Master Plan road No.56 near the railway embankment, DESU shall co-ordinate with the PWD and the rlys. for the cross-connection. During inspection, it was decided that the route be taken along the edge of the R/W of Road No.56 as far as possible along Delhi-UP Border so that the proposed road cross-section is least disturbed.

3.0 RECOMMENDATION

3.1 The route alignment as explained in para 2.1, & 2.2 is recommended for approval subject to obtaining clearance of PWD and Railways by DESU before start of work.



(D.K. SALUJA)
DIRECTOR(TT) | PLANNING



Subject : Route approval for laying :-

- 1) 2 nos. 33KV 3x300 sq.mm. XLPE cables from Tower no.181 (Naraina - 33KV Tower line) Khyber Line to 33 KV proposed grid at Shkhawati Line.
- ii) 2 nos. 33KV 3x300 sq.mm. XPLE cables from Naraina 220/33 KV S/Stn. to Delhi Cantt. 33KV S/Stn.

File No.: F.6(13)96 MP.

..-.-.

1.0 INTRODUCTION.

- 1.1 S.E.(Plg.) DESU vide his letter dated 9th April'96 has submitted the above said route proposals for the consideration of DDA. The route alignment at sl.no.(i) is proposed to feed the 33KV grid S/Stn. at Shekhawati Line and various other areas of Delhi Cantt. The route proposal at sl.no.(ii) is to improve the stability of the power at Kirby Place. Both the route proposals are shown in DESU's Drg.No.13-4469.

2.0 ROUTE DETAILS.

- 2.1 The route at sl.no.(i) starts from the existing tower no.181 of 33KV O/H Line. From here, the route is taken along the existing 12.5M to 47.7M wide road of Delhi Cantt. In this entire sketch, the cables are proposed to be laid underground below the footpath portion at a depth of about 1M leaving 0.5M to 1.5M from the edge/fencing of the existing road. This road abuts Sadar Bazar and residential areas of Delhi Cantt.. The route has not been continued on O/H tower line due to the existence of some structures, trees etc. and difficulties in maintaining desirable clearances. O/H line would be more economical otherwise.
- 2.2 The route at sl.no.(ii) is proposed to start from the existing 220/33KV S/Stn. at Naraina (on Ring Road). It is then taken along an existing 13.5M/14M wide road of Delhi Cantt. below the footpath portion leaving 1M from the edge of the road. As informed by EE(Plg.)DESU, none of the existing underground services are affected in the proposals.

contd...2/-

3.0 OBSERVATIONS.

3.1 The route proposals explained above are to be laid underground below the footpath portion. At some places road cutting is required; for this DESU shall obtain permission from the local authorities before start of work. No tree/structure is affected in the proposal as per the information supplied by DESU. It shall also be ensured by DESU that no underground services are affected in the entire route proposal.

4.0 RECOMMENDATIONS.

4.1 The route proposal explained under paras 2.1 and 2.2 may be considered for approval subject to the condition mentioned in para 3.1 above.

D.K. Saluja
(D.K. SALUJA)
DIRECTOR (PLG.): TT UNIT

AC (DCB)

Subject : Route alignment for laying 2 nos. 33KV 3x300 sq.mm. XLPE cable from Bhagirathi 66/33KV S/Stn. to proposed 33KV S/Stn. at Dwarkapuri.
 File No. : F.6(6)96 MP.

.-.-.-.

1.0

INTRODUCTION.

1.1

EE(Plg.I) DESU vide letter dated 2/4/96 has submitted the above said route alignment for the consideration of DDA. It is stated that at present the area in the surroundings of Dwarkapuri is being fed from Seelampur grid S/Stn. which is already overloaded and there is no scope for its further expansion to meet the growing power demand of the area. DESU has proposed to establish a 33/11 KV grid S/Stn. at Dwarkapuri behind MCD office. Accordingly, to provide in-feed to the S/Stn., 2 nos. 3x300 sq.mm. XLPE cables are proposed to be laid from Bhagirathi S/Stn. The total length of the route is 5.9 km. Route plan is shown in DESU's drg.no.13-4474.

2.0

ROUTE DETAILS.

