

Nagpur Problems –
The question of regularisation and
Development of Unauthorised Layouts
In Nagpur City

GOVERNMENT OF MAHARASHTRA,

Urban Development Department,
Circular No. NMC- 3087/157/CR-34/87/UD-23,
Mantralaya, Bombay - 400 032. : 3rd March 1987.

CIRCULAR:-

The question of regularisation and development of unauthorised Layout that came up in Nagpur City has been under consideration of the Government for some time . A survey made by the Nagpur Improvement Trust (NIT) indicated that there were in all 572 unauthorised layouts involving an area of 3289 acres as on 31.12.1985. These were identified by the Trust. The survey revealed that while in some of the layouts no construction at all have taken place as on 31.12.1985, constructions took place in some layouts as on that date. Some of the lands falling under the unauthorised layout were being acquired by the NIT in terms of improvement schemes framed under the Nagpur Improvement Trust Act,1936. Permissions for development of these lands in question were not obtained and unauthorized constructions ensued. In most cases, the purchasers of plots of land formed Co-operative Housing Societies.

2. The Government considered the matter in its entirety as a very special case. Government decided to regularisation such of those constructions that came up to 31st December 1985 in the above 572 unauthorised layout, subject to the following terms and conditions :-
 - (a) The cost of off-site and on-site development will be borne by the Co-operative Societies themselves. The amount required for, this purpose should be deposited with the Nagpur Municipal Corporation (NMC). Similarly, the Co-operative Societies should pay to the Nagpur Municipal Corporation 15% of the land cost by way of compounding fees for regularisation of the unauthorised constructions. Where no societies are formed , it is necessary that the individuals form Co-operative Societies .
 - (b) A Committee consisting of the Deputy Director of Town Planning, Trust Engineer of the NIT, the City Engineer of the NMC and the Superintending Engineer of the Public Works Department should inspect each of these 572 layouts (the list of which is available with the NIT)and would indicate the steps required to be taken by the Societies to facilitate regularisation. Such steps would, inter-alia, indicate the nature and extent of development to be provided and the estimated cost thereof . Similarly, the committee would indicate the adjustments, if any, of constructions, etc.. that may be required to carry out developments. This includes clearing of road alignment, laying of sewer/water lines and the like . While indicating the measures to be taken by

the respective societies, the committee would ensure that there would be minimum possible dislocation . If in spite of this , some dislocation becomes inevitable , it is for the society to take care of the contingency as its own cost, and no compensation is payable either by the Government or the NMC or the NIT. The steps indicated by the committee to the Society for the regularisation of the unauthorised layouts shall be final and any representation in this behalf shall not be entertained by the Government On the strength of the recommendations made by the committee, the NMC shall issue letter to each of the Societies indiceting the steps to be edopted by each of the respective Societies to facilitate the regularisation of the unauthorised construction .

- (c) Where constructions have come up on the lands coming under compulsory reservations (like primary school, hospital ,etc..), in terms of the development plan, it is for the respective Society to make compensatory land available at its cost to restore the compulsory reservation,
 - (d) Unauthorised construction that have come up on land coming under the green belt shall not be regularised. However, after inspection by the ad-hoc committee, it if is found that the green bell zone could be shifted elsewhere, the unauthorised construction to that extent only shall be regularised after following the due procedure.
3. The NMC shall be the Co-ordinating authority for this purpose The work relating to the off-site (upto the layout)development shall be carried out by the NMC itself, at the cost of the society. where the society desires that the work of on-site (internal), the development should be carried out on its behalf by an agency , it shall be competent for the NMC to entrust the job to the NIT or the MHADA or similar authority as an agent of the NMC. The on-site development should be carried out in strict conformity with the suggestions of the NMC. Where the work is carried out on behalf of the Society on agency basis, the Society should ensure that money is made available from carried out, the NMC shall take over the infrastructure and thereafter maintain the same at its cost.
 - 4 To facilitate such regularisation and development of the unauthorised contractions coming in the unauthorised layout, the NIT and the NMC may relax the Development Control Rules and Building Bye laws approved by the Government. Notification No.TPS-2476/478/UD-5, dated the 3rd June 1976 and Building Bye-laws of the NMC approved by the Government Notification, Urban Development and public Health Department,No. NMC-5365/33770/C,dated the 24th June 1965. The relaxation required to be made take into the suggestions made by the Committee.
 - 5 One of the reasons for the unauthorised construction appeared to be on account of delays caused in acquiring lands. Where constructions have already come up, it will not be in the public interest to acquire such lands. This, however, will not over, the lands falling under the alignment of the Ring

Road, a city bye-pass. Accordingly, the Nagpur Improvement Trust should adopt measures, to drop such lands from the acquisition proceedings initiated at its behest.

- 6 The question of regularisation of the unauthorised constructions that have come up on lands attracting the provisions of the Urban Lands (ceiling and Regulation) Act, 1976 was also considered. It was decided that such regularisation should be restricted to only such of those surplus lands included in the 572 specified layout. Further the exemption will be accorded only if the surplus land holder carries out the development work at his cost to the satisfaction of the corporation for this purpose, the stipulations made in the above paragraphs shall apply. After the development is carried out, the NMC will give necessary certificate, on the strength of which, the housing and Special Assistance Department would issue exemption order in respect of the land under the Urban Ceiling Law.
- 7 With a view to ensuring that such unauthorised constructions do not come up, the Government decided that a co-ordination committee at Nagpur be constituted. The committee shall be headed by the Divisional Commissioner (Revenue) of Nagpur, and shall include, among others, the City police Commissioner, Commissioner, NMC, the Chairman, NIT, chief Engineer, PWD. The composition of the Committee shall be decided by the Commissioner, Nagpur Division, Nagpur. The Committee shall meet every month and take concerted action to prevent further unauthorised constructions in Nagpur City. (Marathi version follows.)

By order and in the name of the Government of Maharashtra,

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(N.J. Ramteke)

Deputy Secretary to Government.