

COORDINATION SECTION

'ENCROACHMENT'

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Government of India
Ministry of Works, Housing & Supply
Land and Development Office
Nirman Bhavan
New Delhi.

Dated: 19-10-1967

Office Order No.8 of 1967-68
File No. Policy-6(E)-2/67

Sub:- Encroachment made by the plot holders on adjoining Public Street or Vacant Lands.

An extract of Para 9 of the minutes of meeting held in the Office of Secretary Ministry of Works, Housing and Supply on 25-11-65, is reproduced below for guidance :-

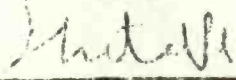
(i) In no case should public land be allowed to be enclosed either by a pucca structure or hedge or barbed wire fencing etc.

(ii) No objection need be taken to hedges grown immediately outside but adjacent to the boundary walls.

-ary (iii) Plot holders, who have not erected boundary walls at the limits of their plots should be served with notices to put up boundary walls according to the plans approved by local bodies. No extra wicket gates, not included in the sanctioned plans, should be allowed.

(iv) Local bodies and the Govt, would welcome if the plot holders grew lawns and even flowers in open areas adjacent to the plots but without enclosing the area in any way. It would be better not to give leases for this purpose but in case the Corporation insists on giving temporary leases for permitting laying of lawns and growing of flowers without any hedges or fencing or barbed wiring etc. no objection need be taken.

2. The Delhi Municipal Corporation and New Delhi Municipal Committee have already been requested by the Ministry of Works, Housing and Supply to take suitable measures to remove the existing encroachments and to ensure that such encroachments are not made by the Plot Holders in future.


(SHITAL PARASAD)
LAND & DEVELOPMENT OFFICER.

Copy to:-

ALL OFFICERS / SECTIONS.

Supdt. Administration Section (10 copies).

176
No. J-13015/4/74-LI
Government of India
Ministry of Works & Housing
(Nirman Aur Awas Mantralaya)

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Annotate III

New Delhi, dated the 6th February, 1980

Office Memorandum

Subject: Appointment of a Committee to consider the question of unauthorised religious shrines in Government land in Delhi/New Delhi - Procedure to be followed for regularisation of unauthorised encroachments/allotment of alternative land/removal of encroachments.

In this Ministry's O.M. No. J-13016/4/74-LI dated the 4th July, 1977, a Committee consisting of undermentioned officers was set up to make a case by case study of all unauthorised shrines which have come up on Govt. land from time to time to enable the Govt. to take a decision with regard to further of such shrines:

- (i) Shri K. K. Gankhar, Convener
Formerly L&D
- (ii) Shri Syed S. Shafi, Member
Now Chief Planner, TCPO.
- (iii) Shri R. C. Manchanda, "
Formerly Sr. Architect (H&TP)
CPWD.
- (vi) Shri S. C. Gupta, "
Formerly Addl. Secretary (HP)
Delhi Development Authority.

2. In December, 1978, the L&D intimated that the Committee held three meetings to consider the basic issues involved in the unauthorised construction of religious shrines in Delhi/New Delhi. A survey was also conducted by the L&D of the unauthorised religious shrines existing on Govt. land in Delhi/New Delhi area. The L&D furnished the following view of the Committee:

..... 2/-

(1)

Nearly 25% of the surveyed religious shrines are such which were existing prior to enforcement of the Master Plan provisions in 1962 and therefore such usage will be governed by the provisions of Section 14 of the Delhi Development Act, 1957 which are yet to be notified. Those religious shrines cannot be removed without following the provisions which are to be framed under the provisions of the DDA Act;

(11)

The remaining shrines are such which are established after 1962 and their regularisation will be governed as per Govt. orders for the regularisation of the unauthorised constructions/colonies in Delhi/New Delhi.

