

IMMEDIATE

FROM

The Chief Administrator,
Haryana Urban Development Authority,
Panchkula.

TO

All the Zonal Administrators, HUDA.

2.

All the Estate Officers, HUDA.

Memo No. CVO-EO-2005/ 24079-99

Dated:

19/9/05

SUBJECT

To define the areas of jurisdiction of HUDA, Housing Board Haryana, Urban Development Department Municipal Corporation, Faridabad and Town & Country Planning Department for taking action against unauthorized constructions/encroachments and misuse of residential premises in compliance to Hon'ble High Court order dated 21.07.2005 in CWP No.96 of 1997 - All Sectors HUDA Market Welfare Association V/s State of Haryana & others.

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Reference on the subject cited above.

In compliance to directions of Hon'ble High Court dated 21.07.2005 in CWP No.96 of 1997, the Chief Secretary, Haryana held a meeting on 05.09.2005 with the Heads of HUDA, Housing Board Haryana, Municipal Corporation, Faridabad and Town and Country Planning Department to define the areas of jurisdiction of each of the authorities for taking action against unauthorized constructions and misuse of residential properties/premises. In the aforesaid meeting, the following decisions were taken to define the areas of jurisdiction of various authorities :-

- (i) The Housing Board Colonies which exist in HUDA sectors and where Hire Purchase Tenancy Agreement (HPTA) is in operation and conveyance deed has not been executed, action against misuse of residential premises/violations of zoning plans/building bye-laws etc. will be taken by Housing Board Haryana.
- (ii) Where Hire Purchase Tenancy Agreement (HPTA) has expired and conveyance deed has been executed, action against misuse of residential premises/violations of zoning plans/building bye-laws etc. will be taken by HUDA in the Housing Board Colonies existing in HUDA sectors/areas.
- (iii) Action regarding removal of encroachments in Housing Board Colonies in HUDA sectors/areas on public lands like parks and roads berms etc. will be taken by HUDA.
- (iv) Municipal Commissioner, Faridabad will take action against misuse of residential premises/violation of zoning plan/building bye-laws/removal of encroachment etc. in areas developed by HUDA & Housing Board but transferred to Municipal Council, Faridabad. In case the Hire Purchase Tenancy Agreement (HPTA) is in operation Housing Board will take action against misuse of residential premises/violation of zoning plan/building bye-laws.

Contd..P/2

- 99 - - 364 -

3

-2-


(v) The Local Authority is not excluded from taking action against the misuse of residential premises/violation of zoning plan/encroachments etc. before 31.10.89.

Copy of the proceedings of the meeting dated 05.09.2005 is also enclosed herewith for your information and necessary action.

You are requested to take necessary action in accordance with the above stated decisions for taking action against unauthorized constructions/encroachments and misuse of properties/stopping of commercial activities in residential houses in HUDA sectors/areas in the Urban Estates/Mandi Townships falling under your jurisdiction and send progress report of removal of encroachments/stopping of commercial activities in residential houses in the 1st week of every month as already directed through various communications from Head office.

The receipt of this letter may please be acknowledged.

DA/As above.


19/9/05
Chief Vig. Officer-cum-Enf. Officer,
for Chief Administrator, HUDA, Panchkula.

-74-

From

The Chief Administrator,
Haryana Urban Development Authority,
Panchkula.

To

1. The Financial Commissioner and Principal Secretary to Govt.Haryana, Housing Department, Chandigarh.
2. The Financial Commissioner and Principal Secretary to Govt.Haryana, Urban Development Department, Chandigarh.
3. The Financial Commissioner and Principal Secretary to Govt.Haryana, Town and Country Planning Deptt., Chandigarh.
4. The Legal Remembrencer & Secretary to Govt. Haryana, Chandigarh.
5. The Director, Town & Country Planning Deptt., Haryana, Chandigarh.
6. The Director, Urban Development Department, Haryana, Chandigarh.
7. The Chief Administrator, Housing Board Haryana, Panchkula.
8. The Commissioner, Municipal Corporation, Faridabad.
9. The Administrator, HUDA, Faridabad.
10. The Estate Officer, HUDA, Faridabad.
11. The District Attorney, HUDA (HQ.), Panchkula.

Memo No. CVO-EO-2005/236/4-624

Dated: 14/9/05

Subject:

Proceedings of the meeting held under the Chairmanship of the Chief Secretary to Government of Haryana on 05.09.2005 at 4.15 P.M. to define the areas of jurisdiction of HUDA, Housing Board Haryana, Urban Development Department and Town & Country Planning Department for taking action against unauthorized constructions and misuse of residential premises in compliance to Hon'ble High Court order dated 21.07.2005 in CWP No.96 of 1997 - All Sectors HUDA Market Welfare Association V/s State of Haryana & others.

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I am directed to refer this office No.CVO-EO-2005/22003-13 dated 31.08.2005 on the subject cited above and to enclose herewith proceedings of the meeting held under the Chairmanship of the Chief Secretary to Govt. Haryana on 05.09.2005 at 4.15 P.M. to define the areas of jurisdiction of HUDA, Housing Board Haryana, Urban Development Department and Town & Country Planning Department for taking action against unauthorized constructions and misuse of residential premises in compliance to Hon'ble High Court order dated 21.07.2005 in CWP NO.96 of 1997 - All Sectors (HUDA) Market Welfare Association V/s State of Haryana and others for your information and taking necessary action accordingly.


 Chief Vig. Officer-cum-Enf. Officer,
 for Chief Administrator, HUDA, Panchkula.


