

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI.

O.A. No. 847 of 2022

IN THE MATTER OF:

Jai Ram Dass Chawla &Anr.

.....Applicants

Vs.

Municipal Corporation Hisar &Ors.

.....Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 3 THROUGH
SMT GUNJAN VERMA, DISTRICT TOWN PLANNER, HISAR**

I, the above named deponent do hereby solemnly affirm and declare as under:-

- 1- That the above mentioned Application is pending before the Hon'ble Tribunal and is fixed for hearing on 05.07.2023.
- 2- That as per order dated 06.02.2023, the Hon'ble Tribunal directed for filing Reply/response by respondents No. 1 to 6.
- 3- That it is submitted that the site namely Sunder Nagar, Barwala Road Hisar falls in the Extended Municipal limits of Hisar Town action, if any is to be taken by Urban Local Bodies Department i.e. Municipal Corporation, Hisar as per directions given by Hon'ble Punjab & Haryana High Court, Chandigarh in CWP No. 17048 of 2007 - Rajat Kuchhal & others V/s State of Haryana and others.
- 4- That, it is further submitted that Sunder Nagar, Hisar stands regularized vide memo no. 568-86 dated 17.12.2004 (copy enclosed as **AnnexureR-1**) by the Urban Local Bodies Department Haryana and after regularization, as per memo no 31220-222 dated 14.10.2022 (copy enclosed as **AnnexureR-2**)

action against any violation within such regularized colonies is to be taken by the concerned Municipal Committee/ Corporation under the provisions of Haryana Municipal Act, 1973 or under Haryana Municipal Corporation Act, 1994. Further as per the clarification in the letter (Annexure R-2) no intimation regarding violation of Section 7(i) of Haryana Development and Regulation of Urban Areas Act, 1975 has been reported in the colony Sunder Nagar, Hisar by Municipal Corporation Hisar till today.

In view of the facts and submissions made herein above, Town & Country Planning Department is not concerned at present stage. Any direction passed by this Hon'ble Tribunal shall be complied with.

Place: Hisar

Date:

Sunjan
District Town Planner,
Hisar

VERIFICATION:

Verified that the contents of para No. 1 to 4 of above reply are true and correct to the best of my knowledge as based on official record which I believe to be correct. No part of it is false and nothing has been concealed therein.

Place: Hisar

Date:

Sunjan
District Town Planner,
Hisar

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Director Urban Development
Haryana, Chandigarh.

Deputy Commissioner,

Memc. No. CTP/A-III/2004/ 50068-86

Dated:- 17-12-04

Subject: Regularization of unauthorised colonies.

Reference: In continuation of Endst. No. 2710-49 dated 15.1.2003 and your memo. No. _____ dated _____

Municipal Council
Receipt No. 1531
Date 29.12.04

Kindly refer to the above noted subject.

Undersigned has been directed to inform you that the Government has decided on 11.12.2004 to regularize colonies of the Municipalities falling

District. The list of colonies regularized on 11.12.2004 is enclosed

with you. You are requested to supply 2 additional prints of layout plans of each colony so that one approved print duly signed may be sent to the Municipality concerned for record and reference with regard to its boundary.

The building plans in these colonies may be sanctioned by the Municipalities in accordance with Municipal Building Bye-Laws 1982 by charging Development/regularization charges @ Rs. 120/- per sq. yard and Rs. 80/- per sq. yard for the Municipal Council and Municipal Committee respectively. Rates of Development Charges for commercial buildings in these colonies are being conveyed separately. The building plans may also not be approved of:

- 1. vacant patches of land falling on outer boundary of the colony.
- 2. The area occupied by an industry in the residential colony.
- 3. Any area notified under Land Acquisition Act-1894, affected by Indian Works of Defence Act, Electricity Act and area covered under other Central Acts.

Encroachment on Government / semi Government land. The colonies regularized by the Government shall also be considered as regularized under the Haryana Act No. 8 of 1975, Act No. 41 of 1963 and Haryana Municipal Act 1973. All the FIR's already registered with police against the unauthorized

Colonizers/constructions shall continue to be tried under the law and this regularization shall have no bearing on such FIR's/court cases

The Government has also decided to regularize all such colonies which fulfill the criteria of construction of houses over 50% & above plots and where roads are wide enough for movement of vehicles particularly fire tenders, upto 30.11.2004 are therefore requested to supply two sets of layout plan of each such colony along with information as per enclosed Performa.