2.1

The route starts from 66/33KV grid S/Stn. at Bhagirathi, it is then taken along Wazirabad Road upto the junction of Road no.66 (along the eastern Yamuna Canal) upto ^{G.T.} Shahdara Road. Along GT Shahdara Road, it is taken on the northern side from where it takes a turn on 30M R/W road upto the Dwarkapuri S/Stn.. R/Ws of Wazirabad Road, Road no.66, GT Road and Road no.65 are 61M, 30M, 45M and 30M respectively, as per the draft Zonal Plan of Zone 'E'. The available R/Ws of Wazirabad Road, Road no.66, GT Road, and Road no.65 are 61M, 36M, 30M & 29M respectively. As per the road cross-section, the cables are proposed to be laid below the inner footpath of Wazirabad Road, below the footpath along eastern Yamuna Canal on Road no.66, below the footpath on the northern side along GT Road and below the kacha portion along the Road no.65.

3.0

OBSERVATIONS.

3.1

The cables are proposed to be laid along Wazirabad Road, Road no.66 and Road no.65 which is maintained by PWD and DESU may therefore seek for the clearance of PWD before start of work. It is suggested that the cable route be diverted on Road no.65 from its proposed junction with Road no.66 where a bridge on eastern Yamuna Canal is being laid by PWD. In this case the length of the route can be curtailed by about 1.5km.. No trees/structures are affected as per the information supplied by DESU.

4.0

RECOMMENDATIONS.

4.1

It is suggested that DESU may modify the route as suggested under para 3.1 above and thereafter the modified route could be considered ^{by the} Technical Committee for its approval.



(D.K.SALUJA)
DIRECTOR(PLG.):TT UNIT



AC(D-43)

Sub:- Request for replacement of asbestos roof with RCC roof in the DDA built industrial sheds at Okhla Industrial Area, Phase-I&II.
No. F.3(14)/95-MP.

1.0 BACKGROUND

- 1.1 The Association of the entrepreneurs of DDA sheds Okhla, Phase-I and II (Regd.) made a request to examine the possibility of replacement of existing asbestos Sheet roof with RCC flat slab roof in industrial shed built and sold by the DDA in Okhla Industrial Area, Phase-I&II.
- 1.2 DDA constructed three sizes of sheds in Okhla Phase-I and II; Type 'A' with 1300 sq.ft. (20'X65'), Type 'B' 300 sq.ft. (20'X40') and Type 'C' 1000 sq.ft. (20'X50'). These sheds are having North light roof truss with AC sheets. The clear height of the shed from floor upto the bottom of the truss is 14 feet and total height is 20 feet.
- 1.3 The request for replacement of asbestos sheet roofing with RCC flat roof was earlier considered in the Technical Committee meeting held on 10.5.95. The decision of the Technical Committee is reproduced below :-

" The proposal was explained by Dir.(AP). The Technical Committee recommended the provision of sloping reinforcement concrete roofs replacing ACC sheds blockwise which should have uniformity, aesthetically pleasant, structurally sound and also to have a written concurrence from all the allottees of the block since the scheme was earlier prepared for group construction."
- 1.4 The Association again represented for reconsideration of the decision for the replacement of the roofs which was considered in the Technical Committee meeting held on 26.9.95. The Technical Committee decided

as under:-

" After discussing in detail, the Technical Committee observed that a scheme be prepared by the Area Planning Wing after having dialogue with the plot holders association of the area considering the proposal as a group scheme; the proposal so formulated be brought before the Technical Committee in due course."

2.0 DETAILS/ EXAMINATION

- 2.1 As per the decision of the Technical Committee meeting sheds under reference were inspected by the AQ(AP) accompanied by Director(AP) Sh. H.S. Sikka. During the inspection it was observed that most of the owners of the sheds have encroached upon the public land in front and rear by way of construction of rooms and other activities/installations. In some sheds constructions in the form of mezzanine was observed.

Further in pursuance to the decision of the Technical Committee, the subject matter of replacement of the roof and their proposal was discussed by AQ(AP) with the members/representatives of the Association. During the discussions, the representatives of the Association stressed for their demand of RCC flat roof on the basis that the existing ACC roof has already outlived their lives.

- 2.2 They have also stated in the representation dt.9.10.95 that the cost of providing any other shape or type of RCC roof than flat roof will cost more. In addition the flat RCC would facilitate use of modern technology by way of provision of necessary gadgets/equipments on roof top.
- 2.3 With the provision of RCC flat roof at a height as prescribed in the building bye-laws (4.5 mtr.), with no increase in FAR from the existing FAR may be envisaged. It has been examined that it is possible to have required light and ventilation as provided in the building bye-laws with the construction of

a flat slab roof with a floor to ceiling height of 4.5 mtr. and an indicative drawing for three type of sheds has also been prepared (plan laid on the table). It may further be observed that once the decision with the regard to provision of a flat slab RCC roof is taken, the individual owner of the industrial shed would have to submit their building plans for approval to the concerned local body. It may also be pointed out that all industrial shed owners may not take up replacement of roof simultaneously. The provision of a flat roof may also encourage construction of upper floors as a derivated unauthorised construction/encroachments on public land in front and rear of sheds. The sanctioning authority would ensure the removal of unauthorised construction and encroachment on public land.

