THE KARNATAKA PLANNING AUTHORITY RULES, 1965

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[1]THE KARNATAKA PLANNING AUTHORITY RULES, 1965

[As amended by GSR 608, dated 22.7.1965; GSR 237, dated 20.5.1967; GSR 2, dated 23.12.1967; GSR 356, dated 21.10.1976; GSR 291, dated 8.9.1977; GSR 12, dated 19.9.1977; GSR 177, dated 12.6.1980; GSR 3, dated 29.12.1980; GSR 9, dated 23.12.1986; GSR 47, dated 24.2.1989; Notification No.UDD 184 Bemrupra 04, dated 31-3-2004 and UDD 98 My AaPra 2012, dated 17.05.2012.]

GSR 414.- In exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning act, 1961 (Karnataka Act 11 of 1963), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published as required by sub-section (1) of the said section in Notification No.PLM 76 MNP 64, dated 8th January, 1965, published as GSR in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 8th January, 1965, viz.

CHAPTER I
Preliminary

1.Title.- These rules may be called the **Karnataka Planning Authority Rules, 1965.**

2.Definitions.- In these rules, unless the context otherwise requires.-

(i)**"Act"** mean the Karnataka Town and Country Planning Act, 1961;

(ii)**"Form"** means a Form appended to these rules;

(iii)**"Section"** means a section of the Act.

CHAPTER II
Constitution

3. Manner of nomination of representative of local authority.- The nomination of the representative of the local authority under clause (iii) of sub-section (3) of Section 4-C shall be made by election from among the members of the local authority concerned.

4. Term of office.- (1)Save as otherwise provided in these rules, the term of office of the Chairman, and Member of the Planning Authority shall be three years and shall commence from the date of their appointment:

Provided the Government may, by notification, extend the term of office of the members by such period or periods as it deems fit, so however, that the total period so extended, shall not exceed one year.

(2) Subject to the provisions of these rules, a representative of a local authority nominated under clause (iii) of sub-section (3) of Section 4-C shall cease to be a member of the Planning Authority on ceasing to be a member of the local authority concerned.

5. Qualifications for membership.-A member of the Planning Authority, other than a person appointed as member by virtue of his office shall possess the following qualifications, namely.-

(a)he shall be a person ordinarily resident in the Local Planning Area; and

(b)(i) he must be associated with Town Planning work at least for one Year in bodies, such as, Municipalities, Village Panchayats, Town Improvement Boards, City Improvement Boards, Planning Authorities or the State Town Planning Board; or

(ii) he must be a qualified Town Planner or Architect or Engineer practicing in the State, the period of such practice being not less than five years; or

(iii) he must be a specialist such as an Economist, Geographer, Sociologist or Legal Practitioner.

6. Disqualifications for membership.- (1) A person other than a person a appointed as a member by virtue of his office, shall be disqualified for being chosen as, or for being, a member of the Planning Authority.-

(a)If he holds any office of profit under the Planning Authority; or (b)If he is of unsound mind and stands so declared by a Competent Court; or

(c) If he is an un discharged insolvent;

(d)If he has been sentenced by a Criminal Court to imprisonment for an offence involving moral turpitude, punishable with imprisonment for a period exceeding six months; or

(e)If he has been removed from the Planning Authority under Rule 7.

(2) If any member of a Planning Authority other than a person appointed as a member by virtue of his office during the term for which he has been appointed or nominated.-

(a) becomes subject to any disqualification specified in Rule 6; or

(b) votes or takes part as a member in the discussion of any matter.-

(i) In which he has directly or indirectly by himself or his partner, any share or interest, whatever may be the value of such share or interest; or

(ii) In which he is professionally interested on behalf of a principal or other person; or

(iii) In which he is engaged at the time in any proceeding against the Planning Authority

(c)Absents himself from the meetings of the Planning Authority during three consecutive months except with the leave of the Planning Authority; his seat shall become vacant:

Provided that no leave under clause (c) shall be grated in case of absence from the meetings of the Planning Authority during a period exceeding six consecutive months:

Provided further that when an application is made by a member to the Planning Authority for leave to absent himself and the Planning Authority fails to inform

the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Planning Authority.

(3) The State Government either suo motu or on a report made to it and after giving a reasonable opportunity to the member concerned to represent his case; shall, on being satisfied that a vacancy has arisen under sub-rule (2) declare the seat of the person concerned to be vacant.

7. Removal of members other than members appointed by Government.- The State Government either *suo motu* or on a resolution passed by the Planning Authority by a majority of not less than two-thirds of the members of the Planning Authority recommending the removal of a member of the planning Authority, may, after such enquiry as it deems necessary, and after giving the person concerned a reasonable opportunity to represent his case, remove such member if he has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.

8. Resignation.-(1) The Chairman of the Planning Authority may resign his office by writing under his hand addressed to the State Government. Such resignation shall take effect from the date of its acceptance by the State Government.

(2) A member of the Planning Authority other than the Chirman, may resign his membership in writing under his hand addressed to the State Government and his seat shall become vacant on the date of its receipt by the State Government.

9. Casual vacancies.- Where a vacancy occurs by reason of resignation, disqualification, death, removal or otherwise, in the office of a member of a Planning Authority previous to the expiry of his term of office, the vacancy shall be filled, as soon as may be, after the occurrence of such vacancy by appointment or nomination, as the case may be:

Provided that the member appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated would have held office if the vacancy had not occurred.

1**[9-A. Travelling and Daily Allowances.-**The Karnataka Travelling Allowance Rules, 1957 regulating the payment of travelling allowance to non-official members of councils, committees, conferences and other bodies constituted under the authority of the Government shall be applicable for payment of travelling and daily allowance to the non-official members of the Planning Authority and special invites to associate with the Planning Authority and for the purposes of the said rules the Planning Authority shall by deemed to all under list „A" referred to in Rule 8 of the said rules.

9.B. Association of Persons with Planning Authority.- (1) Planning Authority may associate with itself under sub-section (1) of Section 4-F any person residing within the local planning area by inviting him to attend in person the meetings of the Planning Authority for tendering his advice for the purposes specified in sub-rule (2). If the Planning Authority desires to associate with itself a person is required for more than three meetings the said

authority shall after passing a resolution with two-thirds majority to that effect obtain prior permission of the Government.

(2) the Planning Authority may associate with itself a person for the purpose of assistance or a advice in architectural control, planning techniques, traffic and transport proposals for industrial location, public and semi-public institutions, alignment of roads and high ways and for such other specialized purposes which may be considered necessary.]

CHAPTER III
Conduct of Business

10. Meetings of Planning Authority.- (1) The Planning Authority shall ordinarily hold at least one meeting in a month for the transaction of business and also at other times as often as a meeting may be convened by the Chairman.

(2) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

11. Notice of meetings and business.- Ten clear days‟ notice of an ordinary meeting, and three clear days‟ notice or such shorter period as is reasonable, of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the members, and posted up at the office of the Planning Authority.

12. Place of holding meetings and maintenance of order thereat.-(1) Every meeting of the Planning Authority shall except for reasons to be specified in the notice convening the meeting, be held in the office of the Planning Authority.

(2) The Chairman, the Vice-Chairman or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.

(3) The Chairman, the Vice-Chairman or the person presiding over a meeting may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting and any member so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.

