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LPS
R-1347/ADCD/04
6-12-04

LPS
9154
दिनांक 11/12/04
कार्यालय नगर आयुक्त (सह/सं.)

MUNICIPAL CORPORATION OF DELHI
(C & C SECTION)
TOWN HALL : DELHI.

11/12/04
11/12/04

No. F. 33/Res./Corp./Sec. Comm. xxx/1678 /C&C Dated: 25/11/04

A copy of the Corporation/Standing Committee Resolution No. 396 dated 25.10.04 received from the Municipal Secretary Office, M.C.D. is forwarded for further necessary action.

M
Director (P&L)
By No. 1-21
Dated 31/12/04
Shum & J. Deptt.
M.C.D.

The relevant file ~~original~~/Duplicate of the case is also attached.

The relevant file of the case has not been received in this office.

The relevant file of the case has already been collected by _____ on _____.

(Imp)

Shum
06/12/04

Addl. Comr S&JJ

Dir (Pub Dml Bop)

2/12/04

3/12/04

Admn. Officer (C&C)

25/11/04
S. Karmakar - C&C
P.L. put up on policy file
for onward submit to

06/12/04

For: L.O (S&JJ)

327-5,000-3-7-2001

दिल्ली नगर निगम

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दि. 25-10-2004 को हुई नगर निगम को (07.10.2004) सभा

प्रस्ताव सं. 396 की प्रतिविधि।
मद सं.।

Item No. 20 :- Review of the existing policy of damages/licence fee in respect of properties of Walled City/Slum Katras and its extension.

(i) Commissioner's letter No. F. 33/S&JJ/598/C&C dated 19-3-2004.

A Committee comprising of the following officers of Slum & JJ Deptt. was constituted for review of existing policy of levy of damages and recovery of licence fee from the occupants of the properties of Walled City and Slum Katras and its extension for suggesting the draft preamble to the placed before the Slum Committee for further decision. The Committee was constituted on the persistent demand of the public representative and Hon'ble Members of the Slum Committee including the Chairman, Standing Committee and Dy. Chairman, Standing Committee. The Members of the Committee were as under :-

- | | |
|------------------------|------------------|
| 1. Dy. Commissioner-II | —Chairman |
| 2. Dy. Commissioner-I | —Member |
| 3. Director (JJR) | —Member |
| 4. Director (TP) | —Member |
| 5. Dy. C.A. (S)-II | —Member/Convenor |

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The Committee deliberated the issue in the various meetings held in the Chamber of the Commissioner-II under his Chairmanship and decided to give the recommendations for review of the existing policy of levy of damages and recovery of licence fee in respect of properties in Walled City/Slum areas and its extensions. The recommendations of the Committee are as under :—

1. The Slum & JJ Deptt. had been levying the damages under the earlier resolutions passed by the DDA vide No. 13 dated 7-01-1991 and further approved by the Corporation vide No. 4950/GW/Corpn. dated 27-11-1995, Resolution No. 101 dated 15-5-2000 and Resolution No. 413 dated 15-10-2001.
2. The cut off date, i.e. 1-4-1995 approved under the existing Resolution No. 413 dated 15-10-2001 shall remain the same in respect of properties which are being used unauthorisedly for commercial activities/Guest House or Transport Office/Godowns by the original allottees/legal heirs/unauthorised occupants, but the existing rate of damages as approved under the aforesaid resolutions have been reduced to the extent of 40%. In case of properties which are being used as residential on change of hands by the unauthorised occupants, the cut off date shall be 1-4-1995 and rate of damages have been reduced to 60%. The proposed rates in respect of each category have been worked out as under :—

(i) Rates of licence fee in respect of properties which are used as residential by the original allottees/legal heirs.

Residential : @ Rs. 2 per sqm. per month as per the floor area in their possession.

(ii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.

The rates of licence fee for commercial shall be Rs. 18/- per sq. mtr. per month instead of Rs. 30/- per sq. mtr. per month as per floor area in their possession w.e.f. 1-4-1995 irrespective of the fact whether the property is occupied prior to 1-4-1995 or after 1-4-1995.

