

Minutes of the 13th meeting of the Expert Advisory Committee to review the cases for construction /renovation of buildings in the prohibited / regulated area of the centrally protected monument held on Thursday 20th March, 2008 at 1:00 p.m. in the Conference Room, Office of the Director General, Archaeological Survey of India, Janpath, New Delhi.

The meeting was chaired by the Director General, Archaeological Survey of India and was attended by the following members:

1. Shri J.P. Joshi
2. Prof. Narayani Gupta
3. Prof. K.T. Ravindran
4. Prof. Mohammad Shaheer
5. Shri Gautam Bhatia

Besides the above experts, following officers of the ASI, P.W. Division, Ahmednagar (Maharashtra State) and representative of MSRDC, Mumbai were also present in the meeting.

1. Shri A.K. Sinha, Superintending Archaeologist (M)
2. Shri D.V. Sharma, Superintending Archaeologist, Delhi Circle
3. Dr. D.N. Dimri, Superintending Archaeologist, Agra Circle
4. Shri G.S. Narasimhan, Superintending Archaeologist, Mumbai Circle
5. Dr. M. Nambirajan, Superintending Archaeologist, Thrissur Circle
6. Smt. Sathyabhama Badhreenath, Superintending Archaeologist, Chennai Circle
7. Shri A.R. Siddiqui, Dy. Superintending Archaeologist (M)
8. Shri Daljeet Singh, Dy. Superintending Archaeologist, Delhi Circle
9. Shri Vasant Kumar Swarnkar, Dy. Superintending Archaeologist, Delhi Circle
10. Shri N. Taher, Dy. Superintending Archaeologist, Goa Circle
11. Shri Ajit M. Deshpande, Consultants, MSRDC, Mumbai
12. Shri A.V. Bidkar, P.W.Division, Ahmednagar, Maharashtra
13. Shri S.B. Walvetan, P.W.Division, Ahmednagar, Maharashtra.

The Director General, Archaeological of India welcomed the members of the Committee.

The following proposals as per the agenda items were discussed:

Thrissur Circle

1. **Permission for construction of residential building in Survey No.255/41-3 at Thangassery in respect of Smt. Jenifar, P.A.H. of Anil Mathew, Kottayam, P.O. Kollam, Kerala.**

The applicant had applied for issue of NOC for construction of a residential building but the request was rejected by SA, Thrissur Circle since the property falls in the prohibited area of **THANGASSERY FORT**, a centrally protected monument at a distance of 23m. The applicant has now appealed to DG, ASI for grant of permission for construction of a building taking the plea that the plot is located at a distance of about 50m of Thangassery Fort which is in a dilapidated condition and hardly any visitor goes to the monument, whereas he has invested his entire life time earnings on purchase of the plot and the construction, which was stopped by the Municipal authorities, since the site falls in the prohibited area of the protected monument. NOC is, therefore, required from the ASI. He has further stated that between the monument and his property there are buildings and plots, hence he may be granted permission for construction because his building will not cause any disturbance to the monument. He is ready to accept any condition, which ASI may like to impose if construction permission is granted to him.

Superintending Archaeologist, ASI, Thrissur Circle explained the proposal to the members of Expert Advisory Committee through a power-point presentation. The members, however, felt that the presentation given does not explain the details of the case. They desired that SA, Thrissur Circle may undertake complete documentation of the modern constructions and the protected monument and explain the ground conditions on a site / area plan (scale drawings) with exact distances. He may also submit more photographs explaining the ground conditions in relation to the protected monument. The decision on the proposal was deferred.

2. **Permission for construction of residential house in Town Survey No.77/7 near Siva Temple, Netrimangalam at Pattambi, Palakkad District, Thrissur in respect of Smt. C.R. Subhadra.**

Dr. C.R. Subhadra, XII/323, near S.N. Junction, P.O. Tripunithura, Ernakulam, Kerala had applied for construction of residential building near **SIVA TEMPLE**, Netrimangalam, Pattambi, District Palakkad, Kerala, a centrally protected monument, but her request was rejected by SA, Thrissur Circle since the construction site falls in the prohibited area

The applicant has appealed to DG, ASI for reconsideration of her request since she is living in a rented house and has no other property. Moreover, she is aged and has cardiac problems and as such wants a sympathetic consideration of her request.

