

CHAPTER – 7

ALLOTMENT OF LAND

1. ALLOTMENT OF LAND ON TEMPORARY BASIS FOR SHORT PERIODS

Temporary allotment of land for short periods is made for the purposes of holding meetings, charity shows, circus shows, Ramlila shows, Religious diwans and for use of building contractor's labour etc. It is not made for business purposes, temporary construction of temples etc. For meetings, charity shows, etc. allotment of land shall either be made by the Land & Development Officer himself if the period does not exceed three months or with the concurrence of the Ministry of Urban Development (Finance Division) for longer periods. Rates for the recovery of charges for temporary allotment of land are prescribed by the Government of India from time to time.

No ground rent is recoverable from contractors belonging to the Central Public Works Department for stacking of materials on Government land and for providing labour huts and labour canteen near the site of construction subject to the following conditions:-

- (i) Prior permission of the Land & Development Officer for utilisation of land shall be obtained by the contractor;
- (ii) The contractor shall be permitted by the Land & Development Officer to use only the minimum area, and
- (iii) The contractor on completion of the construction shall restore the land to its original conditions immediately after vacation.

The Directorate of Horticulture, CPWD under whose charge the colonies have been placed may permit the residents of the localities to use its lawns for social and religious functions without any charges. Any damages done to the lawns shall be repaired at the cost of the user.

2. PROCEDURE FOR PURELY TEMPORARY ALLOTMENT OF LAND

Application for allotment of land for holding meetings, charity, circus or Ramlila shows, religious diwans and for use by contractor's labour are received in the Lease Section concerned of the Land & Development Office. The Applicant is required to indicate the particulars of land and the period for

which it is required. The concerned section shall examine the request on the file and refer the matter to Technical Section for indicating availability of land. If the land is available for allotment, the Technical Section shall calculate the rent recoverable from the applicant taking into account the area of the land and the locality where the land is situated and return the file to Lease Section through Accounts Section for checking.

The Lease Section shall convey the terms and conditions of allotment to the applicant in the prescribed format with the request to make payment of rent for the whole period of allotment and an equal amount by way of security deposit. For the convenience of applicants who accept the terms of allotment, arrangements have been made for the payment of dues in cash to the Cashier in the Land & Development Office. The file is sent to Cashier to receive payment. He shall issue a receipt to the depositor in the form II-B indicating the amount received and the number and date of receipt on file and return it to the concerned lease section. The amount so received shall be deposited by the Cashier in the Reserve Bank of India.

Copies of all such allotment letters shall be endorsed by the concerned Lease Section to the Accounts Section which shall account for the amount deposited by the allottee and thereafter the concerned lease section shall take action for handing over the possession. The Technical Section shall ensure that the land is restored to its original condition and send a report to the lease section to this effect. The Lease Section concerned shall thereafter take necessary action for preparing the vouchers for refund.

It shall be ensured by the Lease and Accounts Section that the security deposit and the rent for the period are accounted for separately as the security is refundable.

On receipt of an application for refund of security deposit from the allottee, the concerned Lease Section shall obtain confirmation of vacation of site by the allottee on the due date, if such information had not already been received and then obtain orders of the Land & Development Officer for the refund and pass on the file to Accounts Section after sanction is issued for taking action for the refund of the amount of security deposit to the allottee. After the security deposit is refunded, the file shall be closed and kept in record.

3 ALLOTMENT OF LAND FOR LONGER PERIOD OF A YEAR OR MORE

Temporary allotment of land may be made for a period of five years at a stretch or till the expiry of the period for which prescribed rates available whichever period is less for petrol pumps, fuel depots, shops, temporary shops, offices, bathing ghats, parks and play-grounds etc.

The rates for the recovery of ground rent for various purposes are fixed by the Government from time to time.

Allotment of sites for parks is invariably made to local bodies. Sites for play grounds are allotted both to local bodies and educational institutions.

The ground rent shall be recoverable in all cases from the date of offer of handing over the site or the date of handing over whichever is earlier. This shall apply both to the allotment at concessional rate and full market rates. Therefore, possession should be handed over as early as possible.

4. ALLOTMENT OF LAND TO LOCAL BODIES FOR RECREATION GROUNDS AND CHILDREN'S PARKS ETC.

Land for recreation ground and children's parks etc. shall be allotted on a purely temporary basis and shall be liable to resumption by the Government when required by them. The development and maintenance of these parks etc. shall be the responsibility of the Local Body. The recreation grounds and children's parks shall be open to the general public.

5. PROCEDURE: OR TEMPORARY ALLOTMENT ON MONTHLY OR YEARLY BASIS:

All applications for temporary allotment of land on monthly or Yearly basis except for petrol pumps shall be made to Ministry of Urban Development. The Ministry shall decide such allotments in consultation with the concerned agencies, viz.. Finance Division, Chief, Architect and Town Planner, Land & Development Office, Directorate of Education of Delhi and DDA. If any

application is received in Land and Development Office,. The same shall be passed on to the Ministry with appropriate comments. The applicant shall also be advised that he should approach the Ministry in the matter.

On receipt of reference from the Ministry in the Land and Development Office for suggesting a suitable site for allotment to an applicant, the concerned lease section shall refer the matter to the Technical Section who shall suggest a site, if available and also add five copies of site plan, four of which shall be forwarded to the Ministry along with the recommendation of the land and Development Officer and the fifth one shall be kept on file of the lease section as office copy. If no site is available, a reply to that effect shall be furnished to the Ministry through the lease section concerned.

