

ENGINEER MEMBER DDA

Diary No. 927

Date: 2/8



DELHI DEVELOPMENT AUTHORITY
(V.C.'s SECRETARIAT)

No. F.1(8)/VCS

Dated: August 1, 1996.

CIRCULAR - ORDER

Sub:-

Protection of lands in Housing Pockets of DDA -
"Prevention of encroachments and removal thereof"

Duties/responsibilities of various departments of DDA with regard to checking and guarding against encroachments on DDA land already stand defined (letter issued by Commissioner (Lands) vide order No. PS/AS/ELF./96 dated 4.9.91 refers). In terms of this order, the responsibility for protection of land/removal of encroachments in all cases where lands have been handed over to Engineering Department for undertaking development activities lies with that Department.

2. It has been felt that in the housing pockets where DDA lands are lying vacant as open space/common areas/parks the field officers of Engineering Department can be very effective in view of their proximity to the area. The following arrangements are, therefore, prescribed for more effective functioning.

Encroachments on DDA land in housing pockets.

3. Executive Engineer, Incharge of the Civil Division duly aided by the AEs and JEs working under his control will be responsible for:

(a) Protection of all DDA lands (other than those with Horticulture Deptt.) in DDA housing pockets.

(b) To ensure that no encroachments are allowed to take place on such lands.

(c) To exercise necessary vigil to detect any encroachment and to take prompt action for removal of such encroachments.

We discussed the operational part of this circular.

Present - PC, Cam (LM), Cam (H), Mi (LM), CG (SWE), SL Su Pikkhi + So (I).
To wear out details + discuss

T

ks

(d) To detect cases where unauthorised constructions have been made or being made in flats constructed by DDA and to report the same to Housing (Enforcement) Department for necessary legal action.

The area under the Division will be so divided that the Jr. Engineers/Asstt. Engineers working under the Executive Engineer are fully aware of their jurisdiction for exercise of their functions as mentioned above.

Executive Engineer to take prompt action against encroachments on ROW and common spaces 4. It is also directed that the Executive Engineer, Incharge of the Civil Division will take prompt action to remove encroachments on right of way and in common area and local parks etc. in housing pockets under his jurisdiction.

Suptdg. Engineer to supervise and monitor the functions of Executive Engineers 5. The Suptdg. Engineer will supervise and monitor the functioning of Executive Engineers under his Circle with respect to their performance in this regard.

Delegation of powers u/s 30, 31 & 31(A) of D.D. Act. 6. All Executive Engineers have already been delegated powers under section 30, 31 & 31(A) of Delhi Development Act Vide Resolution No.71 Dated 23.12.90 of the Authority.

All concerned are expected to take necessary action on the above lines with immediate effect.

Anil Kumar
(ANIL KUMAR)
VICE-CHAIRMAN

1. All Chief Engineers, Superintending Engineers, Executive Engineers.
2. Commissioner (Housing)/Director (Housing)

Copy also to:-

- ✓ a. E.M., F.M., P.C., &
- b. All Head of Departments

DELHI DEVELOPMENT AUTHORITY
ENGINEER MEMBER'S OFFICE

No. : EM.3(81)77/Pt.f.11/3583

Dated: 09-09-1996

CIRCULAR-ORDER

Kind attention of all concerned is invited to the Circular Order No.F.1(8)/96/VCS dated 1.8.96 issued by Vice-Chairman, regarding detection and removal of encroachment from public lands/common areas and detection/reporting of the unauthorised constructions in DDA flats, for which the responsibilities have been entrusted to Engineering wing.

To operationalise these instructions, the procedures and prescriptions of detection/maintenance of records/registers indicating the responsibilities of various officers shall be as under:

1. AREA ALLOCATION:

Each Ex.Engineer will allocate specific jurisdiction in the different pockets, amongst various AEs/JEs under his charge. This shall be duly marked on a plan.