(4) Notwithstanding anything contained in sub-rule (3) in the case of grave disorder arising in a meeting, the Chairman, the Vice-chairman or the presiding authority may, if he thinks necessary to do so, adjourn the meeting to a date to be specified by him.

13. Quorum.- No business shall be transacted at any meeting unless one-third of the members are present from the beginning to the end of such meeting. If at any meeting quorum is not present, the presiding authority shall, after waiting for thirty minutes adjourn the meeting to such hour on the following day or some other future date as he may reasonably fix and a notice of such adjournment shall be affixed on the notice board of the office of the Planning Authority, and the business which should have been brought before the original meeting had here been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting.

14. Method of deciding questions.- (1) At any meeting unless voting is demanded by at least two-thirds of the members, a declaration by the Chairman, the Vice-chairman or any member presiding over such meeting that a resolution had been carried or lost and an entry to that effect in the minutes of the proceedings shall for the purpose of these rules, be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of, or against such resolution.

(2) If voting as aforesaid is demanded, the votes of all the members present who desire to vote shall be taken under the direction of the Chairman, the Vice-Chairman or any member presiding over such meeting and the result of the voting shall be deemed to be the resolution of the Planning Authority at such meeting.

15. Business to be transacted at meetings and order of business how to be settled.- Save as provided in the proviso to sub-rule (2) of Rule 20, no business shall be transacted and no proposition shall be discussed at any meeting unless it has been mentioned in the notice convening such meeting.

16. Members not to vote on matters in which they are interested.-(1) No member of the Planning Authority shall vote or take part in the discussions on any question coming up for consideration at the meeting of the Planning Authority if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest for himself or his relatives.

(2) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other member may be chosen or elected to preside at the meeting during the continuance of such meeting.

(3) The Chairman or the presiding authority may prohibit any member from voting or taking part in the discussions on any subject matter in the notice in which the member is believed to have such interest or he may require the member to absent himself during the discussions and abstain from voting.

17. Adjournment of meetings.- An ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed o f at the meeting from which the adjournment takes place. A notice of such adjournment posted in the office of the Planning Authority shall be deemed sufficient notice of the adjourned meeting.

18. Modification and cancellation of resolutions.-No resolution of the Planning Authority shall be modified or cancelled within three months after the passing thereof, except at a meeting of the Planning Authority specially convened there for and by a resolution of the Planning Authority supported by not less than one-half of the total number of members.

19. Motions and amendments.-(1) Every motion or any

amendment thereof shall be received in writing and then duly moved.

(2) Any motion or amendment may be withdrawn by its proposer with the consent of the Planning Authority.

20. Conduct of ordinary meetings.- (1)At an ordinary meeting business shall be conducted in the following order.-

(a) The minutes of the previous ordinary meeting and any special Meeting held since shall be read and confirmed;

(b) Business postponed at the previous meeting shall be considered;

(c) Subjects included in the agenda shall then be considered.

(2) A member may propose any resolution connected with or incidental to the subjects included in the agenda:

Provided that the Chairman may propose any subject relating to a routine matter of urgency not included in the list of business, if no member objects to it.

(3) All points of order shall be decided by the presiding authority with or without discussion as he may deem fit and his decision shall be final.

(4) Any question of procedure not provided for, in these rules shall be decided by a majority of the members present and voting.

CHAPTER IV

Accounts, Audit and Administration Report

21. Maintenance of accounts.- (1) EveryPlanning Authority shall maintain in form I an account of its transactions in two sections, namely, „ordinary‟ and „capital‟ under the head “Planning Authority Fund”.

(2) A summary of the Planning Authority Fund account for any year shall be submitted to the Government through the Director not later than the Ist June of the year following and a copy thereof shall be sent to the Local Audit Circle of jurisdiction.

(3) The items of expenditure which shall be debited and the items of receipts which shall be credited to the “ordinary” section of the Planning Authority Fund account shall be as follows.-

(a)Items of expenditure.-

(i) Salary of staff;

(ii) Allowances, pensionary contributions and cost of conveyance or hire of vehicles for the officers and servants;

(iii) Survey charges;

(iv) Contingencies and equipment renewals; Fees

(v) levied on licences and permissions; Interest on

(vi) loans;

(vii)Stationery, printing and notification expenses and cost of preparation of maps and maintenance of records and registers.

(b) Items of receipts

(i) Rent of lands;

(ii) Ground-rent;
(iii) Produce of lands;
(iv)
Betterment contributions; (v) Fees levied on licences and permissions;
(vi) Interest on investments;
(vii)Legal expenses recovered;
(viii)Sundry receipts including sale-proceeds of copies of maps.

(4) The items of expenditure which shall be debited and the items of receipts which shall be credited to the "Capital" section of the Planning Authority Fund account shall be as follows.-

(a) Items of expenditure.-

(i) Cost of acquisition of land, buildings. Etc.; (ii)Cost of works of improvement;
(iii)Repayment of loans (Sinking Fund charges);
(iv)Investments;
(v)Compensation for injurious affection;
(vi)Advances made;
(vii)Miscellaneous.-

(A) Cost of special surveys required for or under particular schemes.

(B)Salary of Town Planning Officer including his staff and contingencies.

(viii)Cost of enforcement under Section 19(3).

(b) Items of receipts.-

(i) Government grants;
(ii) Collection from.-

(A) Government Departments.
(B) Other Local authorities.
(C) Private persons.

(iii) Sale-proceeds of lands, buildings and equipment; Loans;
(iv)
(v) Investments realized;
(vi) Contribution from municipal funds;
(vii) Recoveries of Advances;
(viii) Recoveries of the expenses of enforcement under the Act.

(5) The surplus of receipts over expenditure, if any, in the ordinary section of the account at the end of a year shall be shown as a balance under the ordinary account, appropriation being made to the capital account whenever circumstances require such appropriation.

Form IV. The Budge so prepared for any financial year shall be submitted to the State Government in the month of January preceding the commencement of the said financial year. Six copies of the budget shall be prepared out of which three copies shall be sent to the State Government.

23. Accounts and Audit.- (1) In respect of the items included under the Receipt and Expenditure Account the Planning Authority shall maintain two ledgers one in respect of receipts and another in respect of expenditure.

(2) Accounts of the Planning Authority shall from time to time and once in every year a the least be audited by the Controller of State Accounts and also by such other agency, if any, as may be appointed by Government.

(3) The Auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the „Planning Authority".

(4) The Auditor, shall, within three months after the completion of audit forward a copy of the Audit Report to the Planning Authority, the Director and the State Government.

24. Production of documents and attendance of persons concerned, etc.- (1) The auditor may.-

(a)Require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit;

(b)Require in writing any salaried servant of the Planning Authority accountable for, or having the custody or control of such vouchers, statements, returns, correspondence, notes or other documents or of any property of the Planning Authority or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Planning Authority to appear in person before him at the office of the Planning Authority and answer any question;

(c)in the event of an explanation being required from the Chairman or the other members of a Planning Authority in writing invite such person to meet him at the office of the Planning Authority and shall in writing specify the point on which his explanation is required.

(2) The auditor may, in any requisition or invitation made under sub- rule (1) fix a reasonable period, not being less than three days within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the Planning Authority not less than two weeks" notice in writing of the date on which he proposes to commence the audit:

Provided that, notwithstanding anything contained in this sub-rule, the auditor may, for special reasons which shall be recorded in writing, give shorter notice than two weeks or commence a special or detailed audit on the authority of the Government without giving notice.