(111)

In both these cases the committee was of the opinion that the regularisation of unauthorised religious shrines should be dealt within accordance with the regularisation/redevelopment plans of the areas wherein such sites existed and, as far as possible the existing shrines may be accommodated or alternatively suitable accommodation wherever the adjustment at the present site may not be found feasible, may be provided;

(iv)

The Committee was of the further opinion that in the meanwhile the existing shrines which are located on Govt. lands should be charged damages as recoverable in accordance with the Govt. orders for encroachments/unauthorised construction on Govt. land;

(v)

In cases where schemes of re-development are being implemented, and the work is held up due to the existence of such unauthorised shrines, the Committee was of the view that the matter should be examined in consultation with implementing agencies so that the schemes are implemented and alternative accommodation is made available to the unauthorised shrines;

(vi)

The regularisation or alternative accommodation for unauthorised shrines is to be given only to those which were established prior to the date of issue of Govt. orders of February, 1977.

(vii)

The unauthorized shrines coming up after this date (February 1977) may not be considered for regularisation and action should be taken to remove such construction.

3. In December 1978 the Delhi Administration also informed the Government about the problem of unauthorized encroachments by religious shrines in Delhi and mentioned that a survey of the unauthorized encroachments by religious shrines was conducted through the DDA and MCD. They expressed the view that in view of the public sentiments involved in continuance of such religious institutions, it would not be advisable to adopt stringent attitude and use extreme measures. They also expressed the view that it would be advisable to regularise such of the religious encroachments which have taken place long ago and provide alternative plots to such of the religious encroachments which can be shifted to new places by persuasion. The institutions which have occupied more land far as fresh religious encroachments are concerned, they expressed the view that Administration will have to adopt strict measures. Heads of such religious bodies will have to be taken into confidence while doing so.

4. The above suggestion of the Delhi Administration was considered by Government and the procedure for dealing with religious encroachment as mentioned by the Delhi Administration was approved by Govt. of India in March, 1979. In the case of religious encroachments on land under the control of Ministry of Works & Housing also therefore the above procedure is to be followed. However, each case will have to be examined separately and decision taken. For this purpose, the following guidelines will have to be followed:-

(1)

Obtaining applications from the Institutions in the prescribed proforma.

Normally for allotment of land for institutional purposes, application in the prescribed proforma has to be furnished and thereafter each case is referred to the Delhi Administration and Ministry of Home Affairs. In the case of regularisation of unauthorized encroachments, it is necessary to obtain necessary details from the institutions concerned and refer the matter to Delhi Administration and Ministry of Home Affairs. Only institutions which are registered will be eligible for regularisation/allotment of alternative land.

.....4/-

The L&DO will, therefore, have obtain from each of the institutions 4 copies of applications in prescribed proforma together with 4 copies of Memorandum of Association, Statement of Accounts etc. and furnish 3 copies to the Ministry of Works & Housing. Thereafter reference to the Delhi Administration and Ministry of Home Affairs will be made by the Ministry of Works & Housing.

(11)

Area of land to be regularised / allotted.

In accordance with the above decision, institutions which can be allowed to continue in their existing places can be allotted land occupied by them. In case these are to be shifted to alternative places, plots would have to be found out. The institutions which have occupied more land are also to be persuaded to surrender extra land.

After receipt of the details from the institutions and assessing the land at present occupied by them, the extent of land to be allotted to the institutions whether any reduction is to be made or the institution is to be allotted plot in some other locality and connected matters will have to be examined by L&DO in consultation with the Chief Architect, CPWD.

(111)

Criteria for regularisation.

One of the Criteria for deciding regularisation of unauthorised religious shrines should be to adopt the date on which the proposal of the Delhi Administration was approved by Govt. This was done on 21st March, 1961. However, this would be kept in view while taking decision in individual cases.

(112)

Recovery of damages.

Since land has been occupied by various institutions, question of recovery of damages would arise. This matter is under consideration and that decision will be communicated separately.

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It has to be ensured both by the CPWD and the L&ID that strict watch over unauthorised encroachments on Govt. land under their control is kept and if any encroachment takes place, prompt action should be taken for getting the same removed.

Sd/-
(K.C. Srivastava)
Deputy Secretary to the Government of India.

To

1. Land & Development Officer, Nirman Bhavan, New Delhi.
2. Director General (Works), CPWD, New Delhi.
3. Works Division.
4. Delhi Division.

