

BRIHANMUMBAI MAHANAGARPALIKA

No. CHE/DP/26709/TDR, dt. 24/01/2020

Sub.: Policy guidelines for grant of TDR in case of existing amenities/existing roads in D.P.2034.

Preamble -

There are many instances where on persuasion of field officers/owners, advance possession of land under various types of reservations (e.g. roads etc.) has been given to MCGM in anticipation of TDR or MCGM has developed the amenities/ roads without taking formal possession. In some cases, due to urgency & local population demand, such reservations particularly proposed D.P. roads/reservations reflected in SRDP 1991, have also been developed by MCGM, without taking formal possession. No compensation like TDR or monetary compensation has been provided and the ownership remains in the name of original owner in Revenue Records.

It is a settled legal point that no private property may be expropriated/acquired/taken over from any owner, without providing legal compensation. In cases where physical possession has been taken but FSI/TDR/monetary compensation has not been given and the ownership remains in the name of private owner in Revenue Records, it is legally mandatory for MCGM (acquiring body) to provide legally due compensation/TDR to such owners, so that such lands get legally transferred in the name of MCGM in Revenue Records.


In all such cases following guidelines shall be followed:

- 1) The date on which formal/informal possession shall be ascertained.
- 2) Whether the letter/consent from the owner is available in file papers or not shall be ascertained.
- 3) Whatever the case might be, complete verification of land acquisition records shall be done to verify that no monetary compensation was received by the said owner at the time of earlier possession or subsequently.
- 4) An affidavit shall be taken from the applicant/owner that He/She/They or His/Her/Their co-owners have not taken compensation in any form from MCGM or any other authority under LA Act or any other Act. If, it is later on found that compensation has been granted earlier, applicant/owner shall be liable for criminal action and DRC shall stand cancelled. In such cases, it shall be responsibility and liability of applicant/owner for any transactions of such DRC issued, in the event of cancellation of such DRC due to false representation and false affidavit and consequences thereof.
- 5) Such cases shall be sent to Land Acquisition Officer for checking their records and to confirm whether the said land has been acquired and any compensation for the same has been paid in the past. Such remarks shall be obtained.
- 6) In all such cases, Press Notification shall be given mentioning name of applicant, property details, informing that he has not received compensation under L.A. Act or any other Act or by mutual consent. Current 7/12 extract & PRC stands in his name. It

- shall be notified to public that his claim to DRC is contingent upon not having received any compensation and if anybody has any information contrary to the same, it shall be communicated to MCGM within a period of 15 days.
- 7) Specific remarks from MMRDA/PWD shall be obtained as regards no compensation is paid to such land owners, in cases where the said authorities have acquired/developed the said road land in the past. Also specific remarks from ChE (Roads)/concerned ward office as regards no compensation is paid to such land owners as well as date or year in which the said land is taken over/developed shall be obtained.
 - 8) That road should have been developed after coming into force of SRDP 1991.
 - 9) Specific remarks from EE(BP) shall be obtained that no FSI benefit is availed on contiguous land/layout.
 - 10) Specific certificate from C.A.(Finance) shall be obtained stating that no land acquisition payment made as per expenditure records.
 - 11) Registered Indemnity Bond shall be insisted indemnifying M.C.G.M. & its officers/servants from any legal disputes which may arise in future.
 - 12) The ownership has to be transferred in the name of MCGM in Revenue Records and PR Card to that effect shall be submitted before grant of TDR.
 - 13) The owner shall submit the explanation and reason for delay in availing / obtaining the compensation.

Note:

- i. The above policy will be applicable for the granting TDR to the proposed D.P.roads/reservations reflected in SRDP,1991 which subsequently reflected as existing roads/existing amenities in Sanctioned D.P.2034.
- ii. The above policy will be applicable for the proposals, which are submitted to Corporation prior to date of issue of this policy circular as per SRDP 1991 and pending with MCGM for procedural compliances and same are in process at various stages.


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