3.0 SUGGESTION/RECOMMENDATION

Keeping in view the discussions held with the representatives of the Association and the various points given by them in support of their contention, the suggestion/recommendation as contained in para No. 2.3 is submitted before the Technical Committee for its consideration.

(Signature)
(SURENDRA SRIVASTAVA)
DNR (AP) I
(Signature)
(K.K. Bandyopadhyay)
ACOP

Sub:- Request of Delhi Orthodox Syrian Church Society for NOC regarding upgradation of existing 'Primary School' (Area 2.02 Acres) to Senior Secondary School in Safdarjung Development Area.

PA/Jt. Dir. (AP)/1/95/D-106

1.0 BACKGROUND

1.1 The Chairman of Delhi Orthodox Syrian Church Society has requested for change in the use of existing Primary School site to Secondary School level functioning in 2.02 acres (0.82 Hec.) site in C-3, Safdarjung Development Area.

1.2 The case was considered in the Technical Committee meeting held on 23.1.96 vide item No. 13/96/TC, the decision of which is reproduced below:-

" After detailed discussion, it was observed that all the involved merits and demerits of the proposal be highlighted, such as area norms, location requirement, approach road/traffic and other related aspects. Item be brought up again in the Technical Committee next month."

2.0 DETAILED EXAMINATION

2.1 The society was allotted 2.02 acres (0.82 Hec.) site earmarked for Primary School in the layout plan of Bhimgri Safdarjung Residential Block-'C' for construction of Primary School in July, 1967. In the letter u/r the Chairman of the society has stated that necessary approvals for upgradation of the existing Primary School to the level of Senior Secondary School have already been obtained by the society from the Directorate of Education. The society is also affiliated to the Central Board of Secondary Education. The Chairman has stated that the building plans for creating additional space for accommodating a total of around 1777 students was submitted to MCD but the MCD has, instead, desired a NOC from DDA regarding change of land-use from Primary to Secondary School.

- 2.2 As per MPD-2001 sites measuring 4.0 Acres (1.6Ha.) be considered for allotment for Sr. Secondary Schools (Class VI to XIIth) for 1000 students whereas for integrated schools without hostel facility (Class I to XII th) for 1500 students sites measuring around 9.0 acre (3.5 Hac.) is prescribed.
- 2.3 Presently, an integrated school from pre-primary classes I to XII of 1777 students is functioning in an area of around 2.0 acres as against the Master-Plan requirement of around 9.0 acres. Regarding the request of the society for creating additional space by getting the existing Primary School upgraded, it has been observed that by getting the Primary school upgraded to Sr. Sec. School level, the total FAR, instead of getting increased, gets reduced from existing 4104 Sq.mtr. to 3694 Sq.mtr. only i.e. a net loss of 410 Sq.mtr. The total FAR further gets reduced to only 1970 Sq.mtr. i.e. a net loss of 2134 Sq.mtr. by getting the existing Primary school upgraded to the level of integrated school which is, in fact, functioning.
- 2.4 The request of upgradation of school on the basis of upgradation certificates issued by Directorate of Education and later getting the school affiliated to CBSE is a common phenomenon in the entire urban Delhi and is a matter of policy which will also involve modification in the layout plan in addition to the application of different planning standards and development controls. Also recently in response to the objections/suggestions received from the public for the finalisation of draft Zonal Plans, the residents of the colonies have objected to showing the earlier primary school sites for Sr. Sec./Integrated School.
- 2.5 The floor space ground coverage etc. permitted on a plot are governed by the size of the plot and conditions of layout. The upgradation of the Primary School to, Sr. Sec. Integrated School level is also involved modifications in the approved layout plan.

The School is located on a 45 ft. wide road ending in Oul-de-Sac about 200 mtrs from the main Aurobindo Marg. Preferably the Sr. Secondary School should be located on 60' and 80' wide roads.