25. Penalty for disobeying requisition under Rule 24.- Any person who willfully neglects or refuses to comply with any requisition lawfully made upon him under clause (a), (b) or (c) of sub-rule (1) of Rule 24 shall be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this rule shall be instituted except with the written sanction of the Government:

Provided further that before giving such sanction the Government shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

26. Contents of Audit Report.- The Auditor shall include in his report a statement of.-

(a) every expenditure which appears to him to be contrary to law;

(b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person;

(c) the amount of any sum received which ought to have been but is not brought into account by any person; and

(d)any material impropriety or irregularity which he may observe in the accounts other than those mentioned in Clauses (a), (b) and (c).

27. Procedure to be adopted after report of the Auditor under Rule 26.- (1) On receipt of a report under Rule 26, the Town Planning Officer (Secretary) shall remedy any defects or irregularities which may have been pointed out in the report, and shall, within two months of the receipt of the report place the report, together with a statement of action taken or proposed to be taken thereon and an explanation in regard there to before a meeting of the Planning Authority. He shall also, within three months of the receipt of the report, send to the Controller, Sate Accounts Department, intimation of his having remedied the defect or irregularities, if any, pointed out in the report, or shall, within the said period, supply the Controller, State Accounts Department, any further explanation in regard to such defects or irregularities as the Planning Authority may wish to give.

(2) On receipt of such intimation or explanation the Controller, State Accounts Department may, in respect of all or any of the matters discussed in the report.-

(a) accept the intimation or explanation given by the Town Planning Officer and withdraw the objection; or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date; or

(c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.

(3) The Controller, State Accounts Department, shall send a report of his decision to the Town Planning Officer within one month of the date of the receipt by him of the intimation or the explanation of the Town Planning Officer referred to in rule (27) or in the event of the Town Planning Officer failing to r explanation, on the expiry of the

period of three months mentioned in the said rule and shall forward a copy of such report to the Town Planning Officer. If the Controller, State Accounts Department, holds that any defects or irregularities have not been removed or remedied he shall state in the report, whether, in his opinion, the defects or irregularities can be regularized and, if so, by what method, and if they do not admit of being regularized, whether they can be condoned, and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged.

(4) The Planning Authority concerned shall include in its next administration report such portions of the report under sub-rule (1) as deal with defects and irregularities failing under clause © of sub-rule (2), together with the explanation thereof, if any, given under Rule (27) and the final report of the Controller, State Accounts Department thereon under sub-rule (2). Such report of defects and irregularities and explanation shall be open to the inspection of the public at the Office of the Planning Authority for a period of one month from the date of their receipt.

(5) Nothing in this rule shall preclude the Controller, State Accounts Department, at any time from bringing to the notice of the Government for such action as the Government may consider necessary, any information which appears to Government to support a presumption of criminal misappropriation or fraud or which in Government opinion deserves special attention or immediate investigation.

28. Government to surcharge or charge illegal payments or loss caused by gross negligence or misconduct.- (1) The Government may, after considering the recommendation of theController, State Accounts Department, and after taking the explanation of the person concerned, or making such further enquiry, as Government may consider necessary disallow any item which appears to Government to be contrary to law and surcharge the same on the person making, or authorizing the making of the illegal expenditure; and may charge against any person responsible there for the amount of any deficiency or loss caused by the negligence or misconduct of that person, or any sum received which ought to have been but is not brought into account by that person shall, in every such case, certify the amount due from such person.

(2) The Government shall intimate in writing the reasons for the decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made.

(3) If a person to whom a copy of the Government‟s decision is sent under sub-rule (2) refuses to take delivery thereof the person concerned shall be deemed to have duly received it on the day on which it was refused.

29. Administration Report.- The Annual Administration Report of the Planning Authority along with the Balance Sheet in

Form V shall be sent to the State Government on or before the 30th June of the year succeeding the year in respect of which the report is made.

CHAPTER V

Present Land use and Outline Development Plan

30. Map and Register showing present land use.-(1)The map prepared by the Planning Authority under Section 6 showing the present land-use in the planning area under its jurisdiction shall contain the following other particulars.-

(a) Areas used for various used such as.-

Main Groups	Sub-Groups
Vacant	Partly built but unoccupied
Residential	Single family
	Double family
	Multi-family
	Holiday homes, and Boarding houses of permanent nature such as hostels but not including public assistance institutions providing residential accommodation like Dharmashala, etc.
Commercial	Retail trade
	Wholesale trade
	Warehouse and Storage
	Offices and Banks excluding Government Offices
	Restaurants, hotels and transient boarding houses excluding public assistance-Institutions providing residential accommodation like Dharmashala, tourist homes, etc.
	Cinema and other places of public assembly run on a commercial basis
	Professional establishments
Industrial	Service Industry Light Industries Extensive Industry Heavy Industry Noxious Industry
Transport and communications	Railway yards, Railway Stations and Sidings
	Roads and Road Transport Depots and Parking areas
	Dockyard, Jettys and Piers
	Air Ports and Air Stations

Main Groups	Sub-Groups
Vacant	Partly built but unoccupied
	Telegraph Offices, Telephones and Telephone Exchanges etc., Broadcasting Stations
Public Utilities	Water Supply installations including treatment plants

	Drainage and Sanitary Installations including disposal, works
	Electric Power Plant-High Tension and Low Tension
	Transmission lines, Sub-Stations, etc. Gas installations and Gas-works
Public and semi public uses	Government Administrative Centres, Secretariats, District Offices, Law Courts, Jails, Police Stations, Governor‟s Residences
	Educational, Cultural and Religious Institutions
	Medical and Health Institutions
	Cultural Institutions like Theatres, Opera Houses, etc., of a predominantly non-commercial nature
	Land belonging to Defence
Open spaces	Sport Grounds, Stadium, Playgrounds, Parks
	Other Recreational uses, Cemeteries, Crematoria, etc.
Agricultural Land	Market Garden, Orchards and Nurseries, Land under Staple crops, Grazing land and Pastures, Forest land, Marshy land, Barren land, Land under Water.

(b) The locality, division or ward, boundary of each land use zone, major street pattern.

(2) Such map shall not be less in size to the one prepared on a scale of 1: 10,000 (nearly 6 inches to a mile).

(3) The existing land use map shall be prepared using the standard codes or symbols adopted in the Department of Town Planning.

(4) A register showing at least the particulars in the following form shall be maintained by the Planning Authority along with the existing land use map.

Sl. No.	Locality	Boundary	Nature of use	Remarks
	Ward No. if any	Front Rear Left Right Or		
East West North South				

31. Manner of enquiry under Section 7(2).- On receipt of an application under sub-section (2) of Section 7, from any owner of land included in the map prepared, the Officer authorised under sub-section (2) of Section 7 shall consider such evidence as the applicant may adduce and inspect the area after giving due notice of the date and time of such inspection to the applicant. A note of the inspection shall be prepared by the Officer and kept on record. The Officer shall after giving the applicant a reasonable opportunity to be heard, make an order, with reasons there for, regarding the present use of the land in question. He shall direct any entry found to be incorrect to be corrected, and subject to any order in any appeal under sub-section (3) of Section 7, the Planning Authority shall make the corrections as directed.