Copy forwarded to:-

1. Shri S.S. Shafi, Chief Planner, TCPO, New Delhi.
2. Shri S.C. Gupta, Addl. Director(P), DDA, N. Delhi.
3. Shri R.K. Aggarwal, Sd/Chief (I), CPWD, New Delhi.
With reference to U.O. No. P-1/77/2199 dt. 5.12.1978 from L&ID to Ministry with copy to them.

Sd/-
(V.S. Ramani)
Deputy Secretary

10/1.10.84.

(14)
10/7

GOVERNMENT OF INDIA
MINISTRY OF WORKS & HOUSING
LAND & DEVELOPMENT OFFICE
NEW DELHI

NO. 5/5/76-CON

NEW DELHI : DATED : 4.6.1983

Office Order No. 18/83

In the properties under the control of this office, there are two types of encroachments (i) encroachment made by lessees in the lands appurtenant to the leased properties (ii) encroachments made in the vacant lands by the non lessees. Action pertaining to issue of notices for collection of damages and eviction etc. in respect of first category of properties has to be necessarily done by the concerned lease sections/property sections as the encroachment is committed by the lessees. The work pertaining to the 2nd category has to be done by the Enforcement Section. It has, however, come to my notice that cases of the first category are also referred to Enf. Section for realisation of damages, eviction etc. This procedure besides overloading the Enf. Section has the inherent disadvantage of the same property/being dealt with by two sections namely the property/lease sections and the Enf. Section and the consequent confusion and lack of co-ordination. All property/lease sections are hereby instructed to deal with encroachments of the first category themselves without passing on the cases to the Enforcement Section.

D. N. ASIJA
(D.N. ASIJA)
LAND & DEVELOPMENT OFFICER

To

All Branch Officers/All sections.

(S) (S) (S)

Government of India
Ministry of Urban Development & Poverty Alleviation
Land and Development Office
Nirman Bhawan : New Delhi.

Dy.No.466 2000-CDN/318

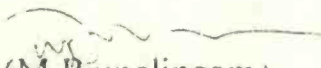
Dated: 31.8.2000

Circular- 1/2000

Subject: Unauthorised encroachment and illegal constructions in Delhi.

A copy of Ministry of Urban Development & Poverty Alleviation's letter No.J-13036/3/96-DDIB dated 28.08.2000 is sent herewith. All the Branch Officers, Superintendents and Technical staff are directed to note the instructions contained in the letter for guidance and strict compliance.

Encl: as above


(M. R. Malingam)
Asstt. Settlement Commissioner

Copy to:

1. All Branch Officers
2. Superintendents
3. Technical Staff

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No. J-13036/3/96-DDIIB
Government of India
Ministry of Urban Development & Poverty Alleviation

Nirman Bhawan, New Delhi.
Dated : 28.08.2000

To

1. Shri P.S. Bhatnagar,
Chief Secretary,
Government of National Capital Territory of Delhi,
Delhi
2. Shri P.K. Ghosh,
Vice-Chairman,
Delhi Development Authority,
Vikas Sadan, INA, New Delhi
3. Shri S.P. Aggarwal,
Commissioner,
Municipal Corporation of Delhi,
Town Hall,
Delhi
4. Shri B.P. Misra,
Chairperson,
New Delhi Municipal Committee,
Palika Kendra,
New Delhi
5. The Development Commissioner,
Government of National Capital Territory of Delhi,
Town Hall,
New Delhi

Subject : Unauthorised Encroachment and Illegal Constructions in Delhi

Sir,

I am directed to say that the menace of illegal encroachment/unauthorised construction in Delhi has been considered by the Government of India at its highest level and it has been decided to eliminate this menace with a firm hand. You are therefore, requested to take strong and prompt action against all illegal constructions/unauthorised encroachments and also against misuses of land in violation of the provisions of the Master Plan of Delhi. The following measures are particularly required to be enforced strictly:

- (i) All illegal constructions should be demolished, not cosmetically but in toto.

Contd.