SA, Thrissur Circle explained to the members of the Expert Advisory Committee that the site of construction is about 75m away from the monument. He informed that a number of modern buildings exist between the protected monument and the construction site. Besides, a road also exists in between. It was explained by him that the height of the proposed structure would be 5m from the ground level. He also projected a number of photographs explaining the surrounding conditions of the monument and modern buildings already constructed in close vicinity of the monument.

The Expert Committee members observed that a number of modern buildings already exist in the prohibited area of the monument, some even double-storeyed. Hence the view of the monument shall not be obstructed even if the building proposed at the construction site with maximum height of 5m is allowed to be constructed. The Expert Advisory Committee members opined that the ASI may permit the owner to construct the house as per the drawings submitted subject to height restriction of 5m from the ground level.

3. **Permission for construction of residential building at Survey No.370/17 at Peruvanam, Kerala in respect of Shri T.R. Madhusoodanan.**

The request of Shri T.R. Madhusoodanan, for issue of permission for construction was rejected by SA, Thrissur Circle since the property falls in the prohibited area of **SIVA TEMPLE**, Peruvanam, Cerpu, Distt.

Thrissur, Kerala, a centrally protected monument at a distance of 92m.

The applicant has made an appeal to DG, ASI for reconsideration of request for permission for construction as a special case since he does not own any other property.

SA, Thrissur Circle gave a detailed presentation on the proposal explaining the ground situation adjacent to the protected monument with the help of an area map and a set of photographs showing the monument and the site of proposed construction. He mentioned that a number of modern houses exist between the monument and the construction site. It was also explained to the members that the maximum height proposed for the new construction is 4.32m from the ground level and the building proposed is single storeyed. The Expert Advisory Committee members observed that there would be no obstruction in viewing the monument even if the construction is permitted at the site. The members were of the view that the ASI may grant permission for construction of a single-storeyed building with a maximum height of 4.32m at the site.

Chennai Circle

4. Permission for construction / renovation of staff quarters of Light- house and Lightships, Mamallapuram, Tamil Nadu.

SA, Chennai Circle has forwarded a proposal for issue of NOC for construction / renovation of staff quarters of Lighthouses and Lightships submitted by the Ministry of Shipping, Road Transport and Highways within the protected area of GROUP OF MONUMENTS, ON THE HILLOCK, MAMALLAPURAM, Distt. Kanchipuram, Tamil Nadu. SA has informed that the above stated quarters were built within the protected area much before the protection of the monuments, and were being used by the Shipmen and Signalers of the Lighthouse since pre- Independence period. These quarters are in dilapidated condition. Out of three quarters, two have already been dismantled partially for safety purposes. SA has stated that the renovation of quarters is essential since the employees of the Light house are required round the clock for duty on emergency. The height of the existing quarters are 5.30m and that of the proposed one is also 5.30m.

SA, Chennai Circle gave a power-point presentation on the proposal submitted by the Directorate of

Lighthouses and Lightships explaining the details and also the necessity for repairs / reconstruction of the staff quarters. The members of the Expert Advisory Committee were also informed that these structures are in existence since much before the protection of the monument. She also mentioned that the Lighthouse was constructed at the site in 1887.

The members of the Committee agreed with the proposal for reconstruction / repairs of the three quarters subject to the condition that there is no change in the dimensions of the structure and the broad features of the earlier / old structures (as per the photographs) are retained, especially the façade. The members also desired that the ASI may impose a condition on the Directorate of Lighthouses and Lightships that while undertaking reconstruction / repairs of the staff quarters / structures, every care must be taken to retain the design and colour of the building and same building material must be used.

5. **Permission for reconstruction of house in Town Survey No.702, Ward-3, Block-14, near Rajagopal Cannon, Thanjavur, Tamil Nadu.**

SA, Chennai Circle has forwarded a request received from Shri Amer Singh, Thanjavur for repairs of a house located in the prohibited area of **RAJAGOPAL CANNON**, Thanjavur at a distance of 3m from the protected limit. SA has informed that during site inspection it was found that the applicant has already dismantled the house and intends to undertake reconstruction at the same site.

