

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE COMMISSIONER
TOWN HAL, CHANDNI CHOWK, DELHI-110006

No.PSC/78/2009

Dated : 23/01/2009

CORRIGENDUM

This has reference to the Office Order issued vide No.PSC/62/2009 dated 19/01/2009 with regard to Lal Dora/extended Lal Dora. In the first line of the said Office Order, the words "(within all Dora/extended Lal Dora)" have been typed inadvertently. The same may be read as "(within Lal Dora/extended Lal Dora)".

9742/SB/110
23/1/09

K.S. Mehra
(K.S. MEHRA)
Commissioner
23/01/2009

1. All Zonal Dy. Commissioners
2. S.E./E.E. (Bldg.)/HQ

28/1/09

Copy to :

1. Addl. Commissioner (Engg.)
2. Engineer-in-Chief
3. Chief Town Planner
4. Chief Architect

K.S. Mehra
COMMISSIONER

Govt. of the NCT of Delhi
5/9, Under Hill Road, Delhi-110054

Ref. Dir(P)/714

Dated: 17.5.2002

Attention of all BDOs is drawn to the observation of the Hon'ble Supreme Court published in "Times of India" on 20.2.2002 (copy enclosed) and the notification no.21/1731 of 24.8.1963 regarding exemption of rural areas from building regulations. The notification is reproduced as below:

Govt. of India : Delhi Gazette
Seal
Delhi Administration
PUBLISHED BY AUTHORITY

No. 37 Delhi, Thursday, 1292/Bhadra 21, 1985

Notification of Departments of Delhi Administration other than not indicated in Part -

MUNICIPAL CORPORATION OF DELHI
DELHI - the 24th August, 1963

No.2 1/1731: In exercise of the power conferred by sub-clause 9(1) of Clause 3 of Sec.507 of the Municipal Corporation Act, 1957 (-) (1967), the Municipal Corporation of Delhi has with the previous approval of the Central Government exempted the Rural areas from the provisions of the said Act mentioned in Column 2 of the Schedule given below to the extent given in Column 4 of the said Schedule.

The said exemption shall be deemed to have come in to effect from the 19th day of the Nov.1959.

SCHEDULE

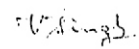
S.No.	Sections	Brief Description	Extent
1	332, 333, 334, 335, 336, 342 and 347	Building Regulations	Only such portions of the Rural areas as lie within the village abadies as defined in revenue records provided that the exemption shall not apply to Factories, Warehouses, Cold Storages & Slaughter Houses

As per the above notification only residential buildings falling within village abadi areas i.e., abadi/lal dora or extended abadi/extended lal dora are exempted by the MCD from building regulations as given under sections 332, 333, 334, 335, 336, 342 and 347 of the MCD Act. The Factories, Warehouses, Cold Storages and the Slaughter Houses are not exempted from above building regulations. Any factory, warehouse, cold storage or a slaughter house as per the notification has to get its buildings plan approved by the MCD prior to its construction.

DC - M
6/02

The abadi/lal dora and extended abadi/extended are essentially residential areas and no industrial activity other than those allowed in the residential areas of urban Delhi given under prevailing provisions of laws and rules is allowed in rural abadi areas.


In view of above notification and other relevant provisions of laws and rules regarding land use in residential areas of Delhi, the Panchayat Secretaries will conduct a survey of the abadi/extended abadi areas of their respective villages from 7th June to 17th June, 2002 and submit a report of all the factories, warehouses, cold storages, slaughter houses and other industrial establishments to their respective BDO, who in turn, by 20th June 2002 would forward it to the concerned Zonal Dy. Commissioner, MCD with a copy to Dy. Commissioner (Factory licences), MCD and the Secretary (DPCC) for further necessary action. The BDOs would make specific recommendation for the cancellation of licences and closure of all such factories, warehouses, cold storages, slaughter houses and other industrial establishment found to be operating unauthorisedly in the rural areas of Delhi.