- 2.6 The case was discussed in the Technical Committee Meeting held on 23.4.96 with all relevant details is desired in the earlier Technical Committee meeting referred in para 1.2, It was again desired that further details in respect of break-up of total students strength of 1777 into various schooling levels as well as the year of upgradation of the school from Primary category and upwards. The details have been submitted by school authorities vide their letter dated 2.5.96 addressed to Addl. Commr. (AP). The details submitted by the school have been placed at annexure A & B. The details submitted by the school are given in tabulated form below :-

Sl.No.	Level of schooling	Students strength	Year of starting/ upgradations
1.	Pre-Primary	276	Started on 7.7.68 and shifted present premises in Sept. 1972.
2.	Primary	753	Recognition obtained in 1981-82 from Class I to VIII.
3.	Middle	361	
4.	Secondary	210	1983-84
5.	Sr. Secondary	177	1985-86

- 2.7 (a) The school is already functioning as an integrated school with 1777 students since 1986.
- (b) The division of land component in a primary school for building area and play area is 50% each. The FAR is 100. The increase in FAR from 100 to 120 for the land component of building area would result in high intensity of floor space and activity. The play field in this case is 4000 Sq.mt. as against the requirement of 25000 Sq.mt. The

building area even with 120 FAR on 4000 Sq.mt. would be 4800 Sq.mt. as against the requirement of 8400 Sq.mt. required for integrated school as per MPD-2001.

- /(1500 Students)
- (c) As given at (a) and (b) the generation of traffic and related activities would effect the environment of the neighbourhood. It is pointed out that for an integrated school/3000 Sq.mt. area is required for parking as per MPD-2001.
 - (d) At the time of processing of zonal plan there have been objections with regards to certain schools which are functioning at higher levels than prescribed.
 - (e) From the analysis it is clear that the request for upgradation of school is falling short of all prescribed norms.

3.0 RECOMMENDATIONS/SUGGESTION

In view of the detailed examination/analysis the matter is placed before the Technical Committee for consideration.

[Handwritten Signature]
16/8/26
DNR (AP) I
[Handwritten Signature]
(K. B. Ardyopantus)
Ac (AP)

.30.

ST. PAUL'S SCHOOLSTATUS

1. Nursery school started on 07.07.1968
2. Shifted to present school premises in September, 1972.
3. Recognition of school from Class I to VIII without aid w.e.f 1981 - 82 academic year as per order No.85783 dated 26.10.1981 by Directorate of Education, Delhi
4. Upgradation of school from Middle to Secondary level (X) w.e.f academic session 1983 - 84 as per order No.F1-II(8).SXXI/83/11451/56 dated 15.10.1983 by Directorate of Education, Delhi.
5. Upgradation to plus two Senior Secondary level (XII) w.e.f 1985-86 as per order dated 05.07.1985 of Directorate of Education, Delhi.



CHAIRMAN
St. Paul's School
III, Safdarjung Dev. Area
New Delhi-110016

Sub : Planning permission for an Integrated School at Najafgarh
Dhansa Road near village Bakargarh, West Delhi.
File No. F.9(1)/96/ M.P.

1.0 Background

1.1 Additional Town Planner (MCD) has referred a proposal of a School of Oberoi Education Society, on a land measuring 11.12 acres in their possession, at Najafgarh Dhansa Road near village Bakargarh, in West Delhi, for landuse clearance. Director of Education GNCTD Distt. (S.W.) has issued essentiality certificate vide letter No.DE/SW/Z-22/54/95 dated 27.11.95 under rules 44 of DSER 1973 for a new school from Class I to XII for the period of 3 years.

2.0 Examination

2.1 Norms as per MPD-2001

As per the provisions of MPD 2001, an integrated school with hostel facilities is required for every 90,000 to 1,00,000 population. The area proposed on each school is 3.5 hec. for a strength of 1500 students.

2.2 Permissibility, as per MPD-2001

The public/semi public facilities (within 0.5 km.) of settlements are permissible in Rural Use Zone, as per MPD-2001.

2.3 Site under reference

The proposed land fall outside the Urban Extension in rural zone measuring 11.12 acres (4.5 hac.) at a distance of 800 metres from the village Bakargarh settlements/abadi area, as shown in the plan laid on table.

2.4 Site Inspection Report

As per the site inspection of 7.5.96, the site is abutting the main Najafgarh Dhansa Road with one servant quarter and about 300 trees (about 200 Eucalyptus) (about 80 shatoot) & about (10 Gulmohar trees). The Eucalyptus trees are along the boundary wall.

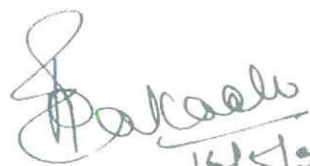
2.5 Preferred Location

As per Master Plan to cover the deficiency of facilities schools are proposed in all the proposed growth centres. The nearest growth centre is Dhansa.

