

From

Financial Commissioner & Principal Secretary
to Govt., Haryana, Urban Estates & Town and Country Planning
Department.

To

1. Director General,
Urban Estates, Haryana,
Panchkula.
2. The Director General,
Town and Country Planning,
Haryana, Chandigarh.

Memo No. 5/30/2007-2TCP

Dated: 24.01.2011

Subject:- Policy regarding release of land from acquisition proceedings.

In supersession of the earlier policy framed vide letter No. 5/30/2007-2TCP dated 26.10.2007.

After careful consideration of the facts and circumstances, the Government has felt the need to review the policy referred to above. The amended policy regarding release of land will be as under:-

1. Only those requests will be considered by the Government for release of land under Section 48(1) where objections under section 5-A were filed in following cases:-
 - a) Any request or application where structure has been constructed provided the structure existed prior to section 4, is inhabited and is being used by the owner for his own residential purposes.
 - b) Any factory or commercial establishment which existed prior to section 4 provided it was functional at the time of Section 4 and is also functional at the moment.
 - c) Any religious institution or any building owned by community which is being used for community purposes.

2. That the Government may also consider release of land belonging to individual applicants involving self inhabited structures, factory or commercial establishment or community or religious buildings, where the owner has approached the Hon'ble High Court and has obtained stay dispossession/ status-quo or any restraint order . In such cases, the decision will be taken on the merits of each individual case keeping in view the benefit to the development agency in terms of providing linkages, services and in the interest of planned development. However, this clause will not be invoked for grant of licence for development of colonies.

3. Any land in respect of which an application under Section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 has been made by the owner prior to issuance of Section 6 for converting the land into a colony may also be considered for release subject to the condition that ownership of the land is prior to the notification under Section 4 of the Act. In case, individual land owner makes application for grant of licence in collaboration with the developer/colonizer, the collaboration agreements should be registered before the Registering Authority before issuance of Section 6 notification. This clause will be made applicable on the applications received after this policy has come into effect. Provided that the Government may release any land on the grounds other than stated above under Section 48(1) of the Act under exceptionally justifiable circumstances for the reasons to be recorded in writing.

4. This policy will come into force with immediate effect.

Sd/-
(T.C.Gupta, IAS),
Special Secretary,
for Financial Commissioner & Principal Secy. to Govt. Haryana,
Urban Estates & Town and Country Planning, Department.