

राजस्थान सरकार  
नगरीय विकास एवं आवासन विभाग

क. प.10(7)नविवि/3/2009 पार्ट-3

जयपुर, दिनांक 24 FEB 2020

आदेश

रक्षा मंत्रालय द्वारा रक्षा संस्थापन/स्थापना (Defence Establishments/Installations) के निकट स्थानीय मिलट्री ऑथोरिटी से अनापत्ति प्रमाण पत्र (NOC) प्राप्त करने के संबंध में दिनांक 21.10.2016 को जारी गार्ड लाईन्स के क्रम में विभाग द्वारा राज्य के सभी शहरों के प्रचलित भवन विनियमों के अनुसार रक्षा संस्थापना/स्थापना की सीमा से 500 मीटर तक की परिधि के लिए निर्धारित प्रावधानों के संबंध में जारी विभागीय समसंख्यक आदेश दिनांक 12.06.2017 पर माननीय उच्च न्यायालय द्वारा डी.बी. सिविल रिट संख्या 9389/2019 में प्रदत्त आदेश दिनांक 28.05.2019 के परिपेक्ष्य में उक्त आदेश को स्थगित किया जाता है। यह भी निर्देशित किया जाता है कि राज्य के नगरीय क्षेत्रों में स्थित रक्षा संस्थापन/स्थापना (Defence Establishments/Installations) की सीमा से 500 मीटर तक की परिधि क्षेत्र में निर्माणों की स्वीकृति बाबत रक्षा मंत्रालय, भारत सरकार के आदेश दिनांक 18.05.2011 (प्रति संलग्न) के अनुसार ही कार्यवाही की जावे।

राज्यपाल की आज्ञा से



(मनीष गोयल)

संयुक्त शासन सचिव-प्रथम

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. विशिष्ट सहायक, माननीय मंत्री महोदय, नगरीय विकास एवं स्वायत्त शासन विभाग, राजस्थान सरकार।
2. निजी सचिव, प्रमुख शासन सचिव, नगरीय विकास एवं स्वायत्त शासन विभाग, जयपुर।
3. निदेशक, स्थानीय निकाय विभाग, राजस्थान, जयपुर को उनके अधीन समस्त नगरीय निकायों को निर्देशित किये जाने हेतु।
4. सचिव, जयपुर/जोधपुर/अजमेर विकास प्राधिकरण, जयपुर/जोधपुर/अजमेर।
5. सचिव, राजस्थान आवासन मण्डल, जयपुर।
6. मुख्य नगर नियोजक, राजस्थान, जयपुर।
7. सचिव, नगर विकास न्यास समस्त।
8. वरिष्ठ उप शासन सचिव, नगरीय विकास एवं आवासन विभाग को विभागीय वेबसाईट पर अपलोड किये जाने हेतु।
9. रक्षित पत्रावली।



संयुक्त शासन सचिव-प्रथम

Uploaded in 10/15

No. 11026/2/2011/D(Lands)  
Government of India  
Ministry of Defence

New Delhi, the 18<sup>th</sup> May, 2011.

To

Chief of Army Staff  
Chief of Air Staff  
Chief of Naval Staff  
New Delhi.

Subject: Guidelines for issue of 'No Objection Certificate (NOC)' for building constructions.

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Of late, issue of NOC for construction on lands adjacent to Defence Establishments has generated avoidable controversies particularly in two recent cases, viz., Sukna and Adarsh. Various issues involved in these two cases were reviewed and the matter has been considered in detail in the Govt. in consultation with the Services. It is felt that Works of Defence Act, 1903 which imposes restrictions upon use and enjoyment of land in vicinity of Defence Establishments needs to be comprehensively amended so as to take care of security concerns of defence forces. While the process of amendment has been put in motion and may take some time, it was felt necessary to issue instructions in the interim to regulate grant of NOC. The objective of these instructions is to strike a balance between the security concerns of the forces and the right of public to undertake the construction activities on their land. Following guidelines are therefore laid down:

- (a) In places where local municipal laws require consultation with the Station Commander before a building plan is approved, the Station Commander may convey its views after seeking approval from next higher authority not below the rank of Brigadier or equivalent within four months of receipt of such requests or within the specified period, if any, required by law. Objection/views/NOC will be conveyed only to State Government agencies or to Municipal authorities, and under no circumstances shall be conveyed to builders/private parties.
- (b) Where the local municipal laws do not so require, yet the Station Commander feels that any construction coming up within 100 meter (for multistorey building of more than four storeys the distance shall be 500 meters) radius of defence establishment can be a security hazard, it should refer the matter immediately to its next higher authority in the chain of its command. In case the next higher authority is also so convinced, then the Station Commander may convey its objection/ views to the local municipality or State Government agencies. In case the municipal authority/State Government do not take cognizance of the said objection, then the matter may be taken up with higher authorities, if need be through AHQ/MoD.


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(c) Objection/views/NOC shall not be given by any authority other than Station Commander to the local municipality or State Government agencies and shall not be given directly to private parties/builders under any circumstances.

(d) NOC once issued will not be withdrawn without the approval of the Service Hqrs.

2. These instructions will not apply where constructions are regulated by the provisions of the existing acts/notification viz., Cantonments Act, 2006, Air Craft Act MoCA, 1934, Gazette Notification SO 84(E) dated 14.01.2011 (as revised from time to time), Works of Defence Act, 1903, etc. In such cases provisions of the concerned Act/Notification will continue to prevail.

  
(Dr. A. K. Singh)  
Director (L&C)

Copy to:

✓ DGDE; DRDO; Coast Guard HQ;  
CGDA; DGQA; OFB [through D(Fy-II)]