3.0 Recommendations/Proposal

It is proposed that in view of observations in para '2' above, the proposal could be considered for approval of change in landuse from "rural" to "public and semi-public" by the Technical Committee, subject to the following conditions:-

- a) Change in landuse of school area be limited to 3.5 hac., as per the norms and development controls for integrated school, in MPD-2001. The balance area may have to be maintained as green with 'O' FAR.
- b) Arrangement of services i.e. water, power etc. would have to be arranged by the owner, till the time municipal services are extended in the area.
- c) The school proposal may be integrated in the Mini-Master scheme for village development by GNCTD for this area.
4. The proposal as contained in para 3 above is put up for consideration of the Technical Committee, DDA.


16/5/96.
(S.P. BANSAL)
Dir (P&S).

Sub: Agenda item regarding processing of the Objections, suggestions regarding proposed changes in land use of zone-E, Trans Yamuna Area, Delhi.

File No.F.20(9)93-MP.

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1.0 BACKGROUND

1.1 The Authority vide Resolution No. 60/93 dated 16.4.93 approved the Draft Zonal Plan of Zone 'E', Trans Yamuna Area containing 17 cases of changes of land use. Subsequently, these changes were notified in the Gazette of India Part-II Section 3, Sub section II dated 7.7.94, for inviting Public objections and suggestions under section 11 A of the D.D. Act 1957 as given in Annexure 'A'.

1.2 Out of the 17 cases of changes of land use under consideration, only one reference which is marked at Sl. No.12 of the Annexure 'A' was approved by the Authority and was notified by Ministry of Urban Development vide Notification No.K-13011/5/92-DDIB dated 19.1.93.

1.3 In view of para 1.1 and 1.2 above, now 16 cases of change of land use are under consideration. 18 objections/suggestions were received only regarding item no.4 of the Public notice i.e. "The land use of an area measuring 0.988 hect. (2.44 acres) bounded by the Facility Centre No.8 in the North and East; Eastern Yamuna Canal/Road No.66 in the West; oxidation pond and Sewerage Treatment Plant in the South, is proposed to be changed from 'Recreational' to 'Public and Semi Public facilities (Burial ground)' (Pl. refer Annexure 'A').

2.0 EXAMINATION

2.1 Location

The Annexure 'A' item no.4 gives complete details regarding the location, the area of site under reference, present status of Master Plan land use etc.

2.2 MPD 2001 indicates location of Cremation/Burial Ground sites in the copy of the land use plan. Yet it is silent regarding size/area norms. To elaborate this issue the item was taken up in the Technical Committee meeting held on 3.8.91 vide item no. 80/91 which opined that for Burial/Cremation Grounds, an area approximately one hect. be earmarked and accordingly the cases may be processed like change of land use etc.

2.3 DETAILS OF OBJECTIONS/SUGGESTIONS RECEIVED

2.3.1 A list of 18 objections/suggestions received is enclosed as Annexure 'B'. As per this annexure, item no.1 is regarding a query raised by the residents of East Azad Nagar, whether their colony if regularised by MCD would have any impact of this Zonal Plan. It is stated that East Azad Nagar is an unauthorised colony under the jurisdiction of MCD and as such shall be dealt as per the policy decision of the Govt. of India and whenever a decision by the local body is taken, it would be incorporated in the Zonal Plan as per the provision of Development code, MPD 2001.

2.3.2 Objections/Suggestions from item no.2 to 18 (17 nos.) of Annexure 'B' is regarding the Burial Ground site, item at sl.no.4 of Annexure 'A'. Out of these 17 objections, 11 are in favour of continuing this Burial Ground site and 6 are against the said location. Details given in Annexure 'B'.

3.0 RECOMMENDATION

3.1 As per the contents of paras given in item no.2.3.1 and 2.3.2 above, it is proposed that item at sl. no.4 of Annexure 'A' is proposed for processing of change of land use from 'Recreational' to 'Public and Semi Public' (Burial Ground).

3.2 The remaining 16 cases of change of land uses i.e. item no.1, 2,3, 5,6,7,8,9,10,11,13,14,15,16 and 17 of Public notice as mentioned in Annexure 'A' are being proposed for consideration and approval of the Technical Committee.

Uman
(I. Mohan)
Director (AP III) D.D.A.

R. K. Bandyopadhyay
(R. K. Bandyopadhyay)
AC (AP)

To be published in the Gazette of India, Part II section 3 Sub-section(ii) dated 16.7.94

No.F.20(9)93-MP

Dated 7.7.94

PUBLIC NOTICE

The following modifications which the Central Govt. proposes to make in the Master Plan 2001 / Zonal (Divisional Development Plan of Zone 'E' (Trans Yamuna Area) for Delhi, are hereby published for public information. Any person having any objections/suggestions with respect to the proposed modifications may send the objections/suggestions in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi, within a period of 30 days from date of issue of this notice. The person making the objection/suggestion should also give his name and address.

