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BRIHANMUMBAI MAHANAGARPALIKA

No.A.C./R.E./City/OD/349 dt.14.12.2012

CIRCULAR

Sub : Guidelines for proper implementation of MRTP Provisions with reference to formation of separate MRTP Cell at MMC Head Quarters and co-ordination with Economic Offense Wing in crime branch of Mumbai Police.

The matters pertaining to MRTP cases are being discussed in Maharashtra Legislative Assembly sessions many times. Considering this, State Government directed the then Commissioner of Police for Brihanmumbai to submit a report on this cases with suggestions to eliminate lacuna noticed. Accordingly the Commissioner of Police vide his letters dated 08.06.2012 and 08.08.2012 addressed to Hon'ble Municipal Commissioner suggested to constitute separate MRTP Cell at MMC Head Quarters which will co-ordinate with MRTP Cell constituted in Economic Offense Wing of crime branch of Mumbai Police. In his note Commissioner of Police has pointed towards certain lacuna's noticed in proper implementation of various provisions of MRTP rules and regulations and suggested to take corrective steps if required by proposing certain amendments in MRTP Act.

Sanction has been given by M.C./A.M.C.(City) to form MRTP Cell under Chairmanship of D.M.C (R.E.) along with Law Officer and Chief Engineer (D.P.) as members. The cell will co-ordinate with its similar body in Mumbai Police and will critically review all the cases in which MRTP provisions are applied for effective control of unauthorized construction/development. This has necessitated to issue guidelines for proper utilization of MRTP provisions by staff working in various wards and respective Building Proposal offices. It is noticed that, several times MRTP cases are going against the Corporation on technical grounds hence, the staff working in ward offices and B.P.depts. are instructed to preferentially use various provisions in MMC Act 1888 for effective control on unauthorized constructions/developments. In certain cases where provisions in MMC Act are falling short, MRTP provisions as per Sec.53, 54, 55 and 56 should be used cautiously with the strict adherence to the guidelines given below-

- 1) Before issue of any MRTP Notice under Sec.53(1) the concern J.E/S.E. should visit the site and take photographs of unauthorized works.

- 2) He should prepare a report giving detailed description of unauthorized works and mark the same on a separate copy of sanctioned plan available with the office and submit the same to Asst. Comm./Ex. Engr.(B.P.) for obtaining sanction to issue the notice. After sanction Sub Engineer of concern ward/B.P. Office should issue notice
- 3) After lodging complaints with Police Deptt. if any application for regularization is received by B.P.deptt., it should be dealt as per the provisions of D.C. regulations. If the plans of concerned building are approved, then E.E.(B.P.) should deal the application with D.C. regulations. In case the plans of concerned buildings are not approved, such applications should be forwarded by B.P. deptt. to Ch.E.(D.P.) and M.C. Along with specific remarks. Filing of application for regularization, will not affect the process already started under the provisions of MRTP Act.
- 4) The MRTP Cell of Mumbai Police is very keen on availability of sanctioned plan with the office issuing the notice and availability of proper authority for issue of MRTP notices. Hence, the staff working in B.P. dept. and ward should scrupulously observe following points-
 - i) Staff utilizing various MRTP provisions should confirm that, they are granted the authority to use these provisions.
 - ii) The staff working in ward offices should be vigil and if any new construction/development activity is noticed they should ensure that, copies of sanctioned plans including further amended plans and plans accompanying building completion/occupation certificate are forwarded to their office by respective Building Proposal office.
 - iii) The staff working in respective Building Proposal Offices should ensure that, above documents are forwarded to respective ward office immediately on approval and they should keep proper acknowledgment of the same.
- 5) In case of unauthorized constructions in slum areas and old properties in City and Suburbs where copy of sanctioned plan/O.C. Certificate is generally not available and provisions under section 337 of MMC Act are violated the matter should be referred to respective Building Proposal office for obtaining remarks regarding issue of development/building construction permission by that office, before issue of MRTP notice.
- 6) The land filling and hill cutting works including excavation for foundation, pilling, trial bores being one of the development activities they should be immediately stopped by enforcing relevant provisions pertaining to environment in BMC Act, and if defaulter fails to produce any permission the matter should be referred to respective Building proposal office to obtain remarks followed by issue of notice under Sec.53(1) and 54 of MRTP Act.
- 7) A time period of 30 days should be given to the noticee to get the unauthorized work demolished/reinstated or submit plans to E.E.(B.P.) obtain sanction from the competent authority for the unauthorized development carried on site. After completion of 30 days time limit if noticee fails to comply the prescribed requirements/notice concerned Sub Engineer should put up a report to Asst. Comm./E.E.(B.P.) for obtaining sanction to lodge complaint to Police Deptt. immediately.

To : 1) All Asst.Commissioners

Asst.Comm. _____ Ward

Kindly inform all concerned Engineers on above.

2) All Ex.Engineers (B.P.)

E.E.(B.P.) _____

Kindly inform all concerned Engineers on above.

cc to : 1) All Zonal D.M.C.s

D.M.C. (Zone _____)

2) D.M.C.(M.C.O.)

3) Dy.Chief Engineer (B.P.) City/E.S./W.S.

cc to : Director (E.S. & P.)

cc to : Chief Engineer (D.P.)

cc to : Law Officer

cc to : P.S. to A.M.C.(City/W.S./E.S./Project)

Asst.Commissioner (Removal of Encroachment)