

MUNICIPAL CORPORATION OF GREATER MUMBAI

Office of Ch.E.(D.P.), 5thFloor, MCGM Head Office, Mahapalika Marg, Mumbai-400001

Circular

CHE/DP/73/Gen
2019-20

Subject : Comprehensive Policy guidelines for prescribing R.L. to roads within the MCGM limits for all the Roads including Dead end roads shown in the sanctioned Town Planning Scheme / MHADA Layout / Private Layout; Improvement Scheme, etc.

Circulars : i) CHE/1136 /Roads dtd. 04-05-2012
ii) CHE/006120/DP/Gen. dtd. 03-06-2017
iii) DyCHE/4091/Traffic dtd. 29-08-2018
CHE/DP/15541/Gen. dtd. 07-09-2018.

The roads including dead end roads as mentioned in the subject above of width less than 9.00 mtr. leading / providing access to single / multiple plots may be widened to the width of 9.00 mtr. and above. Further, as per directives of State Government issued under No. TPS /1813/ 3067/Case No. 122/MCORP/UD-12, dated 16.11.2016 in DCR 1991 and as per relevant provisions of DCPR – 2034, it is proposed to widen all roads of width less than 9.00 mtr. to 9.00 mtr. and above as per site condition, as per provisions of MR&TP Act or MMC Act. The guidelines for prescribing R.L. to such roads are listed below –

- 1) a) Total Station Survey shall be carried out to identify the open set back / Built up set back areas from junction to junction, where it is proposed to prescribe R.L. and where buildings are likely to come up for redevelopment.
- b) **Phase I** – Priority shall be given for prescribing R.L.s to open set back areas upto junction of Municipal / Public Road having existing road width less than 9.00 mt. in such a way that at least zero open space will be maintained from proposed RL of Authorized / tolerated buildings.
- c) **Phase II** – R.L. shall be prescribed, in consultation with A.C. of ward where buildings are likely to come up for redevelopment, i.e. in the areas where existing buildings are more than 30 year age. R.L. shall be prescribed in such a way that minimum built up set back area gets affected from proposed RL of Authorized / tolerated buildings and plot can be redeveloped with existing authorized Built up area as per prevailing regulations. However exceptions, such as ground floor structure may not be considered, which can be redeveloped as per DCR regulation or as per bottleneck policy.
- 2) a) As regards Private roads / Passages improved under Section 63K of MMC Act, regular procedure as per the circular issued under No.CHE/1402/Rds & Tr./MC dtd. 22-09-2015 shall be followed.

- b) For prescribing R.L. under Section 297 of MMC Act to such road, procedure elaborated in Sr.No.1 above shall be followed after declaring the same as Public Road as per Sr.No.6 of the circular issued under No.CHE/1402/Rds & Tr./MC dtd. 22-09-2015 and provisions of M.M.C. Act.
 - a) For fixing new public streets which are not Municipal / Public Streets, procedure as per provisions of Section 291 read with Section 294 of MMC Act to declare such street as Public Road shall be followed as per prevailing norms by traffic and coordination department.
3. Widening of Dead End Road shall be proposed in accordance with NBC, DCPR-2034 provisions and R.L. shall be prescribed as per M.M.C. Act 1888 and the curvature of the road shall be design^{ed} as per the IRC SP:41 1994/IRC-38/1988. (As per sanction obtained from Hon M.C. vide No.MGC.F.5762 DATED 14/8/18 read with further sanction obtained vide no. MGC/F/8392 Dtd. 12/02/2019).

Widening of Dead End Road (Municipal / Public Street) shall be proposed under Sec.297(1)(a) of MMC Act 1888 for first time widening. The existing Estate Layout Road / Passageway in the Estate Layout shall be first declared as a public street under Section 291(c) of MMC Act by following due process by the Estate Deptt. and then concern A.E.(Survey) / Traffic Deptt. shall prescribe the R.L. under Section 297(1)(a) of MMC Act for widening of the same for first time and future widening under Sec.297(1)(b) of MMC Act 1888.

4. Widening of existing Dead End Road/passageway reflected in T.P. Schemes as T.P. Road shall be prescribed under Sec. 297(1)(b) of MMC Act 1888.
5. As per Circular under DyCHE/4091/Traffic dtd. 29-08-2018 and CHE/DP/1554/Gen. dtd. 07-09-2018; procedure for prescribing R.L. upto 9.15 mtr. width under Section 297 of M.M.C. Act 1888 is prescribed. As per sanctioned DCPR – 2034, Regulation No.30, Table 12, the permissible FSI computation is based on the road width fronting to the plot. Accordingly, the road width required should be minimum 9.0 mtr. and above. Besides, as per Provisions of Regulation 19 of DCPR – 2034,

Note 1 - MCGM shall convert all roads of width less than 9.0 mtr., to 9.00 mtr. and above as per site condition through MR&TP Act or MMC Act.

