

The New Delhi Municipal Council (Sealing of Unauthorised Construction) Rules, 2008

DELHI

India

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Rule

THE-NEW-DELHI-MUNICIPAL-COUNCIL-SEALING-OF-UNAUTHORISED of 2008

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The New Delhi Municipal Council (Sealing of Unauthorised Construction) Rules, 2008Published vide Notification No. G.S.R. 411(E), 29th May, 2008Ministry of Home AffairsG.S.R. 411(E). - In exercise of the powers conferred by sub-section (1) of Section 250 of the New Delhi Municipal Council Act, 1994 (44 of 1994), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called the New Delhi Municipal Council (Sealing of Unauthorised Construction) Rules, 2008.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the New Delhi Municipal Council Act, 1994 (44 of 1994);(b)"Council" means the New Delhi Municipal Council established under the Act;(c)"unauthorised construction" means the erection of any building or execution of any work which has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in Section 241 of the Act or in contravention of any condition subject to which such sanction was accorded or in contravention of any of the provisions of the Act or bye-laws made thereunder.(2)Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Manner of sealing of unauthorised constructions.

(1)The Chairperson or an officer authorised by him in this behalf under Section 400 of the Act, may, by order and for reasons recorded therein, direct any municipal officer or any other municipal employee not below the rank of a Junior Engineer of the Council to seal any unauthorised construction or premises relating thereto under Section 250 of the Act.(2)A copy of the order made under sub-rule (1) shall be delivered to the owner or occupier of the unauthorised construction or premises immediately after the sealing of such unauthorised construction or premises and in case the owner or the occupier is not available at the site, the said copy may be pasted at some conspicuous place of the said unauthorised construction or premises.(3)The owner or occupier of the unauthorised construction or the premises whose unauthorised construction or premises, as the case may be, has been sealed under sub-rule (1), may obtain a certified copy of such order from the Chairperson or the officer authorised by him in this behalf.(4)The municipal officer or other municipal employee referred to in sub-rule (1) may, before the scaling of the unauthorised construction, prepare a rough sketch or plan of the unauthorised construction along with approximate measurements.(5)The municipal officer or other municipal employee 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 after ensuring that other outlets and inlets of the unauthorised construction or the premises have been properly locked, bolted or encircled with wire, rope or wire-mesh or any other material and where such unauthorised construction or premises cannot be enclosed with wire, rope or wire-mesh or any other material or has no boundary walls making the sealing thereof difficult, the municipal officer or the 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 tampering or interfering in a manner that no person can enter into or open the unauthorised construction or the premises without breaking or removing the seal affixed under sub-rule (1).(6)Where any unauthorised construction or premises which has been ordered to be sealed under this rule is found to be locked or inaccessible, the municipal officer or other municipal employee authorised to seal the unauthorised construction or the premises, 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, 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 unauthorised construction or the premises, as the case may be:Provided that where any unauthorised construction or premises 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 unauthorised construction or the premises referred to in this rule shall be sealed with the seal of the New Delhi Municipal Council, which shall remain in the custody of an officer authorised by the Chairperson in this behalf.(8)The municipal officer or any other municipal employee, directed to seal the unauthorised construction or premises, after such unauthorised construction or premises has been sealed in the manner provided in this rule, shall inform in writing to -(a)the Police Station of the area in which unauthorised construction or 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 unauthorised construction or the premises has been sealed.

4. Tampering with seal of premises or Unauthorised construction.

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

5. Repeal and saving.

(1)The New Delhi Municipal Committee (Sealing of Unauthorised Constructions) Rules, 1986 are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.