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- (ix) All Senior Field Officers should be asked to carry out physical inspection of the area under their charge and the Supervising Officer should also make surprise checks to ensure that the subordinate staff takes immediate action to check/demolish unauthorised construction. Deterrent action should also be taken against the subordinate staff such as Building Inspectors, Junior Engineers, Assistant Engineers, etc. who do not take prompt action.
- (x) Field officers should be asked to maintain field diaries and submit them to the Supervisory Officer regularly.

2. It is also requested that a monthly report should be sent to the Ministry of Urban Development by the 5th of each succeeding month.

3. In this connection, it may be noted that both the Parliament and the Parliament Consultative Committee have expressed deep concern, through questions and interpolations, over the rising menace of unauthorised constructions in Delhi and the suspected connivance of the staff of the different authorities in the matter. A Flying Squad has been constituted in the Ministry and if, as a result of findings of this Squad, it is found that subordinate staff has not done its duty or not carried out the aforesaid instructions, strict action against the Subordinate/Supervisory Staff would be taken by the Government.

Yours faithfully,

(Dr. Nivedita P. Haran)
Joint Secretary to the Government of India
Tel : 3018255

Copy for information and necessary action to :

1. Deputy C.V.O., Ministry of UD&PA, Nirman Bhawan, New Delhi
2. L&DO, Ministry of UD&PA, Nirman Bhawan, New Delhi
3. DG(W), CPWD, Nirman Bhawan, New Delhi

Alm
(N.L. Upadhyay)

Under Secretary to the Government of India
Tel : 3017478

Copy also for information to :

1. Sr. PPS to Secretary(UD)
2. PS to JS(D&L)
3. DS(DD)
4. US(US-1A/1B/IIA/VA/VI)

(11)

GOVERNMENT OF INDIA
MINISTRY OF URBAN DEVELOPMENT
LAND & DEVELOPMENT OFFICE
NIRMAN BHAWAN, NEW DELHI

No.L&DO/Enf-15-7(5749) / 262

Dated : 30.11.06.

OFFICE MEMORANDUM

Sub: Removal of encroachments from Government lands//common lands- assistance by bodies/authorities.

Attention is invited to the instructions regarding removal of encroachments from Government/common lands issued by the Directorate of Estates vide O.M.No.22012/2/90-Pol.-III dated 23.12.93 as amended vide O.M. dated 26.4.05 as well as the decision taken in the meeting dated 4.5.99 circulated vide L&DO's Office Order No.29/89 dated 22.12.89 (copies enclosed).

2. As has been clarified in the instructions mentioned above, that the action for detection and removal of encroachment is to be taken by the authority which actually administers/keeps watch & ward of the property in the field. Thus, the broad categorization of the lands and the concerned authorities responsible for the detection and removal of the unauthorized constructions/encroachments are as under :-

- tot- lot*
- (i) The lands under roads/parks/playgrounds/~~toilets~~/common areas/unallotted lands in Govt. colonies and re-development areas come under the administrative control of CPWD for all purposes and the responsibility with regard to detection and removal of the unauthorized construction and encroachment in these areas rests with CPWD.
- (ii) With respect to the Government lands which have been transferred to DDA for care and maintenance, the responsibility for detection and removal of encroachment rests with DDA.
- (iii) As regards, the open common areas, such as, roads, parks, common space between the roads/public streets and leased properties being looked after by the local bodies. I.e. NDMC/MCD as per their respective jurisdiction, the responsibility for detection and removal of encroachment/unauthorized construction rests with the concerned local body.

CPWD

DDA

MCD
NDMC

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3. Besides, in some cases, the Land & Development Office (L&DO) is also required to take action for removal of encroachments in the Govt. lands which fall under the jurisdiction and custody of L&DO. However, the L&DO does not have the requisite infrastructure for detection and removal of encroachments, viz. demolition squad, T&P, men and machinery etc. and on every such occasion, assistance is to be sought from DDA/CPWD/local bodies, for demolition/removal of encroachment.

4. The matter had been considered in the Ministry and it was felt necessary to reiterate that requisite assistance for demolition/removal of encroachment should invariably be provided to L&DO by DDA, CPWD, MCD and NDMC at the earliest, as and when sought by the L&DO, so that the encroachments can be removed in real time for protection of Government land.