She has forwarded the proposal since Chennai Circle is not authorized to grant permission for construction / reconstruction in prohibited area. The request has been turned down at her level.

SA, Chennai Circle explained the case with the help of photographs and area map. She informed that the height of the monument is 9.5m and a three-storeyed building exists close by. The members of the Committee felt that more details are required to understand the proposal for construction. They felt that SA should obtain all the details pertaining to the construction proposal including the complete drawings. The members also expressed their concern as to how the local Municipal authorities cleared the construction plans on a piece of land falling within prohibited / regulated area of a protected monument without obtaining clearance from the ASI. The owner of the property had stated that he wants

to undertake repairs at his house whereas he has gone for total reconstruction. Hence, it was decided that the applicant may be asked by ASI to submit a fresh application/proposal.

The members desired that the SA, Chennai Circle should submit such proposals in future with detailed drawings including Google images showing the monument and the construction site.

Goa Circle

6. Permission for construction of residential house No.293, Old Goa in respect of Shri Ave Serrao.

A request has been received from Mr. Ave Serrao of Old Goa for grant of permission for construction. Dy. SA, Goa Circle has informed that the proposal is for construction of a house in the prohibited area of **BASILICA OF BOM JESUS** at a distance of 16.50m. It has been informed that Shri Serrao had earlier carried out construction at the site without obtaining permission from the ASI. The Dy. SA had lodged FIR against the offender and there was a case in the Court of Judicial Magistrate, Panaji. As per the orders of the Court dated 18.2.2005, the accused was acquitted for the offence.

Shri Serrao later (on 22.11.2005) submitted an application to Goa Circle for permission to construct a residential-cum-commercial complex which was turned down since the site falls in the prohibited area of a protected monument.

The members of the Expert Advisory Committee felt that Goa Circle should have appealed against the orders of the Judicial Magistrate, Panaji passed on 18.2.2005, and the Dy. SA should still explore the possibility of preferring an appeal.

In regard to Mr. Ave Serrao's application dated 22.11.2005 for according permission for construction of residential-cum-commercial building, the proposal was explained by Dy. Superintending Archaeologist, Goa Circle with the help of photographs and area map. He informed that the nearest distance between the protected monument and the site of construction is 15.80m, falling within the prohibited area of the protected monument. The members of the Committee felt that the site of construction is too close to the protected limit of the monument, which is also a World Heritage Site, and hence ASI may not grant permission for construction.

Mumbai Circle

7. **Licence for relaxation of height restriction for construction at Plot No.4, FP No.88, S/No.206A/1, TPS, Yerawada, Pune in respect of M/s G. Corp. Properties Pvt. Ltd., Pune.**

The proposal is for relaxation of height restriction for construction of buildings, since the construction site falls in the regulated area of protected monument, the **AGA KHAN'S PALACE**. The applicant wants relaxation in height from 15m to 20m and 30m to 36m in view of the fact that Pune Municipal Corporation has acquired 4600 sq.m of his land for road widening to make the project viable from economic point of view.

SA, Mumbai Circle explained the proposal with the help of area map, photographs and drawings of the building to be constructed . He mentioned that the monument is surrounded by residential and commercial buildings. He further explained that buildings upto 18m height exist in the 1st regulated area and upto 33m height in the 2nd regulated area. The Expert Advisory Committee recommended that ASI may agree to allow construction of buildings upto 18m in the first regulated area (i.e. between 100m to 200m from the protected limit) and upto 33m in the second regulated area (i.e. between 200m to 300m from the protected limit) relaxing the height restriction of 15m and 30m respectively, considering that many buildings upto 18m in the first 100m and 33m in the second 100m of the regulated area already exist and no further visual obstruction would be caused if the height relaxation is granted.

8. **Licence for relaxation of height restriction of building in Plot No.CTS No. 160, near Mandapeswar Caves, Marian Colony, Borivili, Mumbai in respect of M/s Tirupati Developers.**

The proposal relates to construction of building upto the height of 24m in respect of M/s Tirupati Developers, Mumbai. As per the orders of the High Court of Bombay, ASI is required to process the construction proposals in accordance with the extant rules and guidelines.

