

Dated: 27<sup>th</sup> October, 2016

OFFICE ORDER NO. 12/2016

**Subject: Roof Rights in respect of 'A' and 'C' Type Tenements and clarifications regarding conversion of property/ 'A' & 'C' Type Tenements in Rehabilitation Colonies.**

In continuation of this Office's previous Order No.11, dated 12<sup>th</sup> Sept., 2016, on the subject mentioned above, the aspect of roof rights above the First Floor in respect of 'A' and 'C' Type Tenements in Rehabilitation Colonies, has been reviewed in the light of following facts:

1. It has been observed from the Lease Deed executed in the cases of 'A' type tenement and 'C' type tenement that the cost of land and superstructure alongwith the common areas was recovered from the allottees/lessees before execution of the lease deed.
2. Further, in the cases where the tenements are freehold North DMC/South DMC has issued a Circular dated 21.7.2014 that the plans may be sanctioned as per the bye-laws of residential plots as prescribed in MPD-2021 in the following conditions:
  - a) In the cases, where the ownership of Ground Floor and First Floor vests with the same person/owner.
  - b) In the cases, where the ownership of Ground Floor and First Floor vests with separate owners and both owners have agreed to it.
  - c) Further in the above conditions, the plans may be sanctioned as per the bye-laws of residential plots as prescribed in MPD-2021 subject to:
    - i. the structural stability of common area like staircases etc. be ensured by the applicants. Also the applicant will not claim any legal right on common areas like staircases etc. and will keep SDMC indemnified of any right implications.
    - ii. As per Resolution of the Standing Committee, the building plan be considered only for the re-construction and not for addition/alteration on the existing structure.

3. In view of the above, it is clarified that the roof rights do not vest with the Government and the applicant can not claim any legal right on common areas like staircases etc. even after getting the tenement converted into freehold. Therefore, the conversion of these tenements from leasehold to freehold may be processed as per the existing conversion policy.

4. It is also instructed that each case is to be examined carefully taking into account the policy of the Government and terms and conditions of lease deed.

5. This Order will be operative with immediate effect.

6. This issues with the approval of Land & Development Officer.

  
(S.K. Babbar)  
Dy. Land & Development Officer

To

1. All Dy.L&DOs
2. Engineer Officer
3. All Sections
4. Conversion Cell
5. Legal Consultant
6. NIC Cell to load on the Website
7. Hindi Consultant for translation into Hindi.

Copy to:

1. PS to L&DO
2. Notice Board.