32. Publication of Outline Development Plan under sub-section (1) or sub-section (2) of Section 9.- (1) An outline l be published under sub-section (1)

of Section 9 making a copy thereof available for inspection and displaying a notice in Form II.-

(a) at the Office of the Planning Authority; and

(b) at such other places as may be specified by the Planning Authority;

Form II in the Official Gazette, and in one or more newspapers circulating within the Local Planning Area as the Planning Authority deems fit.

(3) The Provision of sub-rules (1) and (2) shall be applicable for purposes of publication of the Outline Development Plan under sub-section (2) of section 9 subject to modification that references to the Planning Authority shall be construed as references to the Director.

[1][**32-A.** Every Planning Authority, as soon as it is constituted should declare its intention to prepare an outline Development Plan as required under sub-section (1) of Section (10) of the Act in

Form VI (appended) and give wide publicity by affixing the copy of the said declaration on the Notice Board of the Office of the Planning Authority and in conspicuous places within the local planning area and also by publication in the Official Gazette.]

33. Publication of Outline Development Plan and Regulations under Section 13(4).-The outline Development Plan and the Regulations as approved by the State Government under sub-section (3) of section 13 shall be published in the Official Gazette.

CASE LAW

Rule 33 and S. 13(4) – Publication of notice would be sufficient compliance with Section 13(4) and Rule 33 Outline Development Plan and Regulation need not be bodily incorporated – Defect, any, curable by Section 76-]

Section 13(4) has prescribed the mode of publication of the Outline Development Plan and the Regulations. The „prescribed manner‟ is what is prescribed by Rule 33, that is, publication in the official Gazette. In Sections 9(1) and 9 (2) too the Outline Development Plan is required to be published in the prescribed manner. The Prescribed manner for the purposes of Section 9(1) and 9 (2) that prescribed by Rule 32. If the entire scheme of the Act and the Rules is considered as an integral whole it becomes obvious that what Section 13(4) contemplates besides permanently displaying the plan and the particulars and keeping available a copy for the inspection of the public is a public notice to the general public that the plan and Regulations are permanently displayed and are available for inspection by the public. Such public notice is required to be given by a publication in the official Gazette. This appears to be a reasonable and a rational interpretation on Section 13(4) and Rule 33 in the setting and the scheme. Every one concerned, thought that publication of a notice in the Gazette inviting the attention of the public to the display and the availability for inspection of the plan and particulars was all that was contemplated by the provisions providing for publication. There is no reason or justification to adopt and interpretation which departs from common understanding of the Act and the Rules. A defective publication which has otherwise served its purpose is not sufficient to render illegal what is published and that such defect is cured by Section 76-J Non-publication of the plan in the official Gazette was therefore a curable defect capable of being cured by Section 76-J.

Section 13(4) used the words “the Outline Development Plan and the Regulations” as well as the words”, the Plan and the Regulations”. The Outline Development Plan and the Regulations are not distinct from each other. The Regulations are born out of the plan and the plan thrives on the Regulations. The plan is the basis for the Regulations and the Regulations are what make the plan effective, without the Regulations, the plan virtually becomes a dead letter. The reference in the four clauses of Section 13, whenever the word “plan” or the “Outline Development Plan” is used, is to the core plan without the particulars and the Regulations and not the whole of the Outline Development Plan which

must include the Regulations. What the different phraseology is meant to convey is to emphasise the different parts of the plan which have to be forwarded to the Government, considered by the Government, made available for inspection by the public, as the case may be and to the extent necessary. Merely because the words “and Regulations” are added to the word “plan”, the Regulations are not to be treated as not constituting part of the plan. The Authority justifiably always treated as not constituting part of the plan. The authority justifiably always treated the plan as including the Regulations and what was kept for inspection was the plan along with Regulations. rel.on. 1990(4) SCC 178-B.K.Srinivasan and Others v State of Karnataka and Others, (1987)1 SCC 658: AIR 1987 SC 1059.

34. Notices to be given under [1][Sections, 11, 20 or 27].- At least forty-eight hours‟ previous notice [2][in Form VII shall be given under sections 11, 20 or 27] to the owner, occupier of or other person interested in the land unless such owner, occupier or person interested has given his consent to such entry.

35. Form of commencement certificate granted under Section 15(1).-The commencement certificate granted by a Planning Authority under sub-section (1) of Section 15 shall be in

Form III.

36. Particulars regarding layout plan and period for sanction of plan under Section 17.- (1) Every person submitting a plan for sub-division of plot or a layout of a private street to the Planning Authority for sanction under Section 17 shall submit such plan in triplicate which shall not be les in size than the one to be prepared on a scale of 1:600 (1 inch-50 inches) and shall include therein such of the following particulars, as may be relevant to the layout, namely.-

(i) Sub-divisions of his plot and details of proposed land use;

(ii) Site plan showing the existing access to the land included in the layout and the surrounding lands;

(iii) The dimensions of each of the proposed sub-divisions;

(iv) Width of the proposed streets; and (v) dimensions of open spaces provided for in the layout plan.

(2) The period within which a Planning Authority may sanction or refuse to sanction a layout submitted to it under Section 17 shall be ninety days from the date of its receipt by the Planning Authority.

1.Substituted for the word and figures "Section 11" by GSR 356, dated 21-10-1976. 2.Substituted for the word and figures "shall be given under Section 11" by GSR 356, dated 21-10-1976.

1[(2-A) The Planning Authority may levy a fee specified in column(2) of Table below for the purposes specified in column (1) thereof.-

2[TABLE

	Purpose	Rate of Fee
1.	Scrutiny of Layout Plans and designs and effecting modifications	3[One paisa per square meter of land subject to a minimum of five rupees]
2.	Supply of copies of plans or maps	Sixteen rupees per square meter of plan

37. Manner of inquiry under 4[Section 15(4) or 17(4)].- (1) An inquiry under 5[sub-section (4) of Section 15 or] sub-section (4) of Section 17 shall be conducted in the manner specified in this rule.

(2) The Planning Authority shall serve a notice in writing upon the person concerned calling upon him to show cause why he should not be directed.- (a) to remove or pull down the work; or

(b) to restore the land to its original condition, as the case may be.

The notice shall specify a date not earlier than seven days from the date of its service for hearing the case.

(3) The Planning Authority, if it considers it expedient to do so, may appoint a Committee of not less than three of its members to hear such cases.

(4) Any representation which may be made by or on behalf of the person served with the notice on the date specified under sub-rule (1) or which may be received on or before such date, shall be considered. Minutes shall be kept of the inquiry so held and the decisions arrived at in such inquiry shall be reduced to writing together with reasons for the same. Reasons for the decision shall be signed by all the p n.

[6][37-A.Fees to be levied in certain cases of permission for change in the use or development of land or building.-[7][(1) For the purpose of sub-section (1) of Section 18 the fee leviable by the Planning Authority shall be.-

1.Sub-rule (2-A) inserted by GSR 356, dated 21-10-1976.

2.Substituted for the table by GSR 291, dated 8-9-1977.

3.Substituted for the entry under Column 2 against Item 1 by GSR 172, dated 12-6-1980. 4.Substituted for the word, figures and brackets "Section 17(4)" by GSR 356, dated 21-10-1976.