SA, Mumbai Circle has already issued licence for construction subject to a height restriction of 15m since the property falls in the first 100m of the regulated area of

MANDAPESHWAR CAVES. But the applicant has appealed to DG, ASI for height relaxation upto 24m (excluding water tank / stair-case/lift room) on the ground that there are 29 tenements to be rehabilitated in the new building after demolition of old buildings at the site since the same are in dilapidated condition. He has informed that with 15m height restriction for the proposed construction, it may not be possible to rehabilitate the tenements.

SA, Mumbai Circle explained the proposal with the help of photographs and drawings. He mentioned that the construction site is located at a distance of 186m (i.e. first 100m of the regulated area) from the rock-cut-caves of Mandapeshwar. SA, Mumbai Circle further explained that there are several multi-storeyed buildings with height ranging from 10m to 25m in the close vicinity of the proposed construction site and hence no further visual obstruction shall be caused if height relaxation is granted.

The Expert Committee members agreed with the views of the SA, Mumbai and advised that ASI may grant licence for construction at the site upto the maximum height of 24m from ground level.

9. NOC proposals for height relaxation for construction of Buildings in the regulated area of Jogeshwari Caves, Mumbai.

- (i) CTS No. 157, Majas, Andheri, R.R. Thakur Marg, Jogeshwari (East), Mumbai in respect of M/s Shekhar Arolkar & Associates, Mumbai at a distance of 156m from the protected limit of **JOGESHWARI CAVES** i.e. first 100m of the regulated area.
- (ii) CTS Nos. 157, 157/1 to 55, 158, 158/1 to 33 & 192 (Part), Majas, Jogeshwari (East), Mumbai in respect of M/s. Raj Developers, Mumbai at a distance of 102m from the protected limits of **JOGESHWARI CAVES** i.e. first 100m of the regulated area.
- (iii) CTS No. 153 (part), Majas, Jogeshwari (East), Mumbai in respect of M/s. Shreeya Services Pvt. Ltd., Mumbai at a distance of 176m from the protected limit of **JOGESHWARI CAVES** i.e. first 100m of regulated area.
- (iv). Plot No. 365 in Village Majas (Pt-III), Jogeshwari (East), Mumbai in respect of Shreeya Services Pvt. Ltd., Mumbai at a distance of 180m and 190m from

the protected limit of **JOGESHWARI CAVES** i.e. first 100m of regulated area.

SA, Mumbai Circle made a presentation on all the above proposals before the members of the Expert Advisory Committee with the help of area map, drawings and photographs and explained the ground conditions. In all the above mentioned cases the applicants have requested the DG, ASI to relax the height restriction of 15m in the first 100m and 30m in the second 100m of the regulated area as imposed by the SA, Mumbai Circle keeping in view the Ahmedabad Guidelines.

The members of the Expert Advisory committee advised that since a large part of the area around Jogeshwari Caves sought to be redeveloped, and several slums are to be rehabilitated, the ASI may request the BMC / MMRDA to prepare a Comprehensive Development Plan limiting the maximum height for the buildings to be constructed in the first 100m and second 100m of the regulated area of Jogeshwari Caves. While preparing this plan, BMC / MMRDA may keep in mind the interest of the monument. The members felt that the decision on all the above proposals may be deferred by the ASI till BMC / MMRDA prepares the Comprehensive Development Plan and present it for approval by the Expert Advisory Committee.

10. **Permission for construction of Jogeshwari-Vikhroli Lind Road near Mahakali Caves (Kondivite Caves).**

The proposal of MSRDC involves construction of a ramp upto a height of 7.5m on the southern side of the existing fly-over to facilitate movement of vehicles to join the main road from the MIDC SEEPZ from the southern side. Presently, the vehicles are forced to take a circuitous route and take the northern ramp which results in accidents. SA, Mumbai Circle informed the members of the Expert Advisory Committee that **MAHAKALI CAVES** are situated on the hillock and the ramp is proposed at the foot of the hillock, which is at a distance of 80m. The proposal involves cutting of the hill for a distance of 20-25m upto a height of 7.5m.