(iii) In case of properties which are being used as residential on change of hand by the unauthorised occupants.

Earlier slab rate of damages charges @ Rs. 10/- per sq. mtr. per month is now proposed as Rs. 4/- per sqm. per month w.e.f. 1-4-1995 irrespective of the facts whether the property is occupied prior to 1-4-1997 or after 1-4-1995.

(iv) In case of built-up properties which are being used as commercial by the unauthorised occupants.

Earlier slab rate damages being charged @ Rs. 60/- per sq. mtr. per month are now proposed Rs. 36/- per sq. mtr. per month w.e.f. 1-4-1995 irrespective of the fact whether the property is occupied prior to 1-4-1995 or after 1-4-1995.

(v) In case of properties which are being used as Guest Houses or Transport Office/Godown by the original allottee/legal heirs/ unauthorised occupants.

Earlier rate of damages @ Rs. 75/- per sqm. per month are now proposed @ Rs. 45/- per sq. mtr. w.e.f. 1-4-1995 irrespective of the fact whether the property is occupied prior to 1-4-1995 or after 1-4-1995.

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(vi) Rates of licence fee in respect of the original allottees of Slum Katras and damage payee on Delhi Ajmeri Gate.

(a) Residential : @ Rs. 2/- per sq. mtr. per month as per floor area in their possession.

(vii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.

(b) Commercial : @ Rs. 18/- per sq. mtr. per month as per floor area in their possession.

3. The cases already decided by the deptt. on licence fee basis/damages basis subject to provisional demand and the demand has already been issued for recovery of damage under the existing Policy will not be re-opened and the recovery shall continue to be effected on the earlier demanded amount. However, the further demand of licence fee/damages will be issued as per modified policy w.e.f. the date of passing the resolution by the Corporation.

The levy of damages/recovery of licence fee will be subject to further following terms & conditions :—

- (a) The damages will be charged on the basis of the FAR (Floor Area Ratio). The levy of damages is purely provisional and will not be treated for any regularisation of the property occupied by the unauthorised occupants/allottees.
- (b) The payment of damages will not entitle to unauthorised occupants/allottees to any legal rights/title to the property.
- (c) The Slum & JJ Deptt./local bodies will have the powers as per law to remove the unauthorised construction/encroachment for any public purpose and the damage assessee will not be entitled for any compensation.
- (d) The past cases already decided under the earlier resolution and decision will not be re-opened in any case and the recovery of the demanded amount shall continue to be effected as per earlier decisions.
- (e) The revised rates of licence fee are applicable to all original licensees as well as legal heirs after mutation.
- (f) The mutation charges @Rs. 200/- in each case will be charged.
- (g) The rates of licence fee will be increased by 15% after every 3 years on the existing basic rates the onus for payment of licence fee on monthly basis by 15th of each month in advance would be on the licensee. In case the licence fee is not paid continuously for a period of 6 months the licence shall be cancelled.
- (h) The properties which have already been sealed by the deptt. due to certain reasons should also be covered under the damage policy and the properties may be de-sealed after charging the dues of the damages as per policy and use of the property at site.
- (i) The area of the lobby, courtyard, staircase, toilet and bathroom will not be counted towards FAR.

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- (j) The cases filed in the court in respect of any dispute in the occupation should also be got settled by calling the applicant in the office and may be heard by the Committee already constituted in this policy so that such cases should be settled out of court and the pending dues may be recovered from the occupier. This will enhance the recovery position as sufficient number of cases are pending in the court in respect of properties in the Walled City.
- (k) The demand of the dues can also be paid in 5 monthly instalments with interest @ 12% p.a. on the delayed payment in the cases where the allottees/occupants are not in a position to make the payment in lump sum.
- 4. In case of the properties which are being used as factories and manufacturing units etc. :— The Govt. of India, Ministry of UD/MCD has already decided to remove all such factories/ manufacturing units, which are pollution creating. Therefore, all such factories/ manufacturing units shall not be allowed in the Slum Properties/Katras situated in the Walled City. As soon as the licensees/unauthorised occupants revert back to the original use of the property the damage charges will be charged as are applicable in the categories of properties mentioned above from original allottees/unauthorised occupants respectively for residential and commercial purpose.
- 5. Unauthorised occupants who will be damage payee under the above modified policy and make further change of hands with some documentary evidence, the subsequent unauthorised occupants will be charged 50% additional damage charges of the previous damages which had been charged from the previous occupants as per use of the property at site including arrears, if any.