DA:- As above

J. Reddy
Distt. Town Planner,
For Director Urban Development,
Haryana, Chandigarh.

Endst. No. CTR/A-III/2004/ 50087-50106

dated:- 17-12-04

A copy is forwarded to the following for information and necessary action:-

1. Commissioner & Secretary to Governemnt Haryana, Urban Development Department
2. Director Town & Country Planning Department, Haryana, Chandigarh.
3. District Town Planner HISAR

DA:- As above

J. Reddy
Distt. Town Planner,
For Director Urban Development,
Haryana, Chandigarh.

Endst. No. CTR/A-III/2004/ 50107-72

dated:- 17-12-04

Copy alongwith copies of list of regularized colonies and Performa forwarded to the Executive Officer/Secretary Municipal Council/ Committee HISAR for information and necessary action.

DA:- As above

J. Reddy
Distt. Town Planner,
For Director Urban Development,
Haryana, Chandigarh.

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DISTRICT - HISAR						DEVELOPMENT WORKS COMPLETED		ACCESSIBILITY OF TENDER	
3	4	5	6	9	10	11	100%	PARTIAL	
NAME OF COLONY	TOTAL AREA OF COLONY (IN ACRES)	%AGE OF BUILT-UP AREA (IN ACRES)	EXPENDITURE IN DEVELOPMENT WORKS (IN LAKHS)	DEVELOPMENT WORKS COMPLETED	ACCESSIBILITY OF TENDER	ACCESSIBILITY OF TENDER	100%	PARTIAL	
NEW GEETA COLONY	14.00	50.00	61.71	COMPLETED	Yes	Yes			
RAM NAGAR	28.00	50.00	163.05	COMPLETED	Yes	Yes			
ROOP NAGAR	5.00	60.00	34.02	COMPLETED	Yes	Yes			
SIJAYA NAGAR	130.00	60.00	730.07	COMPLETED	Yes	Yes			
SHIV COLONY	70.00	50.00	339.26	COMPLETED	Yes	Yes			
SAWAI VEHAR	10.00	50.00	52.14	COMPLETED	Yes	Yes			
MADE VEHAR	15.00	74.20	106.28	COMPLETED	Yes	Yes			
MAHDEEP COLONY	28.00	50.00	182.42	COMPLETED	Yes	Yes			
SHANDEEP NAGAR	32.00	80.00	126.08	COMPLETED	Yes	Yes			
AGRA NAGAR	13.61	55.00	720.05	COMPLETED	Yes	Yes			
THREE NAGAR	4.77	50.00	42.70	COMPLETED	Yes	Yes			
ANUPAM NAGAR	30.50	50.00	209.10	COMPLETED	Yes	Yes			
ADARSH COLONY	33.00	55.00	200.45	COMPLETED	Yes	Yes			
DIJANI SOLGAR (P)	3.00	50.00	24.17	COMPLETED	Yes	Yes			
TOWER ENCLAVE	3.00	80.00	54.73	COMPLETED	Yes	Yes			
ADVOCATE COLON	1.40	90.00	21.65	COMPLETED	Yes	Yes			
INDIRA COLONY	2.16	60.00	20.60	COMPLETED	Yes	Yes			
MAJDOOR BASTI	1.75	60.00	10.40	COMPLETED	Yes	Yes			
NEW PISHI NAGAR	50.00	60.00	284.41	COMPLETED	Yes	Yes			
NEW PISHI NAGAR	1.64	50.00	17.41	COMPLETED	Yes	Yes			
NEW MODEL TOWN EXT.	43.40	60.00	284.77	COMPLETED	Yes	Yes			
NEW MODEL TOWN EXT.	28.00	71.00	174.54	COMPLETED	Yes	Yes			
TERSAIRI NAGAR (P)	10.38	52.00	64.87	COMPLETED	Yes	Yes			
TERSAIRI NAGAR COLONY		55.00	7.54	COMPLETED	Yes	Yes			
WISHWA KAPPA COLONY		60.00	53.55	COMPLETED	Yes	Yes			
KALASH NAGAR		60.00	0.21	COMPLETED	Yes	Yes			
CHANDER/SAINI COLONY		80.00	25.20	COMPLETED	Yes	Yes			
YADAV COLONY	165.00	80.00	32.15	COMPLETED	Yes	Yes			
SAITRIG ENCLAVE		70.00	13.00	COMPLETED	Yes	Yes			
UTTAM NAGAR	2.22	55.00	40.50	COMPLETED	Yes	Yes			
VIIJAYAK NAGAR	5.30	52.00	42.70	COMPLETED	Yes	Yes			
SHRI GANESH NAGAR	7.25	57.00	51.00	COMPLETED	Yes	Yes			
VISHALI COLONY	6.23	55.00	15.83	COMPLETED	Yes	Yes			
NEW JAWAHAR NAGAR	8.00	80.00	68.02	COMPLETED	Yes	Yes			
RAM NAGAR COLONY		85.00		COMPLETED	Yes	Yes			
BOALIKHANI COLONY	78.00			COMPLETED	Yes	Yes			