The proposal was explained by SA, Mumbai Circle with the help of area map, photographs and drawings. The members observed that the ramp passes through the prohibited area of the monument for a distance of about 70-80m and the ramp has already been partly constructed. The members were concerned about the

protection and preservation of the caves and its ambience. They felt that the MMRDA has not submitted the technical details on blasting and its likely impact on the monument. It was also pointed out by them that the MMRDA has neither furnished topographic map of the area under reference nor the cross-section across the hill. The members also desired that the MMRDA may be asked to work upon alternate proposals avoiding prohibited and regulated areas of the monument, considering the protection and preservation of not only the monument but also its vicinity.

Aurangabad Circle

11. Permission for construction of new District Court building in City Survey No.5889 and 5007 near Sarjekhan Tomb at Ahmednagar (Maharashtra State).

The District & Sessions Judge, Ahmednagar had submitted a proposal to the SA, Aurangabad Circle for issue of NOC for construction of a new District Court building in City Survey No.5889 and 5007 near **SARJEKHAN TOMB** at Ahmednagar. The proposed was rejected by SA, Aurangabad Circle in view of the provisions of the AM&ASR Act, 1958 & Rules, 1959 since the proposed construction site falls within the prohibited area of the Sarjekhan Tomb, a centrally protected monument.

Shri P.B. Patil, Principal District & Sessions Judge, Ahmednagar has made a request to the DG, ASI for reconsideration of the request for issue of NOC for construction of a new District Court building in City Survey No. 5889 and 5007 near Sarjekhan Tomb at Ahmednagar. He has mentioned that the old building of the District Court is in a dilapidated condition and unless it is demolished and a new building is constructed at the same site, functioning of the Court cannot be ensured. He has also stated that the plans and estimates have already been approved by the Hon'ble High Court, Mumbai as well as the Government of Maharashtra.

The proposal had been placed before the Expert Advisory Committee meeting held on 11.2.2008. The members of the Committee had observed that the floor area of the proposed construction appears to be much larger than the existing Court building. The Court's representative had explained that besides the Court building, several other small buildings spread over the site will also be demolished, and the composite new building

will take care of their needs also. However, he was unable to present exact details and facts. Hence the Committee felt that precise details in regard to the existing buildings which are proposed to be demolished and also the building proposed to be built at the site should be furnished in the next meeting to enable the Committee to take a view.

The officers of the PWD, Govt. of Maharashtra furnished the details and explained the proposal in detail to the Expert Advisory Committee members. They also presented alternate designs of the proposed Court building which is to come up at the site after demolishing the existing building including **CHANGEZ KHAN'S PALACE**, which was earlier a centrally protected monument but was later denotified.

The members of the Committee expressed their concern about the advisability to allow construction of building after demolition of a structure more than 100 years old, which was once a centrally protected monument. Moreover, the building is proposed to be constructed in the prohibited area of Sarjekhan's Tomb, a centrally protected monument. The Committee also took note of the fact that para 8 of the Ahmedabad guidelines clearly mentions that demolition of buildings more than 100 years of age, for the purpose of construction of a new building, is not permitted. The Committee members desired that old records may be referred to in order to ascertain why Changez Khan's Tomb was de-protected by the ASI.

The Committee members also opined that the PWD authorities need to re-work the design to ensure that (a) Changez Khan's Tomb is not demolished while constructing the new Court building, (b) the entire construction comes up in regulated area of the monument, and (c) the new building does not totally overshadows Sarjekhan's Tomb, which is what the present design proposal threatens to do.

Due to shortage of time the proposals pertaining to Delhi and Agra Circles could not be examined by the Committee. It was decided that another meeting within the month of March, 2008 could be fixed for remaining proposals included in the Agenda.

This issued with the approval of Director General, Archaeological Survey of India.

Copy for information and necessary action to:-

1. Shri J.P. Joshi, Member

2. Prof. Narayani Gupta, Member
3. Prof. K.T. Ravindran, Member
4. Prof. Mohammad Shaheer, Member
5. Shri Gautam Bhatia, Member
6. S.A., ASI, Thrissur Circle.
7. S.A., ASI, Chennai Circle.
8. Dy.S.A., ASI, Goa Circle.
9. S.A., ASI, Mumbai Circle.
10. S.A., ASI, Aurangabad Circle.
11. PS to DG, ASI
12. PS to ADG, ASI.