(Vijay Singh)
Director (Panchayat)

BLOCK DEVELOPMENT OFFICER (HQ)/(N)/(NW)/(NE)/(E)/(W)/(S)/(SW)

Copy to:

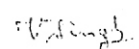
1. Additional Secretary (UD), Delhi Secretariat, New Delhi.
2. Secretary (DPCC).
3. Deputy Commissioner (North)/ (North-West)/ (South)/ (South-West)/ (East)/ (West)/ (North-East).
4. Additional Commissioner (HQ), MCD, Town Hall, Delhi.
5. Chief Engineer (Building), MCD, Town Hall, Delhi with a request to intimate if there is any subsequent amendment to the above notification dated 24.8.1963.
6. Dy. Commissioner (Factory Licences), MCD, Kashmere Gate, Delhi with a request to initiate action against unauthorized factories, warehouses, cold storages, slaughter houses and other industrial establishments operating in rural areas of Delhi in the light of MCD's above notification.
7. Zonal Dy. Commissioner, MCD (Najafgarh)/ (Narela)/ (South)/ (West)/ (Rohini)/ (Shahadra-North)/ (Shahadra-South) with a request to initiate action against unauthorized factories, warehouses, cold storages, slaughter houses and other industrial establishments operating in rural areas of Delhi in the light of MCD's above notification.


(Vijay Singh)
Director (Panchayat)

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DISTRICT COMMISSIONER, DELHI
5-SHAM NATH MARG, DELHI - 1100054

No.F. ADM (14) S-W File / R. of Women Dated the 13 September, 2006.

Sub.: Mutation of Agriculture Land in favour of Women after the death of Husband under the provision of Delhi Land Reforms Act

A case of mutation submitted by one Smt. Sunita R Chaudhary a widow of Sh. Yashveer Singh resident of E-93, Saket, New Delhi-17 was filed in the office of the Tehsildar, Palam, New Delhi wherein she claimed that mutation may be made in her favour and her minor sons under the provision of section 50 of Delhi Land Reforms Act, 1954 on account of the death of her husband. The matter was examined by the Tehsildar and accordingly the queries were sought from the Law & Judicial Department and Govt. Standing Orders were issued thereon and the same are enclosed for reference and taking similar action in the matter of similar merits and nature by the Revenue Officers of this department.

The brief of the case is that Smt. Sunita R. Chaudhary widow of Sh. Yashveer Singh made an application for grant of mutation in her name as co-owner with her minor sons in view of the amendment made in Hindu Succession Act, 1956 vide 39 amendment of 2005. According to Section 50 of Delhi Land Reforms Act, 1954 the general order of succession devolves from the deceased to the provisions of section 48 to 50. Hindu Succession Act, 1956 provides for the male lineal descendants. The Hindu Succession Act, 1954 also provides for the mutation of agricultural holdings and its relation with the development of such holdings. It was held that this law was saved by Hindu Succession Act simply put the rule of succession in the case of zamindari rights is to be found in section 50 of DLR Act, 1954 and not in Hindu Succession Act, 1956.

With the 39 amendment of Act, 2005 (effective w.e.f. 09-09-2005) section 4(2) of Hindu Succession Act has been omitted and with this omission the Law Department has opined that after omission of sub section (2) of section 4 of the Hindu Succession Act, 1956 the protection available in Hindu Succession Act, 1956 to the provisions of section 48 to section 54 of Delhi Land Reforms Act, 1954 have been omitted and according to the provisions of clause (b) of sub section (1) of section 4 of Hindu Succession Act any other law in force immediately before the commencement of this act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in this act. Thus, with the omission of section 4(2) of Hindu Succession Act, 1956 the provision of Delhi Land Reforms Act, 1954 inconsistent with the provisions of Hindu Succession Act shall cease to apply to Hindus and similar opinion have been given by the Govt. Standing Orders on the matter. The detail of this case along with the opinion given by the Law Department and by the Govt. Standing Court are enclosed for guidance and taking decisions in the matter of similar nature.


[S.K. Jha]

Addl. District Magistrate (14Q-1)