

The Delhi Municipal Corporation (Sealing Of Un-Authorised Construction) Rules, 1986

DELHI

India

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Rule

THE-DELHI-MUNICIPAL-CORPORATION-SEALING-OF-UN-AUTHORISED of 1986

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The Delhi Municipal Corporation (Sealing Of Un-Authorised Construction) Rules, 1986Published vide Notification No. Fl/32/77-LSG Vol. III-Policy (i), dated 10th February, 1986, published in Delhi Gazette, Extra., Pt. IV, No. 33, dated 14th February, 1986.In exercise of the powers conferred by sub-section (1) of section 345A of the Delhi Municipal Corporation Act, 1957 (66 of 1957), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.

(1)These rules may be called the Delhi Municipal Corporation (Sealing of Un-Authorised Construction) Rules, 1986. (2) They shall come into force at once.

2. Definitions.

-In these rules, unless the context otherwise requires,(a)"Act" means the Delhi Municipal Corporation Act, 1957 (66 of 1957); (b) "Administrator" means the [*] [Now the Lieutenant Governor of the National Capital Territory of Delhi.]Administrator of the Union territory of Delhi;(c)"Commissioner" means the Commissioner of the Corporation;(d)"Corporation" means the Municipal Corporation of Delhi;(e)words and expressions used herein but not defined shall have the same meaning as assigned to them in the Delhi Municipal Corporation Act, 1957 (66 of 1957).

3. Manner of sealing of unauthorised constructions.

(1)The Commissioner or an officer duly authorised by him in this behalf may by order and for reason recorded therein, direct any person specially authorised in this behalf or any municipal officer or any other municipal employee not below the rank of a Junior Engineer of the Corporation to seal any premises or unauthorised constructions under section 345A of the Act,(2)A copy of the order made under sub-rules (1) shall be delivered to the owner or occupier of the premises or unauthorised construction immediately after the sealing of such premises or unauthorised construction and in case the owner or the occupier is not available at the site the paid copy may be pasted at some conspicuous place of the said premises or un-authorised construction.(3)The owner or occupier of the premises or unauthorised construction whose premises or unauthorised construction, as the case may be, has been sealed under sub-rule (1), may obtain a certified copy of such order from the Commissioner or any officer duly authorised by him in this behalf.(4)The person, municipal officer or municipal employee referred to in the sub-rule (1) may, before the sealing of the unauthorised construction prepare a rough sketch or plan of the unauthorised construction alongwith (approximate measurements).(5)The person, Municipal Officer or other municipal employee as referred to in sub-rule (1), may seal the outer door or the opening of the building in which the unauthorised construction has been or is being made or unauthorised construction after ensuring that other outlets and inlets of the premises or unauthorised construction have been properly locked, bolted or encircled with wire rope or wire-mesh or any other material and where such premises or unauthorised construction cannot be enclosed with wire, rope or wire-mesh or any other material or has no boundary walls making the sealing thereof difficult, the person, municipal officer or other municipal employee, as aforesaid, shall be authorised to take or adopt any other means including the posting of any person for watch and ward purposes with a view to ensure the same against tempering or interfering in a manner that no person can enter into or open the premises or unauthorised construction without breaking or removing the seal affixed under sub-rule (1).(6)Where any premises or unauthorised construction which has been ordered to be sealed under this rule is found to be locked or inaccessible, the person, municipal officer or other municipal employee authorised to seal the premises or the unauthorised construction, may either break open the lock or open or cause to be opened any door, gate or any other barrier and enter the unauthorised construction or the premises where the unauthorised construction has been made or is being made so as to ensure that the unauthorised construction or the premises is secured from within and then lock and seal the premises or the unauthorised construction:Provided that where any premises or the unauthorised construction is forced open, an inventory of the articles or material found in the premises or on the site of the unauthorised construction shall be prepared in the presence of two witnesses and a copy thereof shall be delivered to the owner or occupier present at the site.(7)The premises or the unauthorised construction referred to above shall be sealed with the seal of the Municipal Corporation which shall remain in the custody of an officer duly authorised by the Commissioner in this behalf.(8)The person, municipal officer or any other municipal employee, directed to seal the premises or unauthorised construction, after such premises or unauthorised construction has been sealed in the manner provided hereinbefore, shall inform in writing to(a)the police station of the area in which unauthorised construction of the premises is situated; or(b)any other police station as may be specified for the purpose in this behalf; and(c)the officer on whose directions the premises or

unauthorised construction has been sealed.

4. Tempering with seal of the premises or unauthorised construction.

-If any person, municipal officer or municipal employees whether authorised to seal the premises or the authorised construction or not, finds that the seal as affixed under these rules on the premises or the unauthorised construction, as the case may be has been broken or tempered with, shall report the matter in writing immediately to the police station concerned.