5.Inserted " by GSR 356, dated 21-10-1976.

6.Rule-37-A Inserted by GSR 356, dated 21-10-1976.

7.Sub-rule (1) Substituted by GSR 47, dated 24-2-1989.

(a) at the rates specified in the table below in the case of grant of permission for change in the use of land namely.-

[1][TABLE

In the local planning Area of		Fee per square meter of total land		
		Residential	Industrial	Commercial
		Rs.	Rs.	Rs.
1.		20-00	10-00	75-00
2.	A city or town with a population of one lakh and above but less than ten lakhs	4-00	8-00	12-00
3.	A city or town with a population of fifty thousand and above but less than one lakh	3-00	5-00	6-00
4.	A city or town with a population of twenty thousand and above but less fifty thousand	1-50	2-00	4-00
5.	A city or town with a population of less than twenty thousand	0-60	1-00	2-00

(b) at the rates specified in the table below in the case of gr permission for development involving carrying out of building on the plot approved by the Planning Authority, namely.-

TABLE

In the local planning Area of	Fee per square meter of floor area of all the floors of the building Floor sanctioned		
	Residential	Industrial	Commercial
	Rs.	Rs.	Rs.

1.	1. A City with a population of ten lakhs and above	2-00	4-00	10-00
2.	A city or town with a population of one lakh and above but less than ten lakhs	1-50	2-50	4-00

1.Table substituted by Notification No. HUD 507 TTP 93, dated 19-11-1993.

In the local planning Area of		Fee per square meter of floor area of all the floors of the building Floor sanctioned		
		Residential	Industrial	Commercial
		Rs.	Rs.	Rs.
3.	A city or town with a population of fifty thousand and above but less than one lakh	10-00	2-00	2-00
4.	A city or town with a population of twenty thousand and above but less fifty thousand	0-50	1-00	2-00
5.	A city or town with a population of less than twenty thousand	0-25	0-50	1-00

Provided that in the case of grant of permission for development involving addition to any existing building, fees under this clause shall be levied only in respect of the floor area proposed to be added.]

1[(2) The Planning Authority shall serve a notice in

Form VIII by registered post due acknowledgement to the applicant indicating the amount of fee payable by him which shall be paid within ninety days from the date of receipt of the said a notice. Provided that the Planning Authority may, on application made in this behalf, for reasons to be recorded in writing, extend the period of payment to such further period not exceeding nine months, as it considers necessary. The Planning Authority may, with the previous approval of the Government, further extend the period of payment upto 24 months from the date of such approval, subject to collection of interest at the rate of the prime lending rate of the SBI and a penalty of 2% for the first twelve months and 3% for the next twelve months compounded quarterly. If the applicant fails to remit the fees within the extended period as prescribed above, the grant of permission stands cancelled.]

(3) An appeal under sub-section (2) of Section 18 may be filled within ninety days from the date of receipt of notice under sub-rule(2).

(4) Increase in the value of the land or building for the purpose of sub-section (1) of Section 18 shall be estimated taking into consideration the increase in the market value of and increase in the income from the land or building as a result of the change in the use or development thereof. For the purposes of determining the market value of and income from the land or building, the value and income from similar lands and buildings with similar environmental conditions and use in the neighbourhood shall be taken into consideration.]

1.Sub-rule (2) Substituted Notification No. UDD 98 MyAapra 2012, dated 21-10-1976. W.e.f. 7-6-2012.

1[**37-B. Fees levied in case of permission for change in land use in case of infrastructure project**.- Notwithstanding anything contained in Rule 37-A, the fee leviable under sub-section (1) of Section 18 by the Planning Authority for permission for a change in the use of land in the case of any infrastructure project notified by the State Government, shall be rupees ten thousand per acre.]

CHAPTER VI
Qualifications of Director and Town Planning Officer

38.Qualifications of Director.- A person to be appointed as the Director of Town Planning for the State**,** under sub-section (1) of Section 3, shall be a qualified town planner with a minimum qualification of a post-graduate degree or equivalent qualification in Town Planning.

39.Qualifications of Town Planning Officer.- A person to be appointed as the Town Planning officer under section 37 shall have a minimum qualification of a Bachelor‟s Degree in Town Planning or architecture, or civil engineering or post-graduate Diploma in Town Planning, with practical experience in the field of Town Planning for a period of not less than three years.

2[CHAPTER VII
Miscellaneous

40. Appointment of Officers and Employees.- (1) No post the maximum of the scale of pay of which exceeds Rupees 350 shall be created without the previous sanction of the Government and appointments to such posts shall be made in consultation with the Karnataka Public Service Commissioner:

Provided that a person belonging to any of the Civil Services of the State may be appointed either by transfer or on deputation to any posts under thePlanning Authority with the prior approval of the Government in the case of the Government in the case of Class I or II Officers and with the prior approval of the Head of the Department concerned in other cases.

(2) The scales of pay methods and qualifications for recruitment and other terms and conditions of services of Officers and employees of the Planning Authority shall be the same as those applicable to the holders of corresponding categories of posts in the Department of Town Planning or other relevant departments of the Government of Karnataka:

1.Rule 37-B Inserted by Notification No. UDD 184 Bemrupra 04, dated 31-3-2004. W.e.f. 6-4-2004.

2.Chapter VII and Rule 40 inserted by GSR 356, dated 21-10-1976.

Provided that the Officers and members of Planning Authority shall not be eligible for pension

[1][CHAPTER VIII

Comprehensive Development Plan

41.Manner of preparing the Comprehensive Development Plan under Section 19(1).- (1) For the purpose of preparing a Comprehensive Development Planunder sub-section (1) of Section 19, the Planning Authority shall conduct necessary survey‟s prescribed in Rule 42 below and synthesis the data so collected to the proposals in the plan and work out proposals for various uses to accommodate the future population expected within the time target of 15 to 20 years. He Comprehensive Development Plan shall indicate the manner in which the development and improvement of the entire planning are to be carried out with specific proposal for items specified in clauses (a) to (g) of sub-section (1) of Section 21.

(2) **The Report shall contain**.- 1. Particulars about the items specified in clause (a), (b) and (c) of sub-section (1) of Section 21.

2. Particulars about:

(i) Population projection;

(ii) Land requirement for future development;

(iii) Land use an zoning, including sub-division regulations;

(iv)Survey conducted and the conclusions for various items of development and the proposals made in the plan;

(v) City Development Programme to implement the proposals.

3.Explanation regarding the problems and justification of the proposals made.

4. Various data to support the proposals.

5. Separate sections to deal with various aspects of planning such as land use, housing, traffic and transportation, community, facilities, utilities and services etc.,

42.Surveys to be carried out under Section 19(2).- For the purpose of preparing a Comprehensive Development Plan under sub-section (1) of Section 19, the Planning Authority shall carry out the following surveys.-

1.The existing land use survey to bring the present land use upto date; 2.Topographical survey;

3.Structural condition;

1.Chapter VIII and Rule 41 to 45 inserted by GSR 291, dated 8-9-1977.

2.Density of population‟

3.Socio-economic condition;

4.Traffic and transportation;

5.Community facilities;

6.Utility and services;

7.Housing;

8. Recreational facilities;

9.Public and Semi-public uses;

10.Trade and Commerce;

11.Industrial surveys;

The required data may be collected either from the Primary or Secondary sources.

