

## ORDER

WHEREAS, Shri Dulabhai Faquirbhai and others, R/o. H. No.13-117/F-2, Khatkiwad, Nani Daman were granted permission for construction of Residential cum commercial building on the plot no. PTS 33/149, 33/149-A, 33/149-B, 33/149-C, 33/149-D, 33/149-E, 33/151, 33/151-A, 33/151-B, 33/151-C, 33/151-D, 33/151-E, 33/152, 33/153, 33/154, 30/144, 30/145 and 30/146 admeasuring 32.00, 02.00, 42.00, 59.00, 45.00, 56.00, 88.00, 73.00, 56.00, 94.00, 60.00, 58.00, 78.00, 43.00, 43.00, 43.00, 51.00, and 51.00 sq. mtrs respectively situated at K.K Marg near Tin Batti, Nani Daman under Construction License no. 14/2012-13 vide letter no. 4/3-23/DMC/12-13/2798 dated 01.11.2012 with certain conditions.

WHEREAS, the Coast Guard Air Station, Daman raised objection about the said construction of building crossing the permissible height limit of the Coast Guard Air Station, Daman through a letter dated 6<sup>th</sup> March, 2013 addressed to the District Collector, Daman. In the said letter, it is mentioned that the building is under construction without obtaining No Objection Certificate for permissible height from the Coast Guard Air Station, Daman and requested to stop the ongoing construction until the NOC for permissible height is obtained from the Coast Guard Air Station, Daman.

WHEREAS, during the course of inspection it was noticed that Shri Dulabhai Faquirbhai and others, had started the construction of the Building without complying the following required conditions set forth in the construction license issued dated 01.11.2012.

- The NOC from the airport authority to be produced prior to the commencement of the work.
- The licensee should obtain NOC from the Fire Department prior to the commencement of the work and on completion of the work and should submit to this council.

Therefore, in exercise of powers conferred under sub section (8) of section 184 of Daman & Diu Municipalities (Amended) Regulation 1994, Shri Dulabhai Faquirbhai and others of Khatkiwad, Nani Daman vide Show Cause Notice no.4/3-23/12-13/DMC/13-14/3804 dated 17<sup>th</sup> December, 2013 issued by this office, were directed to stop immediately the further continuation of the work and were directed to show cause in writing within 15 days of receipt of the notice thereof as to why the said unauthorized construction should not be declared as illegal and accordingly order for demolition should not be issued. Shri Dulabhai Faquirbhai and others were further directed to intimate in his say if any, whether they desire to be heard in person in the matter. And it was also informed that if they do not respond to the above

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12.2.14

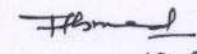


mentioned notice, it will be presumed that they have nothing to say in the matter and further action as deemed fit will be initiated against them without further notice.

WHEREAS Shri Dulabhai Faquirbhai and others have not yet submitted the reply in writing to the Show Cause Notice dated 17<sup>th</sup> December, 2013 to the office of the Chief Officer, Daman Municipal Council, Daman

In view of all the facts mentioned above, and as per powers conferred to the Chief Officer, Daman Municipal Council under sub-section (3) of section 323 of the Daman and Diu Municipalities (Amended) Regulation 1994, the Construction license no. 14/2012-13 vide letter No. 4/3-23/DMC/12-13/2798 dated 01<sup>st</sup> November, 2012 issued by the Administrative Officer, Daman Municipal Council, Daman to Shri Dulabhai Faquirbhai, Smt. Nasimabanu Dulabhai, Faquirbhai Dula, R/o. H. No.13-117/F-2, Khatkiwad, Nani Daman for construction of Residential cum commercial building situated on the plot no. PTS 33/149, 33/149-A, 33/149-B, 33/149-C, 33/149-D, 33/149-E, 33/151, 33/151-A, 33/151-B, 33/151-C, 33/151-D, 33/151-E, 33/152, 33/153, 33/154, 30/144, 30/145 and 30/146 admeasuring 32.00, 02.00, 42.00, 59.00, 45.00, 56.00, 88.00, 73.00, 56.00, 94.00, 60.00, 58.00, 78.00, 43.00, 43.00, 43.00, 51.00, and 51.00 sq. mtrs respectively situated at K.K Marg near Tin Batti, Nani Daman is hereby revoked with immediate effect. The construction on the above mentioned site is declared as illegal and you are directed not to carry out any further construction henceforth.

It is further directed that you shall demolish the said illegal construction within 15 days from the date of the said order and failing to which Daman Municipal Council, Daman will initiate further necessary action as per the law without giving further notice which may kindly be noted.

  
12.2.14

(Tanvir Ahmad)  
Chief Officer,  
Daman Municipal Council,  
Daman

To,  
Shri Dulabhai Faquirbhai and others,  
13/117/F-2, Khatkiwad,  
Nani Daman,  
Daman-396210

Copy to:-

1. The Collector, Daman and Director (Municipal Administration), Daman & Diu for kind information
2. The President, Daman Municipal Council for kind information
- ✓ 3. The DIO, NIC to upload it on the District Website.
4. Guard File/Office File
5. For affixing on the conspicuous part of the said building through the office peon