Note 2 – Roads excluding existing public road / municipal road, reflected in DP shall not be treated as public road, unless and until declared under appropriate section of MMC Act & shall not be subjected to acquisition.

The above provisions shall be followed.

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6. a) As per the Section 297(1)(b) of MMC Act, the proposal for prescribing fresh line in substitution for any line so prescribe or for any part thereof, administrative sanction is to be obtained from the Competent Authority and thereafter the notices along with plan showing proposed R.L. under the signature of Dir.(E.S.& P.) are forwarded to respective ward offices for display on site / publish in government gazette / local newspaper for inviting suggestion / objection from the public within stipulated time. Then the hearing will be conducted before AMC (ES) on the suggestion and objection received from the public. Thereafter, D.L. to M.S. is submitted to ~~Ward~~ Committee / Corporation for the approval.

On receipt of the said approval, the alignment of sanctioned R.L. Plan preserved in the Traffic Office / Survey Department and the copy of the same is forwarded to ward for advertisement / notification / information to public of that area suitably in 45 days.

- b) In case of T.P.Scheme, the Town Planning Department shall provide copy of Sanctioned Plan for the alignment of T.P.road alongwith details of name of Final Plot Owners and area of Final Plots, which are affected by the proposed R.L. as available in Scheme Book. The Traffic / Survey Deptt. will have to initiate proposal for prescribing R.L. as per procedure followed.
- 7) Most of the MHADA layouts are premerger layouts and the said layout roads are shown as existing roads in DP except where marked as DP roads in specific cases. Hence, in case of MHADA layout; being the Semi Govt. Body and same can be treated at par with Municipal / Public road, after obtaining and verifying remarks from A.E.(Maint.) of concerned ward regarding status of the road; and applicability of declaring the existing MHADA layout road as per Section 306 of MMC Act in MHADA layout; as Public Street can be decided accordingly. If the said road is maintained by MCGM, there is no need to declare said road as public street as per Section 306 of M.M.C. Act. However, if it is not maintained by MCGM, then the said road will have to be declared as public road as per Section 306 of M.M.C. Act. Thereafter, R.L. shall be prescribed to such roads, as per Provision of Section 297 (1)(a) of MMC Act for first time widening and future widening proposed under Section 297 (1)(b) of MMC Act 1888.
- 8) If the existing road shown in the sanctioned DCPR - 2034 is not having CTS/CS No. then such road shall be treated as municipal road / public street, after obtaining and verifying status of road from A.E.(Maint.) of concerned ward. The

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widening of such road shall be carried out by prescribing the R.L. under Section 297 (1)(a) of MMC Act by Traffic / Survey Department.

- 9) As per provisions of Regulation No.13(5) of DCPR – 2034, in case of any reservation affected proposed R.L., “The area of the reservation shall be considered after deduction of area under proposed D.P. road / Prescribed Regular Line / Existing Municipal Road affecting the reservation”.
- 10) As per circular under No. DyCHE/4091/Traffic dtd. 29-08-2018, CHE/DP/15541 /Gen. dtd. 07-09-2018, prescribing R.L. upto 9.15 mtr. width under Section 297 of MMC Act, 1888 shall be dealt by Zonal Building Proposal Deptt. As per the prevailing practice “without insisting Traffic / Simulation Survey and Traffic count Study.

Prescribing R.L. above 9.15 mtr. width under Section 297 of MMC Act 1888 and New Public Street / New R.L. under Section 291 read with 294 of MMC Act 1888 shall be dealt by Dy.Ch.E.(Traffic) Department.

Traffic Simulation Study and Traffic Count Study from Traffic Consultant (having qualification of Post Graduate Degree in Transportation Planning and at least having five years experience of handling the works in the field of Transportation and Planning) is mandatory for prescribing of any R.L. above 9.15 meter width.

- 11) In case of widening of DP road; R.L. shall be prescribed under Section 297 (1) (b) by Traffic / Survey Department.

This circular will supersede all other circulars as referred above and will be effective from date of issue.

Sdl-
30/01/19
Chief Engineer
(Development Plan)

[Signature]
22/3/19
Chief Engineer
(Roads & Traffic)

[Signature]
26/03/19
Director (ES&P) I/c

[Signature]
03/04/19
A.M.C. (E.S.)

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Hon'ble M.C.