The above policy will be implemented by a Committee of officers of Slum & JJ Deptt. consisting of Dy. Commissioner (S&JJ)-II as Committee F.A. (S&JJ) Member, Jt. Director (Property) Member, Dy. C.A.-II Member/Convener. The above Committee will consider the high value properties of Walled City where the demand of damages/licence fee is more than Rs. 50,000/- on the basis of merits of the case and also the disputed cases which comes under the framework of this policy and will submit recommendations to the Adtl. Commissioner (S&JJ) for final approval before issue of demand notices by the Jt. Director (Property).

The revised policy on the basis of report of the Committee of the officers regarding rationalizing and simplifying the damage-cum-licence fee recovery from the occupants in the properties of Walled City—Slum Katras and its extensions may please be placed before the Slum Committee/Standing Committee/Corporation for final approval.

ANNEXURE 'A'

Observations of F. A. (S&JJ)

A perusal of the notes and file shows that the basis for charging the damagers has not been worked out properly and fixed arbitrarily by the Committee over looking the following aspects :—

- 1. Since, the policy is going to be revised presently, current rate of cost index should be procured and basis should be worked out comparing the earlier rates and present rates so that rates are revised and simplified.
- 2. A physical and socio-economic survey was recommended to know the current status of the occupants vis-a-vis properties. No such report is placed on record. As such a complete data of unauthorised occupants vis-a-vis date of occupancy should be brought on to record to arrive at the cut of date to implement the revised policy to be decided.

4. The proposal should be legally vetted by the legal department being sent to CA-cum-FA, MCD to plug in all loose ends.
5. Every policy reviewed, is followed by tentative revenue mobilization. Furnish the complete details of revenue collected on account of such revision in the earlier times.
6. The policy should be framed in such a way, which is logical simple, affordable covering all categories of occupants and to be streamlined in a practical manner to avoid any audit objections etc.

A meeting should be called by the Addl. Commissioner (S&JJ) along with DC (Slum), Director (TP), Director (Property) etc. The above factors should be worked out by the finance co-ordinating with all concerned departments.

Submitted for consideration please.

Sd/-

F.A. (S&JJ)

- (ii) Resolution No. 61 of the Special (Imp. & Dev. of Slum Colonies, Katras and Harijan Basties) Committee dated 31-3-2004.

Resolved that it be recommended to the Corporation through the Standing Committee that the proposal as contained in the Commissioner's letter No. F. 33/S&JJ/598/C&C dated 19-3-2004 wherein the last date for the original allottees/legal succusion/unauthorised occupiers for unauthorised commercial activities/guest houses or transport offices/godowns is mentioned as 1-4-95, be approved treating the date as 1-4-97.

- (iii) Resolution No. 97 of the Standing Committee dated 23-6-2004.

Resolved that the case be referred back to the Special (Imp. & Dev. of Slum Colonies, Katras and Harijan Basties) Committee for re-examination in view of the observation made by finance.

- (iv) Commissioner's Supplementary letter No. D-344/AD(P)/04 dated 27-7-2004.

The Standing Committee vide Resolution No. 97 dated 23-6-2004 has desired that the case be referred back to Slum Committee for re-examination in view of the observations made by finance. The reply to the observations of the finance has been prepared and are attached in the form of Annexure 'A' along with copy of survey report of occupancy status in respect of Slum Properties at Ward No. XV (Pahar Ganj).

The comparative statement containing the details of the rates passed through various resolutions is also attached for perusal of the Slum Committee.