5. Accordingly, all authorities concerned, namely, DDA, CPWD, MCD and NDMC shall provide real time assistance for removal/demolition of encroachments as and when required by the L&DO.

6. This issues with the approval of Secretary (UD).

[Signature]
20.11.06
(C.J.Pasrija)
Engineer-Officer

To

1. Director General (Works), CPWD, Nirman Bhawan, New Delhi.
2. The Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi.
3. The Administrator, New Delhi Municipal Committee, New Delhi.
4. The Vice-Chairman, DDA, Vikas Sadan, New Delhi.
5. Executive Engineer, Delhi Cantonment Board, New Delhi.
6. Secretary, Land & Building, NCT Govt, Vikas Bhawan, New Delhi.

Copy to :-

1. Sr. PPS to Secretary (UD).
2. PS to AS (UD).
3. PS to JS (DL).
4. PA to Director (DD)/PA to Dy. Secretary (Works).
5. PS to L&DO.
7. All Officers and Sections in the L&DO.
8. CDN Section for information & record.

[Signature]
20.11.06
(C.J.Pasrija)
Engineer-Officer

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1.12/06

No. 24023(3)/2015/CDN
Government of India
Ministry of Urban Development
Land & Development Office

Nirman Bhawan, New Delhi
Dated: 20/08/2015

Office Order No. 06/2015

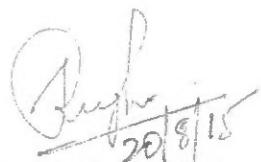
Subject:-Settlement of applications for conversion, mutation etc. wherein encroachment have been reported on Public/Government land.

As already informed vide O.M. of even no dated 10/08/2015, altogether 2304 applications of conversion, mutation, substitution etc. were pending for settlement in this office and it was requested to settle these pending cases immediately.

2. Meanwhile, it has come to the notice that out of these pending cases a large number of cases are such wherein the inspection report submitted by Technical Section of this office show encroachment on Public /Government land by the applicant. If an encroachment is found in the report, the request of conversion, mutation etc. cannot be processed until such encroachments are reported to be removed by the applicant and thereafter the same is confirmed by the Technical Section. It is directed that immediate action should be taken to find out and reject such pending applications wherein encroachments on Public/Government land have been reported and communicated to the applicants and action for removal of such encroachments has not been reported to be taken by them for a quite long time beyond the stipulated time limit.

3. This exercise should be completed within seven working days from the issue of this office order. At the end of this exercise within this stipulated period, each Section is required to furnish an undertaking to the effect that no request of conversion, mutation etc. is pending with them wherein encroachments on Public/Government land have been reported and have not been reported to be removed by the applicant.

This issue with the approval of Land and Development Officer.


(Rajanish Kumar Jha)
Dy. L&DO (II)

To.

1. All Dy. L&DOs/EO
2. All Sections as per list.

Copy to:- PS to L&DO

No.24023(3)/2015/CDN
Government of India
Ministry of Urban Development
Land & Development office
Nirman Bhawan, New Delhi

Dated the 01.02.2016

Officer Order No. 01 /2016

Sub:- Settlement of application for conversion, mutation etc where encroachments have been reported on Public/Government Land.

In supersession of Office Order No.6/2015 dated 20.08.2015, it has been decided as under:-

- (i) In all cases of Mutation, Conversion from Leasehold to Freehold, Mortgage Permission, Change of land use, Execution of lease deed of Rehabilitation cases, Execution of Agreement for Lease and Pereptual Lease Deed for Educational Institutions and NGO's, Sale Permission, Gift Permission and No objection Certificate(NOC), the aspect of encroachment during inspection will be looked into. If the reported encroachment on Public Land/Government land is not removed by the applicant within the stipulated time and no intimation to this effect is received from the applicants, the requests would be liable to be rejected on this ground alone.
2. This order will be operative with immediate effect.
3. This issues with the approval of Land & Development Officer



(A.K.Malhotra)

Dy. Land & Development Officer

To,

1. All Dy.L&DO'S/EO
2. All sections as per list
3. Legal Consultant.
4. NIC Cell to load on the website.

Copy to: - PS to L&DO.