

F.No.24026/5/20
Government of India,
Ministry of Housing & Urban Affairs,
Land & Development Office,
Nirman Bhavan, New Delhi.

Dated:17.07.2020

OFFICER ORDER No.5/2020

Subject : Procedure to be followed after issuance of breach notice/demand notice – reg.

As per extant procedure, this office carries out inspection of the premises when the original lessee or his intended lessee or the buyer of the property from lessee applies for conversion of tenure of land of his property from leasehold to freehold or mutation of the property. The technical section after inspecting the property conveys its report to concerned section for further necessary action. The concerned section thereafter based on inspection report issues breach notice to the intended lessee with a stipulation that either the intended lessee may remove the breaches or pay the appropriate penalty for regularizing the breaches. In the breach notice 30 days' time period is given to intended lessee to rectify the breaches or come for a compromise with the lessor. Thereafter, if the intended lessee removes the breaches or settles for a compromise the demand notice is issued. The time period to fulfil the demand is 30 days.

2. It has come to the notice that concerned sections after issue of breach notice or demand notice do not diligently carry out the requisite follow up which results in abeyance of breach notice/demand notice and consequent loss to the Govt. exchequer. This is a serious lapse and it needs to be rectified.

3. The matter has been considered and it has been decided that once the section issues a breach notice, if no reply is received from the intended lessee within stipulated time period, straight away the demand notice may be issued. After the lapse of 30 days of issuance of demand notice, if the amount demanded is not paid, the concerned section may give show cause notice to intended lessee as to why the property should not be re-entered, if the payment is not received within 15 days of issuance of show cause notice. Thereafter, if still no response is received, a final show cause notice will be issued to the intended lessee informing him/her that the process to re-enter the property will be initiated within 15 days of issuance of final show cause notice. After the premises is re-entered, section will write to public utilities and local bodies to take appropriate action. The section will also ascertain whether the property is rented or not, and if it is rented, efforts may be made to attach the rent till the status of the property is re-entered.

This issues with the approval of Land & Development Officer.


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

To

1. All Officers/Sections.
2. Guard File/CDN
3. NIC to upload on the website
4. PS to L&DO