You are requested to place the reply to the observations of finance along with Policy Preamble before before the Slum Committee for consideration and approval so that the policy preamble on, the above subject is passed by competent authority.

Occupancy status as per survey of Senior Investigator in respect of Slum Properties situated at Ward XV (Pahar Ganj)

No. of Properties	Total Units (approx.)	Licencees	Unauthorised occupants	Residential	Commercial	Res.+Com.	Guest House
226	2098	152	1946	1227	725	143	3

Note :—The above data is tentative as at the time of survey some properties were found to be locked etc.

Sd/- 14-7-04
Asstt. Director (P)

Sd/- 13-7-04
Dealing Assistant (P)

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Comparative statement of damage policies in respect of Slum Properties (Walled City)

Policy No.	Period	Original licencee	Residential unauthorised occupant	Commercial unauthorised occupant	Transport Godown/ Guest House
450 dt. 17-11-95	Prior to 31-12-79 Between 1-8-80 to 31-12-83 Between 1-1-84 to 31-12-86 Between 1-1-84 to 30-6-90	As per previous decisions licence fee ranging from Rs. 2 to 20 per month onwards for full area of property	Rs. 2 per sqm.	Rs. 15 per sqm.	Not applicable.
	After 30-6-90 for each further change of hand, the rates of damages for Regularization shall be doubled.		Rs. 3 per sqm.	Rs. 20 per sqm.	-do-
			Rs. 4 per sqm.	Rs. 25 per sqm.	-do-
			Rs. 5 per sqm.	Rs. 30 per sqm.	-do-
101 dt. 15-5-2000		Residential	Cut off date 1-2-90		
	Upto 12.50 sqm.	Rs. 100/-	Rs. 20 per sqm.	Rs. 120/- per sqm.	Rs. 150/- per sqm.
	Upto 25 sqm.	Rs. 150/-			
	Upto 50 sqm.	Rs. 300/-			
	Upto 75 sqm.	Rs. 400/-			
	Upto 100 sqm.	Rs. 500/-			
	Additional space	Rs. 20/- per sqm.	Rs. 10/- per sqm.	Rs. 60/- per sqm.	Rs. 75/- per sqm.
413 dt. 15-10-2001		Rs. 7/- per sqm.	per month	per month	per month
Present policy (proposed)		Rs. 2/- per sqm.	per month	Cut off date 1-4-95 Rs. 4/- per sqm.	Rs. 36/- per sqm.
		Rs. 18/- per sqm.	per month	per month	per month
		Rs. 45/- per sqm.	per month		per month

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After detailed discussions by the members the following amendment was moved by Sh. Ashok Jain which was seconded by Sh. Satbir Singh :—

<i>Category</i>	<i>Rates proposed by S&JJ Department</i>	<i>Rates recommended by Slum Committee</i>
(i) Rates of license fee in respect of properties which are used as residential by the original allottees/legal heirs.	Rs. 2/- per sqm. per month.	Rs. 2/- per sqm. per month.
(ii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.	Rs. 18/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 25/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(iii) In case of properties which are being used as residential on change of hand by the unauthorized occupants.	Rs. 4/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 6/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(iv) In case of built up properties which are being used as commercial by the unauthorized occupants.	Rs. 36/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 50/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(v) In case of properties which are being used as Guest Houses or Transport Office/Godown or by the original allottee/legal heirs/unauthorized occupants.	Rs. 45/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 60/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(vi) Rates of license fee in respect of original allottees of Slum Katras and damage payee on Delhi Ajmeri Gate.	Rs. 2/- per sqm. (Residential)	Rs. 2/- per sqm. (Residential)
(vii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.	Rs. 18/- per sqm. (Residential)	Rs. 25/- per sqm. (Residential)

Thereafter the following resolution was carried :—

With reference to the Resolution No. 97 dated 23-6-04 of the Standing Committee and having considered the proposal and the position explained by the Commissioner vide letter No. F. 33/S&JJ/596/C&C dated 19-3-2004, read with supplementary letter No. D-344/A.D/(P)/04 dated 27-7-2004 and keeping in view the observations made by the members in the meeting resolved that it be recommended to