NAME OF COLONY	KHABRA NO.//KILA NO.
1. ✓ WIVEK VIHAR COLONY	1834,1836,1833,1837,1838
2. ✓ UTTAM NAGAR	6780,6779,6777,6778,6910
3. ✓ TOWER ENCLAVE	6804,6806,6813,6812
4. ✓ MODEL TOWN EXT.	6044,6079,6016,6030,6078,6080,6081,6077, 6076,6074,6078,6082,6083,6084,6085,4950, 4980,4951,4954,4955,4958,4870,4959,4958, 6085,4867,4866,4858,4854,6087,6067,6071, 6089,6088,6086,6087,4782,4783,4784,4780, 4781,6088,6089,6091,6090,4779,4774,4776, 4775,4774,4777,4778,4714,4773,4782,4780, 4781,4783,4771,4788,4772,4764,4759,4788, 4786,4787,4788,4789,4758,4767,4768,4757, 4790, 108// 17,18,23,24
5. ✓ SORGAR BASTI	7082,7088,7083,7084
6. ✓ KAILASH NAGAR	118// 28,27, 29/1, 29/2, 29/3, 135, 150/3, 4, 5, 6,7,8,
7. ✓ TARSEM NAGAR	118// 28,27,
8. ✓ NEW JAWAHAR NAGAR	188// 18,22,23,24,25 185// 20,21,22,23,24, 172// 2,3,4,5,6,7,8,9,12,13,14,16,18,17,18, 19,24,25,173// 1,2,3,4,7,8,9,10,11,12,13,14, 17,18,19,20,21,22,23,24
9. ✓ ADARSH NAGAR	150// 3,4,5,6,7,8,13,14,15,16,17,18,19,20,21, 22,23,24,25 184// 1,2,3,8,9,10,11,12,13, 185// 2,3,4,5,6,7,8,9,12,13,14,15,16,17,18,19, 201// 21,22,23,24, 202// 20, 203// 21, 204// 24,25, 205// 5,208// 1, 2,3,4,5,6,7,8,9,13,14,15,16,207,208, 209// 7,8,9,10,11,12,13,14,17,18,19,20,21,22, 23,24,25,215// 1,2,3,4,5,6,7,8,15,16,23,24,25, 218// 21, 221// 3,4,5,6,7,222// 1,9,10,11,12
10. ✓ HANUMAN COLONY	1435// 10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24,25,1436// 6,7,8,9,10,11,12,13,14,15,16,17 18,19,20,21,22,23,24,25
11. ✓ SURYA NAGAR	213// 9,10,11,12,13,18,19,20,21,22,23, 214// 3,4, 5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21, 22,23,24,25, 222// 2,3,4,5,6,7,8,9,13, 14,15,16, 17,25 223// 1,2,3,7,8,9,10,11,12,13,14,18,19,20, 21,22,23, 226// 1,2,3,8
12. ✓ SUNDAR NAGAR	7187,7189,7188,7172,7171,7170,7179,7180,7178, 7176,7175,7173,7174,7187,7186,7192,7177,7220, 7221,7222,7223,7212,7216,7193
13. ✓ SHIV COLONY	108,109 108,109
14. ✓ ROOP NAGAR	8412,8411,8413,8414
15. ✓ GEETA COLONY	133,132,120,121
16. ✓ SHRI NAGAR COLONY	92,109
17. ✓ VISHWA KARMA COLONY	5986,5982,5983,5984,5981,5978,5979,5980
18. ✓ RAM NAGR COLONY	7799,7801,7795,7800,7804,7803,7802,7808,7809, 7807,7806,7810,7808
19. ✓ AMAN NAGAR	6510,6509,5508,5505,5506,5503,5507,5513,5504, 6599,5501,5496,5494,5489,5490,5491,5492,5488, 5487,5486,5484,5502,5498,5499,5500,5497,5493
20. ✓ MAJIDUR COLONY	6511,6517,5512,5522,5516,5515,5514
21. ✓ INDRA COLONY	5511,5510,5509,5508,5505,5517,5512,5508,5503, 5507,5504,5513,5494,5489,5501,5496,5490,5522, 5518,5515,5514,5502,5500,5599,5498,5497,5493, 5492,5487,5486,5485,5491,5496,5588
22. ✓ VISHAL NAGAR	234// 16,17,24,25 235// 18,19,20,21,22,23 250// 4,5,6, 7,14,15, 249// 1,2,3,8,9,10,11,12,13
23. ✓ GANESH COLONY	250// 18,26 249// 18,19,20,21,22,23 256// 2,3,4,5,6,12, 13,14,15,17,18,19,23,24 257// 1,2,9,10
24. ✓ SHIV NAGAR	232// 4,5,6,7,14,15,16,17,18,23,24,25,233// 1,2,6,7,8, 9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25
25. ✓ LAKSHMI VIHAR COLONY	251// 1,2,3,4,5,9,10,11
26. ✓ UMED VIHAR COLONY	906 MIN, 908, 907 MIN, 911, 912 MIN, 915 MIN, 914 MIN, 910 MIN, 909 MIN, 8425 MIN
27. ✓ NAVDEEP COLONY	1138, 1139, 1140 MIN, 1141 MIN, 1142 MIN, 1143 MIN, 1148 MIN, 1147, 1148 MIN
28. ✓ YADAV COLONY	8425 MIN, 809, 908, 907, 1135, 1136, 1137, 112P, 1134, 1140, 1131, 1132, 1133, 1122, 1160, 1148, 1149, 1159, 1159
29. ✓ MINYAK NAGAR	1157, 1161, 1158, 1154 MIN, 1155
30. ✓ CHANDARILAN	