MODIFICATIONS:

1. "The land use of an area, measuring 9.09 ha. (22.45 acres) falling in planning divisions 'E' (Trans Yamuna Area) bounded by CRPF camp in the North, Marginal Bund Road and existing high tension line in the East, proposed 66 KV high tension line in the West and LPG Bottling Plant /Wazirabad Road in the South, is proposed to be changed from 'agricultural and water body' to 'public and semi public'".
2. "The land use of an area, measuring 27.50 ha. (67.92 acres) bounded by Wazirabad Road in the North, Ashok Nagar (Saharanpur Railway Line in the East, Loni Road in the West and East Jyoti Nagar CHBS in the South, is proposed to be changed from 'commercial' to 'residential'".
3. "The land use of an area, measuring 2.15 ha. (5.31 acres) bounded by Wazirabad road in the North, existing road (60 m. R/W) and Delhi UP Boundary in the East, Sunder Nagar resettlement Colony in the South and West, is proposed to be changed from 'recreational' to 'residential'".
4. "The land use of an area measuring 0.988 hect. (2.44 acres) bounded by the Facility Centre No. 8 in the North, and East, Eastern Yamuna Canal/road no. 66 in the West Oxidation pond and Sewerage Treatment Plant in the South, is proposed to be changed from 'recreational' to Public and semi public facilities' (Burial ground)".
5. "The land use of an area, measuring 8.60 ha. (21.24 acres) and 12 ha. (29.64 acres) bounded by Badarpur village in the North, Gorakh Park /Shivaji Park in the East, Eastern Yamuna Canal in the West and Road no. 65 in the South, is proposed to be changed from 'recreational' (8.60 ha.) and commercial (12.0 ha.) to 'residential use'".

6. "The land use of an area, measuring 16.28 ha. (40.21 acres) bounded by Eastern Yamuna Canal/Uldanpur in the North, Facility Centre no. 12 in the East, Village Seelampur in the West and Azad Nagar in the South, is proposed to be changed from 'recreational' to Public and semi Public use".
7. "The land use of an area measuring 5.00 ha. (12.35 acres) bounded by Vishwas Nagar in the North, Road no. 58 Jhilmil Colony in the East, Vishwas Nagar in the West, and the road 30 mtrs. R/W drain and Facility Centre no. 13 in the South is proposed to be changed from 'Public and semi public facilities' to 'residential use'".
8. "The land use of an area, measuring 2.75 ha. (6.79 acres) bounded by Srestha Vihar in the North, existing drain road no. 56 in the East, CSIR CHB Society in the West and Anand Vihar / Railway line in the South, is proposed to be changed from 'public and semi public facilities' to 'residential use'".
9. "The land use of an area measuring 3.925 ha. (9.68 acres) bounded by Shanti Vihar in the North, Karkardooma village in the East, 30 mtrs. wide road / Hargovind Enclave in the West and community Shopping Centre in the South, is proposed to be changed from 'recreational' to 'residential use'".
10. "The land use of an area measuring 2.50 ha. (6.17 acres) bounded by Handicapped school in the North, Karkardooma village in the East, 30 mtrs. wide road / Hargobind Enclave in the West, and road lno. 75-B in the South, is proposed to be changed from 'service centre' to 'commercial use'".
11. "The land use of an area, measuring 10 ha. (24.70 acres) bounded by Gaushala / Gazipur Automobile Centre in the North, 30 mtrs. wide road / Delhi UP Boundary in the East, Gazipur village in the West and Wholesale Market in the South, is proposed to be changed from 'Commercial' to 'residential use'".
12. "The land use of an area measuring 25.24 ha. (62.34 acres) bounded by recreational strip Mandawali Fazalpur CGHS in the North, existing drain/road no. 56 in the West, National Bye Pass 24 in the South, is proposed to be changed from 'transportation' to 'public and semi public (19.84 ha.) and commercial use (5.40 ha.)'".
13. "The land use of an area measuring 0.70 ha. (1.72 acres) bounded by 30 mtrs. wide road and Mother Dairy in the North, Nav Nirman Society in the East, Ice Factory in the West and National Bye Pass 24 in the South, is proposed to be changed from 'manufacturing' to 'residential use'".
14. "The land use of an area measuring 42 ha.

(103.74 acres) bounded by National Highway pass 24 in the North, 45 mtrs. wide road and UP boundary in the East, Gazipur Dairy farm in the West, and Hindon Canal in the East, is proposed to be changed from 'recreational, transportation, and rural use' to 'commercial use'.

