

From

Principal Secretary to Government Haryana,
Town and Country Planning Department.

To

The Director General,
Town and Country Planning Department, Haryana, Chandigarh.

Memo No. MISC-504/ 2014/ 21293

Dated: 5/09/2014

SUBJECT: POLICY PARAMETERS FOR ADEQUATE EXISTING APPROACH TO THE APPLIED AREA FOR GRANT OF LICENCE UNDER THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS ACT, 1975.

Reference: In supersession of this office Memo No. Misc-504/7/16/2006-2TCP dated 24.01.2011 and Memo No. Misc-504/7/16/2006-2TCP, dated 23.06.2011.

The prevailing policy parameters regarding existing approach to the applied area for grant of licence earlier circulated vide the two memos under reference have been reconsidered by the Government. It has been observed that several situations have emerged which on one hand do not strictly fall under the policy parameters dated 24.01.2011 & 23.06.2011 but on the other hand do appear justified to be considered as an adequate existing approach. Accordingly, in exercise of the powers conferred under section 9A of the Haryana Development & Regulation of Urban Areas Act 1975, the Government intends to prescribe revised policy parameters in supersession of the existing policy parameters issued on 24.01.2011 & 23.06.2011:

I. Category-I: In case any of the following conditions are satisfied, the site shall be considered to have a category-I existing approach for the purpose of grant of licence:

(i) The minimum required width of the existing approach to the applied land is through a public road/ rasta of not less than 4-karam (22 ft) further linking to a higher order existing road/ public rasta. However, the licence applications where existing approach to the site is through a min. 11 ft. wide road, may also be considered in case the applied site abuts acquired alignment of the sector road and there is no stay regarding construction on the land falling under the abutting sector road:

Provided that any pending licence application received prior to 24.01.2011 (the date of issuance of policy which prescribed the minimum width of existing approach as 4-karam) where existing approach is from public rasta of less than 4-karam width, shall also be required to provide an existing approach of atleast 4-karam width to be considered for grant of licence. However, its seniority shall not be affected on account of provision of such 4 karam rasta at a later date in case any such applicant is able to fulfil existing approach norms within six months of issuance of this policy excluding any such period involved in procedural formalities of any Government agency concerned.

(ii) Further, the existing approach to an applied site shall also be considered as adequate for grant of licence provided it fulfills any one of the following criteria:

(a) The applied site abuts any already **constructed sector road or internal circulation road of approved sectoral plan** (of min. 18m/24m width as the case may be) provided its entire stretch required for approach is licenced and is further leading upto at least 4 karam wide public rasta.

(b) The applied site, even though not abutting any public rasta is accessible from a minimum 4 karam wide rasta through **adjoining own land** of the applicant (but not applied for licence). The applicant shall however be required to donate at least 4 karam wide strip from its adjoining own land in favour of the Gram Panchayat/Municipality, in order to connect the applied site to existing 4 karam rasta. The seniority of the application in such case shall be considered from the date of mutation of such adjoining land in favour of the applicant or the date of application for licence, whichever is later, irrespective of the date of hibbanama entered in favour of Gram Panchayat/Municipality.

(c) The applied site, even though not abutting any public rasta is accessible from a minimum 4 karam wide rasta through **adjoining other's land** and the land-owner of the adjoining land donates at least 4 karam wide strip of land to the Gram Panchayat/Municipality, in a manner that the applied site gets connected to existing public rasta of atleast 4 karam width. The seniority of the application in such case shall be considered from the date of registration of the hibbanama in favour of the Gram Panchayat/Municipality.

II. Category-II: In case the applied site relies on any other existing approach of minimum 4 karam width for the purpose of grant of licence including that from an internal constructed road of a licenced plotted colony (other than 24m/18m wide road as approved in the sectoral plan), and, excluding any temporary approach through an integrated licenced colony, the same shall be examined on merits on case-to-case basis, and shall be further subject to the following:

- i. The Director may allow such proposal in case he is satisfied that the same is in the overall interest of comprehensive planned development of the sector/ colony.
- ii. Any such approval shall however be subject to the compliance of necessary conditions/ safeguards by the applicant as may be specified by the Director.
- iii. In case the approach is proposed from an internal constructed road of a licenced plotted colony (other than 24m/18m wide road as approved in the sectoral plan), the applicant shall submit an irrevocable consent from such licensee for uninterrupted usage of such internal road for the purpose of development of the colony by the applicant or by its agencies and for usage by its allottees.
- iv. The seniority of such applications shall be considered from the date when the Director grants its approval for such approach upon the compliance of conditions as specified by the Director.

It is however clarified that, the policy parameters as above shall not be applicable on any licence application for additional area contiguous to an already licenced colony, provided the earlier licenced area fulfills any of the existing approach road parameters as indicated above. This policy shall also not have any bearing on the merits of any licence that stands granted before the issuance of this policy.

This policy shall be applicable from the date when finalised policy instructions in this regard are issued.

Sd/-

Secretary,

For: Principal Secretary to Government Haryana,
Town and Country Planning Department.