On receipt of a letter sanctioning the allotment of a particular site to an applicant, the Drawing Section shall be asked to calculate the amount of groundrent recoverable in the case and also to add two copies of site plan. On calculation of the amount by the Drawing Branch the concerned Lease Section shall issue an allotment letter to the applicant asking them to pay the prescribed charges including the security deposit by a specified dated which is generally 30 days from the date of receipt of the letter. A copy of the allotment letter shall be sent to the Accounts Section for watching recovery of the dues and for keeping accounts of all revenue receipts. After the amount of ground rent and security deposit is realised. Accounts Section shall inform the same to the concerned Lease through a Memo. On receipt of this Memo the Lease Section shall prepare the temporary lease or licence deed in the prescribed form. Technical Section shall then be asked to fill in the schedule of the lease deed and also add two copies of lease plan. The Lease or licence deed shall be sent to the Assistant Legal Advisor wherever additions or alterations are made in the lease deed. However in cases where the lease deed is to be executed in the prescribed form, the formality of getting it vetted by the Assistant Legal Advisor will be dispensed with. Four fair copies of the deed shall be prepared which alongwith four copies of lease plan shall be sent to the applicant for execution and return. After the copies of the Lease Deed (including the plan) are received from the applicant, the same shall be submitted to the Land & Development Officer or any other authorised officer for execution on behalf of the President. After the lease deed or licence deed is executed, the copies of the same shall be sent to the allottee institution who shall be asked to send one copy to the Land & Development Office after the same are registered with the Sub-Registrar. Thereafter, one copy duly endorsed and attested shall be sent to the allottee institution for

their record. Simultaneously, the Technical Section shall be asked to hand over the possession of the land at site. The other copy shall be retained on the file and then sent to Accounts Section for entering particulars of registration of Lease or License Deed in the ledger. After this, the file shall be kept in suspense till further extension is due or asked for.

Where the allottee does not make payment of the charges within the stipulated time of 30 days, the terms communicated to the allottee shall be treated as cancelled and withdrawn and the land treated as available for allotment elsewhere. If the allottee applies for extension of the period of payment of dues, such request may be granted and ground rent shall be recovered from the date of original allotment.

If at the time of handing over possession, the actual area of land allotted is found to be less or more than what has been allotted the Land & Development Officer under office order No. CDN (165) dt. 13.10.1995 is competent to make necessary adjustments with the approval of the Ministry/Finance Division provided such adjustment does not involve increase or decrease in the area beyond 5 % of the area mentioned in the allotment letter or ½ acre, whichever is less.

In cases of temporary allotment of land security deposit shall be demanded and recovered at the time of allotment of land, at the following rates:-

PURPOSE OF ALLOTMENT
SECURITY DEPOSIT

AMOUNT OF

(i) Motor Workshop, fuel depot and commercial purposes but not for cycle stands. Equal to 12 months rent other

(ii) Cycle Stands Equal to 3 months rent.

Security Deposit in respect of temporary allotment of land not covered by (i) and (ii) above shall be determined on merits.

6. PROCEDURE FOR ALLOTMENT OF LAND FOR PETROL PUMPS

The sites for petrol pumps-cum-service station are being provided in the Master Plan of Delhi which has been prepared by the DDA. This Authority has a Petrol Pump Sub-Committee. On a reference from the land owning authority, some of the new sites shown in the Master Plan are included in the Zonal Plan of the area when prepared.

The applications for allotment of petrol pump or petrol pump service station sites are entertained only from the Oil Companies and not from individual dealers. Fresh allotment of Petrol pump sites is made only to the Indian Oil Corporation. Other companies are allotted new sites for shifting their existing petrol pumps which are declared to be situated on sites which have become or have been declared objectionable from the Master Plan point of view.

The application for allotment of petrol pumps or petrol pumps cum service station sites are generally sent by the parties to the Delhi Administration. In some cases, the applications are received in the Land & Development Office. On receipt of an application in the office of the Land & Development Officer, the concerned Lease Section shall refer the application to Technical Section to find out whether the site applied for is under the administrative control of this office and is suitable and available for allotment. In case of a request for the allotment of a non-Master Plan site the Technical Section shall be asked to suggest a vacant site for allotment. If a site is suggested, a reference shall be made by the Lease Section to the Petrol Pump Sub-Committee for their approval. On receipt of their approval a clearance of the DDA shall be obtained from land use point of view before the site is allotted. This clearance from DDA shall not be necessary where the proposed site is one those already provided for in the approved zonal plan.

On receipt of the clearance from the DDA, the file shall be referred by the Lease Section to the Ministry of Urban Affairs & Employment (Lands Division) for their approval. Thereafter the procedure to be followed shall be the same as for other temporary allotments outlined in para 5 above.

No security deposit is required in respect of land allotted for a petrol pump or petrol pump-cum-service station.

7. ALLOTMENT OF LAND ON PERPETUAL LEASE HOLD BASIS TO LOCAL BODIES

Land shall generally be allotted to local bodies on perpetual lease hold basis for:-

- (i) Remunerative purposes, such as offices, shopping centres, water supply, drainage etc.
- (ii) Semi-remunerative purposes, such as staff quarters including those attached to schools and hospitals, power houses, electric sub-stations, cattle byeres etc.
- (iii) Unremunerative purposes, such as Schools, Hospitals, Buildings, Maternity Centres, Community Centres, Libraries and public conveniences such as public hydrants, community bath-rooms, dhobi ghats, public latrines and urinals etc.

Allotment for semi-remunerative purposes except Power Houses & Electric Sub-Stations shall be made on rates as prescribed by the Government from time to time plus annual ground rent. Power Houses and Electric Sub Stations which serve entirely or overwhelmingly the Government colonies shall be allotted land on a nominal ground rent of Rs. 1/- p.a. only. Allotment of sites for these purposes elsewhere shall be made on payment of the rates as

Allotment for unremunerative purposes shall be made on payment of premium as laid by the Government from time to time and annual ground rent shall be recovered @ 5 % of the premium.

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