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the Corporation through the Standing Committee that the proposal of the Commissioner as contained in above-mentioned letter be approved with the following modifications in the existing rates :—

Category	Rates proposed by S&JJ Department	Rates recommended by Slum Committee
(i) Rates of license fee in respect of properties which are used as residential by the original allottees/legal heirs.	Rs. 2/- per sqm. per month.	Rs. 2/- per sqm. per month.
(ii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.	Rs. 18/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 25/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(iii) In case of properties which are being used as residential on change of hand by the unauthorized occupants.	Rs. 4/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 6/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(iv) In case of built up properties which are being used as commercial by the unauthorized occupants.	Rs. 36/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 50/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(v) in case of properties which are being used as Guest Houses or Transport Office/Godown or by the original allottee/legal heirs/unauthorized occupants.	Rs. 45/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 60/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(vi) Rates of license fee in respect of original allottees of Slum Katras and damage payee on Delhi Ajmeri Gate.	Rs. 2/- per sqm. (Residential)	Rs. 2/- per sqm. (Residential)
(vii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.	Rs. 18/- per sqm. (Residential)	Rs. 25/- per sqm. (Residential)

(S/Sh. Subhash Arya & Vijender Gupta dissented.)

(vi) Commissioner's Supplementary letter No. F. 33/S&JJ/1410/C&C dated 22-9-2004.

A Committee comprising of the officers of the Slum & JJ Department/Municipal Corporation of Delhi was constituted for reviewing the policy of levy of damages and recovery of licence-fee from the occupants of the properties and slum katras including its extension existing in the Walled City for suggesting a draft preamble for approval of the Slum Committee, Standing Committee and the Corporation. The recommendation of the Committee were sent to the Municipal Secretary for placement

Resolution No. 396

Having considered the proposal of the Commissioner as contained in his letter No. F. 33/S&JJ/598/C&C dated 19-3-2004 read with his supplementary letters No. D-344/A.D.(P)/04 dated 27-7-2004 and F. 33/S&JJ/1410/C&C dated 22-9-2004 and the recommendations made by the Standing Committee vide its Resolution No. 288 dated 22-9-2004, resolved that the proposal of the Commissioner as contained in his letter referred to above, be approved along with the following rates as modified/recommended by the Special (Improvement and Development of Slum Colonies, Katras & Harijan Basties) Committee vide its Resolution No. 7 dated 29-7-2004:—

Category	Rates proposed by S & JJ Department	Rates recommended by Slum Committee
(i) Rates of license fee in respect of properties which are used as residential by the original allottees/legal heirs.	Rs. 2/- per sqm. per month.	Rs. 2/- per sqm. per month.
(ii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.	Rs. 18/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 25/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(iii) In case of properties which are being used as residential on change of hand by the unauthorized occupants.	Rs. 4/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 6/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(iv) In case of built up properties which are being used as commercial by the unauthorized occupants.	Rs. 36/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 50/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(v) In case of properties which are being used as Guest Houses or Transport Office/Godown or by the original allottee/legal heirs/unauthorized occupants.	Rs. 45/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.	Rs. 60/- per sqm. per month w.e.f. 1-4-95 irrespective of the fact whether the property is occupied prior to 1-4-95 or after 1-4-95.
(vi) Rates of license fee in respect of original allottees of Slum Katras and damage payee on Delhi Ajmeri Gate.	Rs. 2/- per sqm. (Residential)	Rs. 2/- per sqm. (Residential)
(vii) Properties which are being used unauthorisedly for commercial activities by the original allottees/legal heirs.	Rs. 18/- per sqm. (Residential)	Rs. 25/- per sqm. (Residential)

Resolved further that the following clause dealing with the trespassers, be also incorporated:—

"A 'trespasser' shall not be entitled to be considered for payment of damage charges or licence fee in regard to slum properties/slum rehabilitation tenements/flats including the JJR properties/tenements, plots whether commercial, residential or institutional, stalls/kiosks/tharas existing not only in the walled city but also all over Delhi. This condition shall be applicable in respect of the Corporation Resolution No. 372 dated 15-10-2001 also such trespasser shall be evicted. However, he/she shall be liable to pay the damage charges in respect of the slum properties, as aforesaid, for the period during which the land/premises remained under his/her occupation. The recovery of such damage charges shall be effected in accordance with law."