2. DETECTION AND MAINTENANCE OF RECORDS:

a) Wherever encroachments/unauthorised constructions in DDA housing pockets are noticed the performa for recording such encroachments/in Register, to be maintained at Sub-Divisional/Divisional level, will be as per Annexure-I & II and that for unauthorised constructions in flats will be as per Annexure-III & IV respectively.

b) Two registers, both at AE as well as EE level, one for recording encroachments on DDA land and another for recording unauthorised constructions in DDA flats, will be maintained.

contd...2/-

c) These registers will be got printed and numbered. These registers will be issue like MBs for which proper record will be maintained

3) FORMATION OF DEMOLITION SQUAD.

- a) A demolition squad comprising of atleast 15 persons including Supervisors, Security Guards and Beldars will be formed at Divisional level. This squad will be fully equipped with necessary tools & plants required for demolition.
- b) The Headquarter of this squad will be the Division Office or at a place in any one of the Sub-Divisions from where it's services could be requisitioned at a short notice.

4) PHYSICAL OPERATION :

A) DETECTION/REMOVAL OF UNAUTHORISED ENCROACHMENTS- (FROM HOUSING POCKETS WHICH ARE YET TO BE DENOTIFIED)

RESPONSIBILITY/ACTION BY JE/AE/EE :

- 1) JE-in charge : a) JE shall be fully responsible for keeping a vigil against encroachments on DDA land/ common areas. For the pockets wherein allotment has been completed, inspection will be carried out by JEs atleast on alternate days. In all other pockets, the inspection will be carried out on day-to-day basis.
- b) On detection of encroachment/ unauthorised constrction, the same shall be recorded in the respective registers maintained at Sub-Divisional level.
- c) JE will send the detetion report daily /on alternate days, whenever encorachment is noticed, to his AE/EE in the prescribed proforma (Annxure-V). Cases of existing encroachments, if any, are also to be reported for taking action.
- d) As far as encroachment is concerned, JE will take immediate action to stop/remove it with the help of Demolition Divisional Squad at Divisional level.

In case of any difficulty/
public resistance, the matter
will be reported to the AE/EE,
who will make necessary mobili-
zation for removal of the said
encroachment.

II) AE-in-charge

- a) On receipt of detection report
from JE, the same shall be
entered in the register to be
maintained at Sub-division
level.
- b) The AE will visit the site
frequently and minimum twice
in a week to verify the
factual position. He shall
carry out a minimum check
of 50% of cases of encroachments
reported by JE.
- c) In cases, where JE is not able
to demolish/remove the
encroachments with the help
of Demolition Squad of the
division, AE will file a
report of criminal trespass
with the Police Station and
ensure that land is got
evicted from the encroachers.
- d) Such hard cases will be
brought by him immediately
to the notice of the EE.

III) EI-in charge

- a) To ensure that there is no
dereliction of duty on the part
of his JEs/AEs, EE will visit
the site as and when required
and atleast once in a week.
He shall carry out a minimum
check of 10% of cases of
encroachments reported by
JE.
- b) He will review the position
of encroachments with his
AE on **1st** and **16th** of every
month.
- c) In hard cases, brought to his
notice by AE, immediate action
will be taken to:
- i) Lodge FIR with the Police
against the trespassers.
- ii) In case no police assistance
is received, seek the help
of LM wing of DDA in major
cases for getting the
encroachments removed.
- iii) To make an order under
section 31(1) of DD Act,
1957 to **stop** unauthorised
construction/development and
to have it served immediately.

iv) In case the development is not discontinued in pursuance of the order under section 31(1) then to require the Police Officer to remove the person by whom the development has been commenced and all his Asstts. and workmen from the place of development or to seize any construction, material etc.

v) To pass an order under Section 31-A of DL Act, 1957 directing the sealing of the construction/development.

vi) To pass an order under section 30(1) of the DL Act-1957 in cases where required.