Contd...P/2

-75-

-2-

Endst.No.CVO-EO-2005/23625 Dated:- 14-09-2005


A copy of the above alongwith copy of proceedings is forwarded to Private Secretary to Chief Secretary to Govt. of Haryana for kind information of the Chief Secretary. This is w.r.t. this office Endst.No.CVO-EO-2005/22014 dated 31.08.2005.


Chief Vig. Officer-cum-Enf. Officer,
for Chief Administrator, HUDA, Panchkula.

Endst.No.CVO-EO-2005/23626-27 Dated:- 14-09-2005

A copy of the above is forwarded to the following w.r.t. this office Endst. No.CVO-EO-2005/22015-16 dated 31.08.2005 :-

1. PS/Chief Administrator, HUDA, Panchkula for kind information of the Chief Administrator, HUDA.
2. PA/Administrator (HQ.), HUDA, Panchkula for kind information of the Administrator, (HQ.), HUDA.


Chief Vig. Officer-cum-Enf. Officer,
for Chief Administrator, HUDA, Panchkula.

Proceedings of the meeting held under the Chairmanship of the Chief Secretary to Government of Haryana on 05.09.2005 at 4.15 P.M. to define the areas of jurisdiction of HUDA, Housing Board Haryana, Urban Development Department and Town & Country Planning Department for taking action against unauthorized constructions and misuse of residential premises in compliance to Hon'ble High Court order dated 21.07.2005 in CWP No. 96 of 1997 - All Sectors HUDA Market Welfare Association Vs. State of Haryana & others.

The list of participants is at annexure 'A'.

The Chairperson took note of the decisions arrived at meeting on 03.08.2005 between Chief Administrators of HUDA & Haryana Housing Board regarding defining of jurisdiction to check misuse of residential properties/violation of zoning plan etc.

On the issue No. 1 mentioned in the agenda, views of Housing Board, Joint Commissioner, MCF and of L.R, Haryana were heard and it was decided that Municipal Commissioner Faridabad will take action against misuse of residential premises/violation of zoning plan/building bye-laws/removal of encroachment etc. in areas developed by HUDA & Housing Board but transferred to Municipal Corporation Faridabad. In case the Hire Purchase Tenancy Agreement (HPTA) is in operation Housing Board will take action against misuse of residential premises/violation of zoning plan/building bye-laws.

Regarding issue No. II i.e operation of clause-2 (Y) of the Housing Board Haryana (Allotment, management and sale tenements) Regulation, 1972 before and after 31.10.1989 in view of Hon'ble High Court order dated 14.10.2003 in CWP No. 5391 of 2002 - Tarun Kumar and others Vs. State of Haryana and others, the Chief Administrator, Housing Board Haryana explained that Clause-2 (Y) of HPTA is only reiteration of the existing legal provisions. L.R, Haryana opined that though this clause was introduced in 1989 in the allotment letter but its non-inclusion in the allotment letter itself does not exempt the said allotment from being governed by HUDA Act or Municipal Act as the case may be. If the land has been allotted by HUDA then HUDA can take action even if it is not mentioned in the allotment letter that the



HUDA Act will be applicable. Thus Local Authority is not excluded from taking action against the encroachments etc. in the houses of Housing Board Haryana.

Finally it was decided as under:

- i) The Housing Board Colonies which exist in HUDA sectors and where HPTA is in operation and conveyance deed has not been executed, action against misuse of residential premises/violations of zoning plans/building bye-laws etc. will be taken by Housing Board Haryana.
- ii) Where HPTA has expired and conveyance deed has been executed, action against misuse of residential premises/violations of zoning plans/building bye-laws etc. will be taken by HUDA in the Housing Board Colonies existing in HUDA sectors/areas.
- iii) Action regarding removal of encroachments in Housing Board Colonies in HUDA sectors/areas on public lands like parks and roads berms etc. will be taken by HUDA.
- iv) Municipal Commissioner Faridabad will take action against misuse of residential premises/violation of zoning plan/building bye -laws/removal of encroachment etc. in areas developed by HUDA & Housing Board but transferred to Municipal Council Faridabad. In case the Hire Purchase Tenancy Agreement (HPTA) is in operation Housing Board will take action against misuse of residential premises/violation of zoning plan/building bye-laws.
- v) The Local Authority is not excluded from taking action against the misuse of residential premises/violation of zoning plan/encroachments etc. before 31.10.1989.

The meeting ended with a vote of thanks to the Chair.



List of Participants

1. Mrs. Shakuntla Jakhu, IAS,
Financial Commissioner and Principal Secretary to Govt., Haryana,
Town & Country Planning Deptt., Chandigarh.
2. Sh.R.S.Madan,
Legal Remembrancer & Secretary to Government Haryana,
Chandigarh.
3. Sh.S.S.Dhillon, IAS,
Director, Town & Country Planning-cum-Chief Administrator, HUDA,
Chandigarh.
4. Dr. Ashok Khemka, IAS,
Chief Administrator, Housing Board Haryana,
Panchkula.
5. Sh. Vineet Garg, IAS,
Administrator (HQ.), HUDA, Panchkula.
6. Sh. V.S.Hooda, HCS,
Estate Officer, HUDA, Faridabad.
7. Sh. Sukhbir Singh,
District Attorney (HQ.), HUDA, Panchkula.

Sh. Sarban Singh, IAS, Director, Urban Development was represented by Sh. S.D. Saini, Senior Town Planner and Sh. Mehtab Singh, IAS, Commissioner, MCF was represented by Sh. A.N. Ichhpujani, HCS, Joint Commissioner, MCF.