

GOVERNMENT OF HIMACHAL PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT

No. TCP-F(10)-1/2014

Dated: Shimla-2,

26-11-2015.

"Notification"

Whereas as per Section- 16(a) read with Section- 2(g) of the Himachal Pradesh Town & Country Planning Act, 1977, sub-division of a piece of land is to be approved with a prior permission of Director or the officers delegated with the powers of Director; and

Whereas as per Section- 16(c) of the Himachal Pradesh Town & Country Planning Act, Sub Registrar is restrained from registering any deed or document of transfer of any sub-division of land by way of sale, gift, exchange, lease or mortgage with possession, unless the sub-division of land is duly approved by the Director or the officers delegated with the powers of Director; barring under mentioned cases:-

- (i) Where the land is owned by a person and the transfer is made without involving any further divisions;
- (ii) Where the partition/sub-division of land is made in a Joint Hindu Family;
- (iii) Where the lease is made in relation to a part or whole of a building;
- (iv) Where the mortgage is made for procuring the loans for construction or improvements over the land either from the Government or from any other financial institution constituted or established under any law for the time being in force or recognized by the State Government; and

Whereas aforesaid provisions have not been strictly adhered to by the Revenue Officers of the State Government while approving sub- divisions or making registered deeds; and

Whereas aforesaid violation have trapped several people in the State of Himachal Pradesh in a precarious condition wherein the Director or the authorities delegated with the power of the Director are unable to grant planning permissions owing to such violations; and

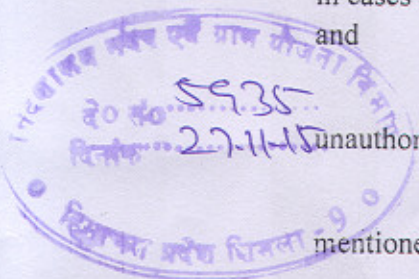
Whereas such buyers have become legitimate owner of the parcels of land in question following the rigors of the Indian Registration Act, 1908; and

Whereas it is imminent to bail out such innocent buyers from the prevailing situation, as a result following policy is hereby approved for granting planning permission in cases where such violations have taken place on or before the notification of this policy; and

Whereas this policy does not propose to approve any deviations or any unauthorized construction carried out beyond the compounding limits.

Therefore, in light of the background stated as above, there would be under mentioned categories of buyers of piece of land/ plot;

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- (i) Such buyers who have bought a piece of land in violation of Section -16(a) read with Section- 2(g) of the Town and Country Planning Act, 1977, after sub-division of land by the original owner; and
- (ii) Such buyers who have bought a piece of land/ plot in violation of Section- 16(c) but practically without any sub-division of land by the original owner.

The category (i) buyers could be considered for planning permission, if their plots/ pieces of land have fair circulation of roads or paths

The category (ii) buyers, since they would be now co-sharer would be given an opportunity for sub-division of land as per TCP Regulations, and thereafter their planning permission cases can be considered or they will supply NOCs from all the other co-sharers as regards to their possession and proposed construction.

While dealing foresaid cases, competent authorities would scrutinize cases for violation of the then Himachal Pradesh Apartment and Property Regulation Act, 2005 and Chapter-IX and X of the Himachal Pradesh Town and Country Planning Act, 1977 as applicable to Builders and Promoters. If any of sub-divided piece of land falls under the definition of "colony", such original land owner(s) or Resident Welfare Association or instant owner be asked to pay licence fee and service charges, proportionate to his/her or (their) plot(s).

It is further mentioned that planning permission shall not be granted where developments are proposed below Highest Flood Level (HFL) or in sliding/ sinking zones. This policy shall be applicable to only such buyers who have become owner before the date of Notification of this policy.

By Order

Manisha Nanda
Addl. Chief Secretary (TCP) to the
Govt. of Himachal Pradesh.

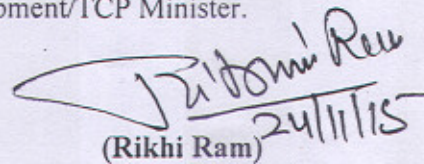
Endst. No.TCP-F(10)-1/2014

Dated, Shimla-2,

24-11-2015.

Copy is forwarded to the followings for information and necessary action:-

1. The ACS-cum-FC(Revenue) to the Govt.of H.P.
2. All the Deputy Commissioner, Himachal Pradesh.
3. The Director, Town and Country Planning Deptt, H.P. Shimla-9w.r.t. his letter No.HIM/TP/Apt.Misc./2015-I/ 6592 dated 2.09.2015.
4. The CEO-cum-Secretary, HIMUDA, Shimla-2.
5. The Town & Country Planner (Shimla Division) H.P. Shimla-9.
6. The Town & Country Planner, Divisional Town Planning Office, Mandi, Hamirpur, Nahan, Dharmshala, Solan and Kullu.
7. Assistant Town & Country Planner, Sub-Divisional Town Planning Office, Rampur, Bilaspur, Parwanoo, Chamba, Una, Palampur, Manali and Sundernagar.
8. The Private Secretary to the Urban Development/TCP Minister.
9. Guard file.


(Rikhi Ram) 24/11/15

Under Secretary (TCP) to the
Govt. of Himachal Pradesh.