(Note: Formats to issue show cause notice under section 31(1)/ 30(1) and 31-A of DL Act and to pass an order under section 30(1) of the Act as well as the format of requisition to be sent to the Police Officer/attached.) /are

d) Send fortnightly report on encroachments to his SE.

e) Take steps to immediately protect and utilise the vacant land pockets as per prescribed land use, got vacated of the encroachers.

B) DETECTION OF UNAUTHORISED CONSTRUCTION IN FLATS- (IN THOSE AREAS WHICH ARE YET TO BE DENOTIFIED)

RESPONSIBILITY/ACTION BY JE/AE/EE:

I) JE-in charge:

For unauthorised construction/addition/alteration in the DDA flats the matter would be reported by JE to the AE immediately after it's detection, in the prescribed proforma (Annexure-VI). However, before reporting the unauthorised construction to Housing Enforcement, JE will ensure that the additions/alterations permissible in flats, as per Circular issued by Housing Wing, are taken into account.

II) AE-in charge

AE-in-charge will countersign JE's detection report and send the same to Dy. Director (Housing)-Enforcement in the prescribed proforma (Annexure-VI), Copy of the same would also be endorsed to concerned Ex. Engineer. The report will be sent on the same day or at the most on next working day by a special messenger.

III) EE-in charge:

- a) For unauthorised constructions in flats, the Ex.Engineer will send a consolidated report every month to Commissioner(H) with its copy to SE.
- ii) For unauthorised constructions already having taken place prior to 1.8.96 in various housing pockets, Housing Enforcement Branch would get a report of such cases prepared for taking further action at its end under the terms of allotment.

5. REVIEW AT SE'S LEVEL.

SE will review encroachment registers maintained in the Division and action taken during the monthly inspection of the divisions under his charge. After review, SEs will send a report alongwith their comments through their CEs to Commr.(LM) every month for kind appraisal of VC.


(R.K. BHANDARI) 9/9
ENGINEER MEMBER

Copy to:-

1. All Chief Engineers.(with 30 spare copies for distribution among SEs & EEs).
2. Commissioner(LM), Commissioner(Housing), Commissioner(LD). (with 5 spare copies each).
3. Chief Legal Advisor.
4. Directors(Hort.)-North & South.(with 10 spare copies each for distribution among Jt.Director/Dy.Director(Hort.).

Copy also to:-

1. Vice-Chairman, DDA.
2. Finance Member, DDA.
3. Pr.Commissioner, DDA.
4. Chief Engineer(QC), DDA.
5. Director(Works), DDA.
6. Director(Monitoring), DDA.
7. E.O.I, II & III/EM's Office.

ANNEXURE-I

SUB-DIVISION NO: _____

DIVISION NO: _____

Proforma for keeping a record of detection/removal of encroachments from Govt. Land/Common Areas in BDA Housing Pockets.

S.No. No.	Encroachment Report	Date of detecti- on.	Pocket/ Sector.	Location	Name of the person encroaching the land.	Details of Encroachment.			Dt. of demol- ition.	Counter sign. of inspecting/ supervising officer, with remarks if any.
						Permt./ Temp.	Area Encr' ed.	Nature of Enc- roach- ment.		
1	2	3	4	5	6	7(a)	7(b)	7(c)	8.	9.

[Handwritten mark]

DELHI DEVELOPMENT AUTHORITY
(ENCROACHMENT DETECTION REPORT)

ZONE :
CIRCLE:
DIVISION:
SUB-DIVISION NO:

1. Encroachment Report No :
of
2. Date detection :
L
3. Pocket/Sector ;
4. Location ;
5. Name of the person
encroaching the land ;
6. Details of Unauthorised
encroachment: ,
i) Permanent/Temporary :
ii) Area under encroachment :
iii) Nature of encroachment :
7. Date of demolition ;
8. Any other details/problem ;

AE-incharge

Signature of JE

Copy to:

1. EE/ _____

DELHI DEVELOPMENT AUTHORITY

(DETECTION REPORT ON UNAUTHORISED CONSTRUCTION IN DDA FLATS)

DATE:

ZONE :

CIRCLE:

DIVISION:

1. Detection report No; :
2. Date of Detection :
3. Pocket/Sector :
4. Flat No :
5. Floor :
6. Name of the allottee/
occupant :
7. Nature of construction
Temp./Permanent :
8. Brief Details :

Signature of JE
(Name in Full)

Counter
Signature of AE
(Name in full)

Dy. Director (Housing) - Enforcement
No.

