DELHI DEVELOPMENT AUTHORITY (REMOVAL OF OBJECTIONABLE DEVELOPMENTS) RULES, 1975

S.O. 2385, dt. 30.06.1975, published dt. 30.06.1975

In exercise of the powers conferred by sub-section (1) of section 56 of the Delhi Development Act, 1957 (61 of 1957), read with clause (jj) of sub-section (2) of that section and sub-section (1A) of section 30, the Central Government hereby makes the following rules, namely:—

1. Short title and Commencement

(1) These rules may be called the Delhi Development Authority (Removal of Objectionable Developments) Rules, 1975.

(2) They shall come into force on the date of publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires,—

(1) "Act" means the Delhi Development Act of 1957 (61 of 1957);

(2) "Administrator" means the Administrator of the Union Territory of Delhi;

(3) "Competent Authority" means the Municipal Corporation of Delhi, or the New Delhi Municipal Committee or the Delhi Cantonment Board, as the case may be;

(4) "Master Plan" means the Master Plan of Delhi approved by the Central Government under sub-section (2) of section 9 of the Act; and

(5) "Zonal Development Plan" means the zonal development plan of a zone approved by the Central Government under sub-section (2) of section 9 of the Act.

3. Issue of show-cause notice

If any development in an area other than a development area has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan, or without the approval or sanction referred to in section 12 of the Act, or in contravention of any condition subject to which such approval or sanction has been granted and the competent authority has failed to remove or cause to be removed the development within such time as may be specified in this behalf or by the Administrator of the Union Territory of Delhi, the Administrator shall serve a notice calling upon the owner thereof, or the person at whose instance the development has been commenced

or is being carried on or has been completed, to show cause within a period of not less than seven days and not more than thirty days as may be specified therein, as to why a direction be not issued that such development be removed by demolition or otherwise.

(2) Such notice shall be in a Form A appended to these rules and shall be served in the manner prescribed by section 43 of the Act.

4. Fixation of hearing

(1) Where any objection or representation has been received before the expiry of the period specified in the notice under sub-rule (1) of rule 3, the Administrator shall fix a date, time and place for hearing the person or persons on whom notice has been served, in regard to such objection or representation.

(2) At the said hearing, if any, the person or persons making the objection or representation may, at the discretion of the Administrator, be permitted to present the case through a counsel.

(3) The Administrator shall, after considering the objection or representation and hearing the party who has filed the objection or representation, give such direction as he deems fit and cause a copy of the said direction to be served on the person, on whom the notice had been served immediately after the giving of the direction.

5. Decision on objection or representation

After consideration of the objection or representation submitted in pursuance of the notice under sub-rule (1) of rule 3, and the points urged at the hearing mentioned in sub-rule (1) of rule 4, and any other matter or information which may be in his possession or which may come to his knowledge the Administrator may either direct that the notice shall be withdrawn or direct an officer, who shall be named, to remove or cause to be removed the development by demolition or otherwise within such time as may be specified in the direction or within such extended time as the Administrator may, upon receipt of a request from the said officer in this behalf, allow.

FORM A

(See Rule 3)

NOTICE UNDER SUB-RULE (1) OF RULE 3 OF THE DELHI DEVELOPMENT AUTHORITY (REMOVAL OF OBJECTIONABLE DEVELOPMENTS) RULES, 1975

To

.....

.....

.....

No.....

Dated.....

Whereas it has come to my notice that on Plot No. ..... falling within the jurisdiction of the Delhi Municipal Corporation/New Delhi Municipal Committee/Cantonment Board, the following development has been commenced/is being carried on/has been completed, namely:—

.....

.....

.....

And Whereas such development has been commenced/is being carried on/has been completed in contravention of the Master Plan of Delhi in contravention of the Zonal Development Plan of Zone (to be described) without the approval or sanction of the Municipal Corporation of Delhi/New Delhi Municipal Committee/Cantonment Board under section 12 of the Delhi Development Act, 1957 in contravention of the conditions subject to which approval or sanction of the Municipal Corporation of Delhi/New Delhi Municipal Committee/Cantonment Board under section 12 of the Delhi Development Act has been granted.

And Whereas the Municipal Corporation of Delhi/New Delhi Municipal Committee/ Cantonment Board has failed to remove the said development within the time allowed by the undersigned in this behalf.

And Whereas you are the owner of the said development or the person at whose instance the said development has been commenced/is being carried on/has been completed.

Now, Therefore, the undersigned hereby gives you notice, under rule 3 of the Delhi Development Authority (Removal of Objectionable Development) Rules, 1975, to show cause on or before the ..... day of ..... 20....., as to why a direction be not issued under sub-section (1A) of section 30 of the Delhi Development Act, 1957 (61 of 1957) that the said development be removed by demolition or otherwise.

If you fail to show cause by the date aforesaid, the matter will be decided *ex parte*.

Administrator of the Union Territory of Delhi.