43. Manner of preparing the Comprehensive Development Plan and report by the Director of town Planning under sub-section (3) of Section 19.- The Director of Town Planning when he is authorised to prepare aComprehensive Development Plan and the report under sub-section (3) of Section 19, shall prepare such plan and the report in the same manner as prescribed under Rules 41 and 42.

44.Publication of theComprehensive Development Plan under sub-section (4) of Section 22.- TheComprehensive Development Plan as finally approved by the State Government under sub-section (3) of Section 22, shall be published in the Official Gazette.

45. Period of appeal under sub-section (3) of Section 24.- An appeal under sub-section (3) of Section 24, shall be filed within Ninety days from the date of receipt of notice.]

[1][**46. Publication of declaration of intension to make a scheme under Section 29.-(**1) The Planning Authority shall publish in the Official Gazette, a declaration of its intention to make a scheme under Section 29 in

Form IX and

shall also publish the same by means of an advertisement in one more newspapers published in the regional language and circulating in the jurisdiction of the Planning Authority.

(2) The Planning Authority shall cause copies of such advertisement to be pasted in prominent places in or near the area included in the scheme and at the Head Office of the Planning Authority showing therein a maj comprising the area of the Scheme and inviting suggestions of the public within a period of two months.

1. Rules 46 to 66 inserted by GSR 3, dated 29-12-1980

47. Publication of draft scheme under Section 30.-(1) A Planning Authority making a draft scheme under Section 30 shall cause the same to be published in the Official Gazette and by means of an advertisement in one or more newspapers published in the regional language and circulating in the jurisdiction of the Planning Authority.

(2) The Planning Authority shall also cause copies of the draft schemes as published in the official Gazette and the advertisement to be pasted on the notice Board at the office of the Planning Authority and at other important places in or near the area included in the draft scheme.

(3) Every advertisement published under sub-rule (1) shall, in pursuance of the provisions of Section 34, announce that if within one month from the date of publication of the draft Scheme in the official Gazette and any person affected by such scheme communicates in writing to the Planning Authority any objection relating to such scheme, the Planning Authority shall consider such objection.

48. Publication of Notification under Section 31.- The notification under Section 31, directing a Planning Authority to make and publish a draft scheme in respect if any land in regard to which Town Planning Scheme may be made shall be published in the official Gazette and copies thereof supplied to the Planning Authority for the purpose of pasting them in prominent places within the said land in the Notice Board of the Office of the Planning Authority.

49. Other particulars to be included in the contents of draft, Scheme under Section 32.- The draft Scheme shall contain the following particulars specified in clauses (a) to (f) of Section 32, namely.-

(i) An index map on a scale not smaller than I Cm.-633 Mtrs.

Showing.-

(a) The area included in the Scheme and the surroundings within a reasonable limit on all sides of such area; and (b) all existing roads and means of communication of every kind;

(ii) A plan on a scale not smaller than 1 Cm.- 24 Mtrs. Showing the original plots with identification numbers and all existing buildings;

(iii) A plan on a scale not smaller than 1 Cm.- 24 Mtrs. Showing both original plots and manner in which it is proposed to after the boundaries of the original

plots;

(iv) A brief report containing the proposals of the scheme.

50. Form of commencement certificate granted under Section 35(1).-The commencement certificate to be granted by a Planning Authority under clause (a) of sub-section (1) of Section 35 shall be in Form Ni.X.

51. The procedure to be followed in making an inquiry under clause (c) of sub-section (1) of Section 35.- (1) For the purpose of making an inquiry under clause (c)of sub-section (1) of section 35, the Planning Authority shall serve a notice in writing upon the person contravening the provisions of the said section calling upon him to show cause why he should not b directed.-

(a) to remove, pull down or alter the building or other work; (b) to restore the land to its original condition, as the case may be.

The notice shall specify a date not earlier than seven days from the date of its service for hearing the case.

(2) The Planning Authority if it considers expedient to do so may appoint a Committee of not less than three of its members to hear such cases.

(3) Any representation which may be made by or on behalf of the person served with notice on the date specified under sub-rule (1) which may be received on or before such date, shall be considered. Minutes shall be kept of the inquiry so held and the decisions arrived at in such inquiry shall be reduced to writing together with reasons for the same. Reasons for the decision shall be signed by all persons giving such decisions.

52. The manner in which and the method according to which compensation shall be payable under sub-section (2) of Section 35.-(1) The compensation payable under sub-section (2) of Section 35 shall be the difference between the value of the property (inclusive of structures) on the basis of the existing use and that on the basis of the permitted use both values being determined as on the date of declaration of intention to prepare the scheme.

(2) In making the valuation of the basis of the permitted use allowance shall be made for the expenses that may have to be incurred in so converting the existing structures to make suitable for the permitted use.

(3) In cases where provision is made for the continuance of existing use for a number of years, taking into consideration the future life of the structures, the compensation payable shall be limited to the present value of the standing structures less value of the materials at the end of such period.

(4) Any compensation payable under this rule shall be paid in the same manner as any other compensation payable under the Act.

53.Authority to which any person aggrieved by the decision of the Planning Authority may appeal under sub-section (4) of Section 35.- Any person aggrieved by the decision of thePlanning Authority under Section 35 of the Act may appeal to the Director of Town Planning within a period of sixty days from the date of the decision.

54. Procedure to be followed by Town Planning Officer in making orders under sub-section (1) of Section 38.- (1) The Town Planning Officers shall give notice to the owner of the property or the person having any r the date on which he will commence

his duties and shall state therein the time as provided in Rule 63 within which the owner of any property or person having any right in such property which is injuriously affected by the making of Town Planning Scheme shall be entitled under Section 60 to make a claim before him. Such notice shall be advertised in one or more news papers published in the regional languages and circulating within the jurisdiction of the local authority any shall be pasted in prominent places at or near the area comprised in the scheme and on the notice board at the office of the Town Planning Officer.

(2) The Town Planning Officer shall after the date fixed in the notice given under sub-rule (1) continue to carry on his duties on working days.

(3) The Town Planning Officer shall give all persons affected by any particulars of the scheme sufficient opportunity of stating their views and shall not give any decision till he has duly considered their representations, if any.

(4) If during the proceedings, it appears to the Town Planning Officer that there are conflicting claims or any difference of opinion with regard to any part of the scheme, the Town Planning Officer shall record a brief minute in his own hand, setting out the points at issue and the necessary particulars and shall give a decision with reasons therefor. All such minutes shall be appended to the scheme.

(5) The Town Planning Officer shall record and enter in the Scheme every decision given by him under clauses (a), (b), (c), (g), (k) and (1) of sub-section (1) of Section 38. The calculations and estimates required by clauses (d), (e), (f), (h), (i), (j) and (m) of sub-section (1) of Section 38.

(6) The final scheme drawn up by the Town Planning Officer shall include the particulars specified in Rule 49.

(7) The component parts of the Scheme shall be so arranged that they may be readily referred to in connection with the map and plans.

(8)The Town Planning Officer shall publish the final scheme drawn up by him by a notification in the official Gazette and also by means of an advertisement in the local newspapers announcing that the final scheme shall be open for inspection of the public during the office hours and to communicate forthwith the decisions taken by him in respect of each plot to the owner or person interested by the issue of requisite extract form the final scheme.