15. "The land use of an area measuring 72 ha. (177.84 acres) bounded by 45 mtrs. wide road Hindon Canal in the North West 45 mtrs. wide road and UP Boundary in the North East, recreational strip/Kondli Scheme in the South West and 45 mtrs. wide road / Noida Boundary in the South East, is proposed to be changed from 'manufacturing' to 'transportation (60 ha.) and commercial use (12 ha.)'."
16. "The land use of an area measuring 25.45 ha. (62.86 acres) bounded by 30 mtrs. wide road Kondli Dairy Farm in the North, Kondli Gharoli Residential scheme /community shopping centre in the East, Sewage Treatment Plant in the West and 45 mtrs. wide road Kondli resettlement Phase I in the South, is proposed to be changed from 'utility' to 'residential use'."
17. "The land use of an area measuring 19.7 ha. (48.65 acres) bounded by CRPF in the North, recreational/ UP Boundary in the East, S.F. Scheme in the West and 30 mtrs. wide road /Kondli resettlement scheme Phase I in the South, is proposed to be changed from 'residential' to 'service centre and recreational use'."

2. The plans indicating the proposed modifications will be available for inspection at the office of the Joint Director Master Plan Section, 6th floor, Vikas Minar, IP Estate, New Delhi on all working days within the period referred above.


 (V.M. BANSAL)
 COMMR. CUM SECRETARY
 DELHI DEVELOPMENT AUTHORITY

VIKAS SADAN,
 'B' BLOCK, INA
 NEW DELHI.

**OBJECTIONS/SUGGESTIONS FOR ZONE-E (ZONAL PLAN) CHANGE OF LAND USE
PUBLISHED ON 7.7.94 (17 CASES OF CHANGE OF LAND USE)
File No.F.20(9)93/MP**

S.No.	Ref. Letter No.	Name of the Objector	Brief Summary	Remarks
1.	2.	3.	4.	5.
1.	F.20(9)93/MP dt. 7.7.94 Page 51/C Recd. on 25.7.94.	Residents of East Azad Nagar. Represented by Bharat Bhushan.	They have enquired as to whether their colony to regularised by MCD will have any impact of this zonal plan.	Regarding this clarification of objection raised by residents of East Azad Nagar, it is stated that decision of local body whenever decided, will be incorporated in the zonal plan as per provision of development code of MP-2001.
2.	F.20(9)93/MP dt. 7.7.94 Page No.74 Recd. on 12.8.94.	Sh. Asgar Ali, Secretary, Delhi Pradesh Aman Committee, Kablr Nagar, Shahdara Delhi.	This letter is in favour of allotting this land to Burial ground to the tune of 2 Hac. instead of 0.988 Hac.	As per MPD-2001, no norms for burial ground has been specified. Normally, site of 1 Hac. are being considered for allotment to Burial ground. Existing burial ground site is recommended to be retained.
3.	F.20(9)93/MP dt. 7.7.94 Page No. 75. Recd. on 12.8.94.	Sh. G.P. Rawal, Gen. Sec., Federation of Yamuna Vihar Welfare Association, Yamuna Vihar, Delhi.	-do-	-do-
4.	F.20(9)93/MP dt. 7.7.94 Page No.76 Recd. on 19.8.94.	Sh. Molnudin, Gen. Sec. Kablr Nagar Main Mkt. Welfare Association, Kablr Nagar, Shahdara Delhi.	-do-	-do-

S.No.	Ref. Letter No.	Name of the Objector	Brief Summary	Remarks
5.	F.20(9)93/MP dt. 7.7.94 Page No.77 Recd. on 22.8.94.	Sh. Kanwar Pal Singh, Gen. Sec. Ambedkar Netik Shiksha Sansthan, Yamuna Vihar, Delhi.	-do-	-do-
6.	F.20(9)93/MP dt. 7.7.94 Page No.79. Recd. on 12.8.94.	Sh. Reetaqat Ali, Sec. Delhi Pradesh Samajwadi Party Talkatora Road New Delhi.	-do-	-do-
7.	F.20(9)93/MP dt. 7.7.94 Page No.80 Recd. on 12.8.94.	Sh. Abdul Gattan, Gen. Sec. Madarsa Madina Talim-ul Masjid Tamali Society, Gokul Puri, Delhi.	-do-	-do-
8.	F.20(9)93/MP dt. 7.7.94 Page No.81. Recd. on 12.8.94.	Sh. Asgar Ali, Maha Mantri Block Babarpur Congress I.	-do-	-do-
9.	F.20(9)93MP dt. 7.7.94 Page No.82 Recd. on 12.8.94.	Dr. R.S. Adil, All India Muslim Society, Yamuna Vihar, Delhi.	-do-	-do-
10.	F.20(9)93 MP dt. 7.7.94 Page 84 Recd. on 12.8.94.	Sh. I.S. Khan, Gen. Secretary, United Wel- fare Society, Yamuna Vihar, Delhi.	-do-	-do-
11.	F.20(9)93 MP dt. 7.7.94 Page 86. Recd. on 12.8.94.	Sh. Mohd. Sami Salmani President, Jamat-E-Salmani East Delhi.	-do-	-do-
12.	F.20(9)93 MP dt. 7.7.94 Page 88 Recd. on 12.8.94.	Sh. Iqbal Ahmed, Sec. Idgah Qabristan Comm. Yamuna Vihar, Delhi.	-do-	-do-