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Directorate of Town & Country Planning, HaryanaAyojana Bhawan, Sector-18, Madhya Marg, Chandigarh, Phone: 0172-2549349
Web site tcpharyana.gov.in E-mail: tcpharyana7@gmail.com

Regd. To All Senior Town Planner of the State, Haryana
All District Town Planner (field) of the State, Haryana
All District Town Planner (HQs)

Memo No: 31220-222 Dated: 14-10-2022

Subject Notification regarding applicability of provision of Act no. 41 of 1963 and Act no. 8 of 1975 in the colonies regularized/ notified by the Government of Haryana in Urban Local Bodies in terms of provisions contained in Haryana Municipal Act, 1973, Haryana Municipal Corporation, 1994 and as per Act no. 13 of 2013.

Reference: In supersession to memo no. STP (E & V)/Misc-2/2016/477 dated 11.05.2016.

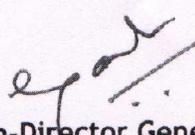
In respect to the subject referred above, it is hereby informed that in cases wherein the colonies have been notified from time to time by the Urban Local Bodies Department under the provisions of Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Amendment Act, 2013 or the prevailing Act/policies, it has been noticed that presently individual applies for NOC under Section 7A of Haryana Development and Regulation of Urban Areas Act, 1975 from Town and Country Planning Department prior to execution of deeds.

2. It has come to the notice that various issues have been raised by the general public at large at different forums contending therein that the said NOC from Town & Country Planning Department is not required to be insisted upon considering the fact that the plot/ property part of colony already regularized by the Municipal Corporation/ Committee, as the case may be, for which they even have also obtained prior NDC from respective Corporation/Committee.

3. Further, instructions already stands issued by this Department vide memo no. STP (E & V)/Misc-2/2016/477 dated 11.05.2016 to Director General, Urban Local Bodies that action against any violations within such regularized colonies is to be taken by concerned Municipal Committee/Corporation under the provisions of Haryana Municipal Act, 1973 or under Haryana Municipal Corporation Act, 1994.

Hence, in view the above legal provisions and to avoid overlapping in multiplicity of agencies, it is hereby clarified that:

- There shall be no requirement of the NOC under Section 7A of Haryana Development and Regulation of Urban Areas Act, 1975 in case of plots/ properties forming part of the layout plans/ plans considered at the time of regularization/ the colonies by Municipal Corporation/ Committee under their relevant statute/policies.
- That in case, violation of Section 7(i) of Haryana Development and Regulation of Urban Areas Act, 1975, is noticed at any time by Corporation/Committee within the regularized colonies (in plots/vacant land), the same shall be referred to Town & Country Planning Department, Haryana for appropriate action as per provisions of Act/Rules.


Secretary-cum-Director General
For; Addl. Chief Secretary to Govt. Haryana
Town & Country Planning Department
Chandigarh

Endst. No:

3/223-25

Dated:

14-10-2022

A copy of the above is forwarded to the following for information and further necessary action in the matter:

1. Financial Commissioner, Revenue & Disaster Management Department, Haryana.
2. Director Urban Local Bodies, Haryana, Panchkula.
3. All Deputy Commissioners of the State.

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12/10/22

District Town Planner (Enf.-HQ)
For: Director General, Town & Country Planning
Haryana, Chandigarh

Endst. No:

31226

Dated:

14-10-2022

A copy is forwarded to Project Manager (IT) to host the aforesaid instruction on the website of Department.

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12/10/22

District Town Planner (Enf.-HQ)
For: Director General, Town & Country Planning
Haryana, Chandigarh