55. The form in which the Town Planning Officer is to draw the final scheme under clause (n) of sub-section (1) of Section 38.- (1) The name of the scheme and the definitions for important terms shall be given in the scheme.

(2) An estimate of total cost of the Scheme shall be prepared and the period within which the execution is to be completed shall be stated in the scheme.

(3) The boundary of the scheme and the width of streets to be widened shall be stated.

(4) The responsible authority shall prepare layouts for development and improvement within the scheme area and also permit private developments according to the proposals of the Scheme.

(5) Building lines on important roads shall be fixes.

(6) All the survey numbers and sub-division numbers, names of the owners, description of and the present use of the land included in the scheme shall be notified to the public in the form of a statement.

(7) A statement showing the estimated cost of the scheme indicating therein the receipt and expenditure shall be prepared.

(8) The list showing particulars such as extent, nature, ownership and boundaries of the lands and other properties proposed for acquisition for widening of roads, providing amenities etc., shall be prepared and notified to the public.

(9) The Statement showing the names of streets, their length, width etc., proposed for widening shall be given.

(10) List of lands reserved and the purpose for which they are reserved shall be furnished.

(11) A form of application requesting for grant of permission or formation of layouts by individuals shall be prepared.

(12) The compensation to be paid for the lands acquired and the betterment levy to be collected from owners whose lands are benefited due to the Scheme shall be worked out and stated in the scheme.

56. Procedure to be followed by the Officer appointed to hold an enquiry for the purpose of deciding a disputed claim as to ownership under Section 42.-(1) The officer holding an enquiry into a disputed ownership under Section 42 shall, while the inquiry is proceeding, record a minute of the proceedings including the material averments made by the parties interested, the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the decision.

(2) Such inquiry shall be in public and seven days notice of the inquiry shall be given go parties to the dispute.

57. Manner of preparing a preliminary scheme under Section 43.-(1) The Town Planning Officer shall on an application of a Planning Authority to split up any draft Scheme into different sections for the purpose of making a preliminary Scheme in consultation with the Planning Authority, find out whether it would be feasible to prepare a preliminary scheme for any particular section without in any way affecting the general proposals for the draft scheme. He may prepare such preliminary scheme for any section provided that such section could be treated as an independent unit and that the decisions taken in respect thereof would not affect in any way, the proposals of the draft scheme in other Sections.

(2) The Town Planning Officer shall, subject to the provisions of the proviso to Section 43, prepare a preliminary scheme in the manner provided in sub-rule (1) to (5) of Rule 54.

(3) The preliminary scheme shall contain plans referred to in clause (i) to (ii) of Rule 49 and the decision recorded by the Town Planning Officer.

58. Manner of giving notice under Section 44.- All notices required to be served upon any person under the Act and under these rules shall unless otherwise provided be served in the manner laid down in the Code of Civil Procedure, 1908 for the service of summons on a defendant.

59. Procedure to be followed in summarily evicting a person under Section 46.- For eviction under Section 46, the Planning Authority shall follow the following procedure namely.-

(a)The Planning Authority shall in the first instance serve a notice upon the person to be evicted requiring him within such reasonable time as may be specified in the notice vacate the land;

(b)If the person to be evicted fails to comply with the requirements of the notice, the Planning Authority shall depute any officer or servant to remove him;

(c)If the person to be evicted resists or obstructs the officer or servant deputed under clause (b) or if he reoccupies the land after eviction, the Planning Authority shall prosecute him under Section 188 of the Indian Penal Code.

60. The notice to be given before action is taken under Section 47.-Before removing, pulling down or altering any building or other work or executing any work under sub-section (1) of Section 47, a Planning Authority shall serve a notice on the owner or occupier of the building or work as the case may be, calling upon him to remove pull down or alter such building or work or execute such work or execute such work within such reasonable time as may be specified in the notice and intimating him the intention of the Planning Authority to do so on failure to comply with the requirement of the Notice.

61. Variation of Scheme under Section 48.- (1) Any Planning Authority making an application for the variation of a scheme under sub-section (1) of Section 48 shall state in such application all the particulars in respect of variation to be made.

(2) The publication of the draft variation under sub-section (2) of Section 48 shall be made by means of a notification published in the official Gazette and in one or more newspapers circulating within the jurisdiction of the Planning Authority.

(3) When variation is made under sub-section (6) of Section 48, the Town Planning Officer of the Planning Authority as soon as may be, forward a copy of such variation to the Deputy Commissioner of Land Records who shall correct the survey records affected by the variation.

62. Manner of election of representatives of the several planning Authorities under sub-section (2) of Section 51.- Every Joint Town Planning Board constituted under sub-section (2) of Section 51 shall consist of the following members.-

(i) A Chairman appointed by the State Government;

(ii)A Town Planning officer appointed by State Government who shall be a Member Secretary to the Joint Town Planning Board; (iii)Number of representatives of each of the planning Authorities as the State Government may consider to be represented from the respective planning Authorities;

(iv)Three other members appointed by the State Government along whom one may be a person having experience in Town Planning.

The State Government may, if it thinks fit, appoint one of the Members as Vice-chairman of the Joint Town Planning Board.

63. Time limit for claiming compensation under Section 60.-The time within which the owner of any property or right which is injuriously

affected by, the m Town Planning Scheme

may make a claim under section 60, shall be three months from the date fixed in the notice given under sub-rule (1) of Rule 54 or the date of hearing of his case before the Town Planning Officer whichever is later.

64. The period with which payment is to be made to the planning Authority under Section 63.- The period within which the owner of a plot shall make payment under Section 63 shall be three months form the date on which the owner is directed by Town Planning officer to make payment.

65.Manner of making documents, plans and maps to be accessible under sub-section (3) of Section 77.- (1) Documents, plans and maps relating to the sanctioned scheme made by the planning Authority shall be

kept open for the public inspection at the Office of the sub-Registrar at any time during office hours for a period of six months form the date of the official Gazette in which the sanction was published.

(2) All documents, plans and maps shall on the expiry of the period mentioned in sub-rule (1) be lodged with the Director of Town Planning.

66. The Procedure to be adopted by the planning Authority to secure co-operation on the part of owners or persons interested in the land proposed to be included in a Town Planning Scheme.- A Planning Authority shall call a meeting or meetings of the owners of the lands included in Town Planning Scheme by the issue of a public notice as well as by the issue of individual notices to all the owners whose addresses the planning Authority is aware of and explain in such meeting or meetings the tentative proposals of the draft Scheme for eliciting public opinion and suggestions on the said proposals. The Planning Authorities may take into consideration all such suggestions made and objections raised on the proposals of the Scheme before finalizing the draft Scheme.]