S.No.	Ref. Letter No.	Name of the Objector	Brief Summary	Remarks
13.	F.20(9)93 MP dt. 7.7.94 Page 45 Recd. on 2.8.94.	Sh. Mahesh Gaur MLA Babarpur Sh. Sahib Singh Chauhan, MLA, Yamuna Vihar Sh. Fateh Singh, MLA Nand Nagri.	This burial ground site will have ill effect on the population of the Facility Centre No. 8 ii) Surrounding localities.	-do-
14.	F.20(9)93 MP dt. 7.7.94 Page 53 Recd. 12.8.94.	Manphool Singh, President Awass Kalyan Samiti, Old Kardampur, Gokalpur, Shahdara Delhi.	-do-	-do-
15.	F.20(9)93 MP dt. 7.7.94 Page 57 Recd. 5.8.94.	Sh. Lakhmi Singh, Gen. Sec., Jan Kalyan Samiti Block C-3, C-4, Yamunar Vihar Delhi.	-do-	-do-
16.	F.20(9)93 MP dt. 7.7.94 Page 65 Recd. on 5.8.94.	Sh. Billu Ram Sharma President, Ganga Vihar Jan Kalyan Samiti near Gokalpur.	-do-	-do-
17.	F.20(9)93 MP dt. 7.7.94 Page 61 Recd. on 5.8.94.	Shri Ram Pal Singh, Sec. West Jyoti Nagar Welfare Association, Harizan Basti, Kardam Puri Delhi.	-do-	-do-
18.	F.20(9)93 MP dt. 7.7.94 Page 69 Recd. 5.8.94.	Ch. Balak Ram, Pradhan, Gram Sabha, Gokalpur, Shahdara Delhi.	-do-	-do-

Sub : Change of land use from 'Utility' (Drain) to 'Residential' for 4 pkts. of an area measuring 5.15 acres for construction of staff quarters (152) for NDMC at Laxmi Bai Nagar/Sarojini Nagar on the reclaimed land after covering khushak nallah.

F20(1796-MP.

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1.0 BACKGROUND :

1.1 The reference has been received from Project Chief Engineer(C), NDMC letter no.PCE(C)/D/59 dt.10.1.96 requesting for change of land use for 4 pockets covering an area of 5.15 acres for construction of staff quarters (152) for NDMC at Laxmi Bai Nagar/Sarojini Nagar on reclaimed land after covering khushak nallah under urban environmental improvement programme. The total no. of type II quarters at Laxmi Bai Nagar is 45 and total no. of type I, III & IV quarters at Sarojini Nagar is 107.

1.2 Recently, a meeting was held at Raj Niwas on 13.5.96 and it was decided that the change of land use for the two pockets in Laxmi Bai Nagar and Sarojini Nagar be brought before the Technical Committee meeting.

2.0 EXAMINATION :

2.1 The site under reference falls in sub-zone of D-21 and the ownership of the land vests with L&DO. The land use of these pockets is predominantly utility (drain) and is partially district park and partially neighbourhood park.

2.2 According to MPD-2001 provisions, the fully segregated cycle tracks is to be provided by adjusting existing road sections and making use of nallahs.

2.3 The construction of 144 quarters of type IV category was started in 1990 and almost complete. However, some of the quarters have come up upto plinth level.

3.0 RECOMMENDATIONS :

3.1 To utilise this area for other uses then permitted as per Master Plan/Zonal Plan, it will require processing of change of land use for 2.08 ha. (5.15 acres), comprising of four pockets from 'Utilities' (drain) to 'residential' (Group Housing/Staff Quarts) under section 11A of D.D.Act,1957.


AC(DCB)