Copy for information of the

1. EE/ _____ Divn. _____

DEBRI DEVELOPMENT AUTHORITY

ID: FILL NO:

FROM :

TO :

SUB: i) Notice to show Cause and hearing under Section 30 (1) and 31-A of D.D. Act.

ii) Order under section 31 of D.D. Act to stop development in respect of property No. _____

Whereas it has been brought to the notice of the undersigned, pursuant to the inspection conducted on _____ that illegal and unauthorised development has been commenced/is being carried out/has been completed by you in the above referred property, in as :-

a) _____

b) _____

c) _____

d) _____

e) _____

f) _____

AND WHEREAS THE Said unauthorised and illegal development falls within development area No. _____ of D.D.A. and has been commenced/is being carried out in _____ in contravention of the Master Plan, the Zonal Development Plan without permission under section 12 of D.D. Act.

You are hereby directed to discontinue, forthwith, the aforesaid illegal and unauthorised development in the above referred property.

AND WHEREAS in order to prevent any dispute as to the nature and extent of the illegal and unauthorised development and for the purpose of carrying out the provision of D.D. Act. 1957, it is considered necessary and expedient to make an order under section 31-A of D.D. Act for sealing of the illegal and unauthorised development.

NOW, you are hereby called upon to show cause to the satisfaction of the undersigned why an order for demolition of the said unauthorised and illegal development as described herein-before should not be passed under section 30(1) of D.D. Act and why the said illegal and unauthorised development be not directed to be sealed under section 31-A of the D.D. Act.

You are called upon to furnish your reply in my office _____, within 5 days of the receipt of this Notice, alongwith any document(s) upon which you place reliance. Take further Notice that on _____ at 3.30 P.M. You and or your authorised representative shall appear for hearing in my above referred office, in support of your contentions, failing which you shall be proceeded against ex-parte. At the time of hearing you may produce documents/or evidence in support of our contentions.

For the purpose of issuing this Notice, reliance has been placed on sketch plan and sanction plan.

Given under my hand and seal on this day of _____
19____.

(
Name of the Officer with Stamp
of Office.

DELHI DEVELOPMENT AUTHORITY

FROM: _____

TO: The Station House Officer,
 _____,
Delhi/New Delhi.

Sub: Requisition under Section 31(2) of
 D.D. Act, 1957.

Sir,

It is brought to your notice that Sh./Smt. _____
 _____ S/o, w/o _____
 r/o _____

has commenced the development at _____
 by _____ (Type of Development)
 which is in contravention of the Master Plan/Zonal
 Development Plan/without the permission, approval or
 sanction referred to in Section 12 of the Act/ in
 contravention of the conditions subject to which
 such permission approval or sanction was granted.
 (whatever is not relevant to be deleted).

The premises/land where the development has
 been commenced/... being carried out is situated in
 development area No. _____ of the Authority and
 as an officer of the Authority, duly empowered in this
 behalf, and in exercise of the powers under Section
 31(1) (---) of D.D. Act, 1957, the undersigned passed an
 order on _____ to discontinue the development
 from the date of the service of my orders, but my said
 orders have not been complied with. The service of my
 orders was effected on _____.

Accordingly, in exercise of powers under Section
 31(2) of D.D. Act, 1957, the undersigned hereby require
 you to remove the aforesaid Shri _____
 and all his assistants and workmen from the place of
 development and/or seize the construction material,
 tool, machinery, scaffolding and other things used in
 such development by the aforesaid Sh. Smt. _____.

