

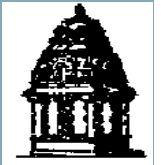
**BRUHAT BANGALORE MAHANAGARA  
PALIKE**

## *Training to Engineers*

*“Building Bye-Law Enforcement  
& Zonal Regulations as per RCDDP”*

*Chief Engineer  
(Infrastructure)*

*-: TOPICS :-*



- I. Preamble.*
- II. Building Bye Laws-Notices - Enforcement*
- III. Legal position of violation of Building Bye- Law  
Unauthorized Constructions / Encroachment of  
BBMP Land / Properties.*
- IV. Court Cases Submission of Parawise replies to  
Legal Cell, Stay, Status - Quo etc., Orders of  
Hon'ble Courts.*
- V. Clearing of Encroachment/Unauthorized  
Constructions: Legal implications - involvement  
of BMTE/Local Police Force etc., Prevention of  
Encroachment of BBMP properties.*
- VI. Discussions.*

## *I. Preamble.*



- *Nada prabhu Kempegowda: Founder of Bangalore - 1537*
- *Formation of British Contonment - 1809*
- *Population of Contonment Area - 1.00 lakh in 1890*
- *Bangalore Old Area & Contonment Amalmagated & Formation of Bangalore City Corporation - 1949*
- *State Reformation - Bangalore Capital City of Mysore State 1956.*
- *Zoning Regulations 1972 with ODP of Bangalore came into force 1972.*
- *Building Bye-Laws-1983- Came into force April 1984 (RCDP 1995)*
- *Now Building Bye-Laws 2003 is in Force from February 2004 (Zoning of Land Use & Regulations - Revised Master Plan 2015 - Bangalore 2007)*

## *II. Building Bye-Laws: Notices, Enforcement Action on Deviations to Sanctioned Plan/Unauthorized Constructions.*



- *After obtaining the Sanctioned Plan, it is Prime responsibility of the owner to exhibit the Sanctioned Plan at site visible to General Public and to Inspecting officials of BBMP.*
- *At Plinth / Basement Level Commencement Certificate shall be obtained by the owner.*
- *Inspections by the Section Officers/Field Engineers at regular intervals right from the stage of Foundation/ Basement-Plinth/Lintel-Roof Levels.*

*- Plinth Level*

*- JE / AE*

*- Lintel Level*

*- AEE*

*- Different Roof Levels*

*- AEE / EE*

- *If the Section Officer/Field Engineer noticed deviation/ violation in constructions with respect to Sanction Plan or found “Unauthorized Constructions”.*



THEN-----

- a) *The Engineer has to proceed with issuing Notices under KMC Act 1976 & to. “Stop the Construction Activities immediately”*
- b) *If the owner failed to produce the Sanctioned Plan And the Plan is not readily available with the Field Engineer/Sub-Dn. Offices- Issue Notices u/s 308, 309 as the case may be. (u/s 300 Unauthorized Constructions.)*
- c) *If the Sanctioned Plan readily available issue P.O Notices u/s 321(1) & (2). + A MAHAZAR is drawn. Mean while to erect a Display Board at suitable place visible to General Public”*
- d) *If constructions confirmed to be Unauthorized straight away issue Notice u/s 3 21 (1) (2).*
- e) *If the owner not Acted upon PO Notices, Then to serve C.O Notices u/s 321(3) well intime-& to inform the Legal Cell to file “CAVEAT” in appropriate Forum - Court of Law.*



*Conti.....*

f) *It is Binding on the owner to remove the deviated portion/Full Constructions within the stipulated time as noted in the C.O notices.*

*If not.....*

g) *Immediately after expiry of date noted in CO Notice, the Section Officer / Sub-Division Officer to get approval for demolitions u/s 462, This shall be processed **in person** and got approved within 8/24 Hours.*

h) *Mean while at the stage of serving P.O. Notices to owner the Consultant/Architect shall be addressed letters of Instructions/Warning/Canceling of Registrations as the case may be.*

i) *After Completion of the Building it is the duty of the owner to get the “**Occupation Certificate**”*

*Conti.....*



*Conti.....*

## *Office Records / Notings*

- *All the above processes shall be recorded on the NOTE FILE (Note Sheets) in the form of "Speaking Orders". These noting/file will serve as LCR (Lower Court Records) in case the owner approaches the Court of Law.*
- *In the Sub Division Offices "Separate Register" is maintained for this Operation / Service of PO/CO/462 etc.,*

### *Serving of Notices:*

*Notices as above shall be served on party u/s 455 of KMC Act 1976.*



### III. *Legal Position of Violation of Building Bye – Law, Unauthorized Constructions/ Encroachment of BBMP Land / Properties.*

#### *Action shall be initiated:*

- *Building Violations /  
Unauthorized Constructions* – *u/s 321(1) (2) (3), 462*
- *Encroachment* – *u/s 288(D)*
- *Penalties* – *u/s 436, 436(A), 441*
- *Deliated Structure  
/ Buildings* – *u/s 322*





#### IV. Handling of Court matters submission of parawise replies- Stay orders- Status - Quo-etc.

- This shall be handled very carefully, All relevant LCR's- Office file (Xerox) shall be forwarded to the specified Panel Council of BBMP with parawise replies/remarks through proper Channel / Directely as the case may be.
- As for as possible all the Orders/Notings recorded on the order sheets of the original file shall clearly enlightened in the parawise replies as & where applicable.
- Original File with Orders/Notices Acknowledgements etc. submitted at the time of marking before the court through Legal Cell/ Council of BBMP as the Case/situation.
- The Field Engineer's: AE/AEE shall continuously / Regular in contact with the BBMP Advocates depending upon the Court Dates for Hearing - Evidence- Cross-Examination- Arguments etc.



- *In case of “STAY ORDERS” Field Engineer to note the stage of constructions at the point of time of STAY ORDERS with Photographs, Videos (if necessary). No further Construction Activities allowed at site.*
- *So also in the case of Status Quo orders- No actions processed by either parties i.e., BBMP & Owner of the Building.*
- *In both the above cases, if the Owner proceeds with further constructions Immediately Stage and Activities of Constructions Recorded & Photos are taken and sent to legal cell with Report for proceeding “Contempt of Court” before the appropriate Court of Law.*

V. Clearing of Encroachments Unauthorized Constructions, Legal Implications, Involvement of BMTF/Local Police Force etc.



- Encroachment on BBMP properties shall be cleared u/s 288 (D) without Serving Notices on the party Unauthorized constructions Notices Served u/s 321(1) (2) (3) and Demolition Orders obtained u/s 462 & Then operated.

Operation

- Before fixing Date & Time for Clearing/Demolitions of Encroachments/Deviations - BMTF & Local Police shall be contacted in person, Permission & Protection for Staff of BBMP, Enforceing Labourers & Control of Law & Order. Suitable Number of Police & Platoon Force deputed/ arranged for operations.

*Conti... ..*



- *ACTION PLAN Prepared- comprising of Men-Machinery-Tools including Electrician- Ambulance- Doctor- Separate Lorries/ Trucks for shifting the materials and persons, if necessary Fire Force vehicle etc.*
- *Here it is to note the BMTF Staff will Act as Laission Officer to Co-Ordinate between BBMP & Local Police in obtaining permission & participate in Clearance/ Demolition operation.*
- *It is very important to Survey the Area/Locality surrounding the place of Demolition including Nature & Quantum of Demolition/ Removal, to make necessary / Sufficient staff-Police Force, Men-Material-Machineries for Demolitions-Shiftings-Cleanings etc.,*



# ***VI. Discussions***



*Thanks*