सत्य प्रतिष्ठिति

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सावित्र कार्यालय
दिल्ली नगर निगम

before the Corporation through the Slum Committee and the Standing Committee for consideration and approval. The proposal contained in the preamble has already been approved by the Slum Committee vide Resolution No. 7 dated 29-7-2004 and has now been placed before the Standing Committee for approval and onward submission to the Corporation for final approval.

The policy in this regard being followed in the department so far is covering the cases in respect of the original allottees/legal heirs and the unauthorised occupants and as such only the abovesaid categories are being considered for assessment of damage charges and recovery of licence-fee. The Resolution No. 7 dated 29-7-2004 does not contain any mention as to how the trespassers be treated in regard to levy of damage charges or licence-fee. Similarly, the earlier Resolution of the Corporation No. 413, dated 15-10-2001 regarding Walled City properties, is also silent about the treatment to the trespassers.

The Govt of India, Ministry of Works & Housing vide Communication No. K-17011/71/83-DDIA dated 11-6-1984 regarding granting the perpetual lease-hold rights in respect of tenements constructed in Delhi under Slum Clearance Scheme has stipulated as under :—

“After careful consideration, the Government have decided that in supersession of all the earlier orders, perpetual lease-hold rights in respect of slum tenements in Delhi should be granted to the allottees/occupants on the following terms & conditions :—

- The lease-hold rights will be granted either to the authorised allottees or to the unauthorised occupants except trespassers.
- An ‘unauthorised allottee’ is one who possess a valid letter of allotment or is a legal their/successor and at present living in the tenement.

Notwithstanding anything contained in any Act, the word “unauthorised occupant” shall be interpreted for purposes of this order as one who is presently occupying the slum tenement duly allotted by the competent authority to some entitled person and the unauthorised occupant has taken the premises on rent from the original allottee or a subsequent purchaser or his their/successor, as the case may be, or has purchased the premises.

A “trespasser” is one who is neither an allottee nor an unauthorised occupant as defined above and as such, is to be evicted as per the settled law of the Land. However, such trespassers shall be liable to pay the damage charges in respect of the land/premises for the period during which the land/premises remained under their occupation. The recovery of such damage charges shall be effected in accordance with law.

It is thus proposed that the following clause may be included in the Resolution No. 7 dated 29-7-2004 passed by the Slum Committee and be placed before the Corporation for consideration and approval.

A “trespasser” shall not be entitled to be considered for payment of damage charges or licence-fee in regard to slum properties/slum rehabilitation tenements/flats including the JJR properties/tenements, plots whether commercial, residential or institutional, stalls/kiosks/tharas existing not only in the Walled City but also all over Delhi. This condition shall be applicable in respect of the Corporation Resolution No. 372 dated 15-10-2001 also. Such trespasser shall be evicted. However, he/she shall be liable to pay the damage charges in respect of the slum properties, as aforesaid, for the period during which the land/premises remained under his/her occupation. The recovery of such damage charges shall be effected in accordance with law.

The above proposal may be placed before the Corporation through the Standing Committee as an addendum and may be treated as an item of Urgent Business.

(vii) Resolution No. 288 of the Standing Committee dated 22-9-2004.

Resolved that it be recommended to the Corporation that the proposals of the Commissioner as contained in his letter No. F. 33/S&JJ/598/C&C dated 19-3-2004, read with his supplementary letter Nos. D-344/A.D.(P)/04 dated 27-7-2004 and F. 33/S&JJ/1410/C&C dated 22-9-2004 regarding incorporation of clause dealing with trespassers, be approved along with the rates as modified/recommended by the Special (Imp. and Dev. of Slum Colonies, Katras & Harijan Basties) Committee vide its Resolution No. 7 dated 29-7-2004.