The compliance of the aforesaid orders is obligatory
 in view of the provisions of Section 31(2) of D.D. Act, 1957.

You are accordingly required to comply with the
 aforesaid orders and report the compliance thereof to
 the undersigned by _____.

Yours faithfully,

DELHI DEVELOPMENT AUTHORITY
(OFFICE OF E.E./_____)

NO: _____

DATED: _____

ORDER UNDER SECTION 30(1) FOR REMOVAL OF ILLEGAL AND UNAUTHORISED DEVELOPMENT AND ORDER UNDER SECTION 31-A FOR SEALING OF THE ILLEGAL AND UNAUTHORISED DEVELOPMENT UNDER DELHI DEVELOPMENT ACT IN RESPECT OF PKT. NO. _____ MEASURING _____ IN RESIDENTIAL SCHEME.

By this order I propose to finalise the proceedings initiated against _____ under Section 30(1) and 31-A of Delhi Development Act., 1957.

Notice to Show Cause was issued to _____ by the said notice _____ was called upon to Show Cause why an order of demolition and sealing of the following unauthorised development be not issued as the same were in contravention of the Master Plan, Zonal Development Plan and in violation of the permission, approval and sanction accorded in terms of Section-12 of the Act of 1957 _____ was/were called upon to appear before the undersigned on _____ alongwith any documents upon which he they placed reliance.

UNAUTHORISED AND ILLEGAL DEVELOPMENT :

- a) _____
- b) _____
- c) _____
- d) _____

In response to the served Show Cause Notice, Sh/Smt _____ purported to be the GPA of Sh/Smt. _____ appeared before the undersigned on _____ and submitted a copy of GPA which after due consideration was not treated as sustainable in law DDA rules. The notice was duly served upon the allottee and pasted at site. It is, thus, clear that the allottee is intentionally avoiding the hearing. No further opportunity, therefore, needed to be given in this case.

Upon carefully considering the reports of the field staff and also various related documents and papers, I hold that the development communicated in the Show Cause Notice is illegal and unauthorised and is liable to be removed. In other words neither it has been sanctioned nor is permissible under the Building By-Laws. The unauthorised development, in question, cannot be compounded under the building by-laws.

The property in question is a part of Development Area No._____. And, therefore, I being an officer of the Delhi Development duly empowered by it in this behalf, am competent to pass order under Section 30(1) of Delhi Development Act for removal of this unauthorised development, which have been shown in red colour in Sketch Annexure-I and shall be taken as a part of this order.

You are hereby required to remove the said unauthorised and illegal development which has been completed in contravention of the permission, approval or sanction referred to in Section-12 of Delhi Development Act, and in contravention of conditions subject to which the permission, approval or sanction had been granted, which has been delineated specifically in red colour in the sketch Annexure-I to this order, by demolition or otherwise, within a period of days from the date of receipt of this order.

PLEASE TAKE NOTICE THAT IF you fail to comply with this order within the time specified above, the undersigned may remove or cause to be removed the aforesaid unauthorised and illegal development and the expenditure of such removal shall be recovered from you, the person at whose instance the development has been completed, as arrears of land revenue.

I further direct sealing of the aforesaid unauthorised development, in case you fail to comply with the above orders within days of the receipt of these orders, so that provisions of Delhi Development Act including demolition of the aforesaid unauthorised construction may be carried out smoothly, and any dispute to the extent and nature of the aforesaid unauthorised development prevented. _____ is authorised to seal the aforesaid development in the manner described in the Rule with the official seal of the DDA.

That no person shall remove the seal except under orders of the undersigned or as provided under Section 31-A(3) of the Delhi Development Act, 1957.

Given under my hand and seal on this _____ day of _____.

()
Name of the Officer with Stamp
of Office.

Encls: - ANNEXURE-I

1. Sh/Smt.

2. Sh/Smt

(N.K.)