FORM I

[See Under Rule 21]

Town Planning Fund Account

Expenditure		Rec
Ordinary section.-	Rs.	Ordinary section.-
1.Town Planning Act schemes.-		1.Town Planning Act schemes.
(1)Staff		(1)Rent of land
(2)Allowance, Pensionary contribution and cost of conveyance or hire or vehicles. Etc.		(2) Ground rent
(3) Survey charges		(3) Produce of lands
(4) Contingencies and equipment renewals		(4) Betterment contribution
(5) Law charge		(5) Licence fees, etc.,
Total-Running charges		(6) Interest on investments
Expenditure		Receipts
Ordinary section.-		Ordinary section.-
(6) Interest on loans		(7) Law charges recovered
(7) Stationery, printing and notification expenses, cost of preparation of maps, etc.		(8) Sundry receipts including proceeds of copies of map schemes
		A. Total-Ordinary receipts
A. Total-Ordinary charges		A. Net Total- Ordinary section (surplus of deficit)
Capital section.-		Capital section.-
1. Town Planning Act schemes.-		1. Town Planning Act schemes.-
(1) Acquisition of lands, buildings, etc.-		(1) Government grants
(i) Roads and Lanes		(2) Contributions from.-
(ii) Other purposes		(a) Government Depts
(2) Works of improvement.-		(b) Other local authority
(i) Raising level		(c) Private persons
(ii)Road forming		(3) Sale proceeds of lands, buildings and equipment

(iii)Culverts	(4) Loans
(iv)Drains	(5) Investments realized
(v) Lighting	6) Contributions from Municipal funds.-
(vi)Water supply	(i) General account-Ordinary
(vii)Latrines	(ii) Elementary Education Account
(viii)Schools	(iii)Water supply and drainage account
(ix)Markets, etc.	(iv) Lighting account
(x)Other works	(v) Remunerative enter-prises (Land development)
Expenditure	Receipts
Ordinary section.-	Ordinary section.-
(3) Repayment of loans (sinking fund charges)	(vi) Any other account
(4) Investment	(7) Recoveries of advances
(5) Compensation for injurious affections	(8) Recoveries of expenses of enforcement under Section 47(2)
(6) Advances made	(9) Contribution from surplus ordinary Section
(7) Miscellaneous (i) Cost of preparation of Scheme, including Special surveys (ii) Arbitration fee, etc.	
(8) Expenses of enforcement Under Section 47(2)	B. Total-Capital Receipts
B. Total-Capital charge	
*Grand Total-Ordinary and Capital charges	*C. Grant Total-Ordinary and Capital receipts
D. Net Total Town Planning Fund Account (surplus or deficit)	

* The contribution from the surplus in the ordinary section should not be included. _____

FORM II

[See Rule 27]

Notice of Publication of Outline Development Plan

Notice is hereby given that an outline Development Plan of …….. ……area has been prepared under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and a copy thereof is available for inspection at the office of the Planning during office hours.

If there be any objection or suggestion in respect of the outline Development plan, it should be lodged on or before the…….

Every such objection or suggestion should either be presented in the office of the Planning Authority or sent by registered post to the Planning Authority.

FORM III

[Rule 30]

Commencement Certificate

Permission is hereby granted under sub-section (1) of Section 15 of the Karnataka Town and Country Planning Act, 1961.

Karnataka Act No.11 of 1963

to*

to+

On the following conditions; viz.,

*Name of persons.

+Description of work.

KARNATAKA PLANNING AUTHORITY RULES, 1965

FORM IV

FORM IV

[See Rule 22]

Form of Budget

Statement I

Abstract figures of the Budget of……. Town Planning Authority for the year 19….19…

			Revised estimates for the current year 19….19…	
	Accounts of past year 19….19…	Sanctioned estimates for the current year 19….19…	Actuals for 8 months	Probable receipts for 8 months
(1)	(2)	(3)	(4)	(5)
Opening balance on 1-4-1969				
Ordinary Section				
Capital				

Section

Receipts.-

Ordinary Section

Capital Section

n

Total Receipts

Expenditure-

Ordinary Section

Capital Section

Closing balance as on 31-3-19..

Ordinary Section
Capital Section

_____

_____

FORM IV

Estimate of Receipts
Statement II

Receipts	Accounts of past year 19….19…	Sanctioned estimates for the current year 19….19…	Revised estimates for the current year 19….19… Actuals for 8 months	Probable receipts for 8 months	Total
(1)	(2)	(3)	(4)	(5)	(6)
Ordinary Section					

FORM IV

[See Rule 22]

Form of Budget

Opening Balance:

1. Town Planning Act Schemes.-

(1) Rent of l

and

(2) Ground rent

(3) Produce of lands

(4) Bette

rment contribution

(5) Licence fees, etc.

(6) Interest on investments

(7) Law charges recovere

d
(8) Sundry receipts includin g sale Proc eeds of copies of maps and Sche mes

(a) Total Ordinary receipts

A. Net Total Ordi nary secti on

(surp lus of defici t)

Capital Section-

Opening Balance:

1. Town Planning Act Schemes.-
   (1) Government grants
   (2) Contributions from.-
   (a) Government Departments
   (b) Other local authority
   (c) Private person
   (3) Sale proceeds of lands, building And equipment
   (4) Loans
   (5) Investments realised
   (6) Contributions from municipal funds
   (7) Recoveries of

advances
(8) Recoveries of
expenses of enforcement
Under Section 47(2)
(9) Contribution from
surplus in ordinary
section

B. Total capital receipts

C. Grand total – ordinary capital

FORM IV

Estimate of Expenditure Statement III

Expenditure	Accounts of past year 19….19…	Revised estimates for the current year 19….19… Sanctioned estimates for the current year 19….19…	Actuals for 4 months	Probable receipts for 4 months	Total
(1)	(2)	(3)	(4)	(5)	(6)
Ordinary Section-					
1. Town Planning Act Schemes.-					
(1) Staff					
(2) Allowance, pensionary contribution and cost of conveyance or hire of Vehicles, etc.					
(3) Survey charges					
(4) Contingencies and equipment renewals					
(5) Law charges.					
Total – Recurring charges					
(6) Contribution from surplus to Capital section					

(7) Interest on loans

(8) Stationery, printing and notification

Expenses and cost of preparation of maps, etc.

A. Total Ordinary charges

Closing Balance

Capital section.-

1. (1) Town Planning Act Schemes

(2) Acquisition of land, building, etc.-

(i) Roads and lands

(ii) Other purposes

2. Works of improvement.-

(i) Raising level
(ii) Road forming
(iii)Culvers
(iv)Drain
(v) Lighting

(vi) Water supply

(vii

)

Latrines

(viii) Schools

(ix) Markets, etc.

(x)

Other works

3. Repayment of loans (sinking fund charges)

4. Investment

5. Compensation for injurious affections

6. Advances made

7. Miscellaneous

(i) Cost of preparation of scheme, Including special survey

(ii) Arbitration fee, etc.

8. Expenses of enforcement under Rule 47(2)

B. Total capital charge

Closing Balance

C. Grand total – ordinary and capital charges

FORM V

Balance Sheet of the Town Planning Authority as at the end of 31st March……

Liabilities		Assets	
	Rs.		Rs.
1. Amount received from Govern- Ment by way of.-		1. Lands and Buildings (Book value)	
(i) Loans		2. Tools and Plant	
(ii) Advances		3. Advances (recoverable)	
(iii) Grants		4. Other items of assets	
2. Outstanding liabilities		5. Cash on hand	
3. Deposits		Cash at Bank	
4. Excess of income over Expenditure		6. Imprest	
Total		Total	

[1][APPENDIX

FORM VI

[Rule 32-A]

Declaration of Intention of making Outline Development Plan

It is hereby, notifided for the information of the General Public that under Section 10 of the Karnataka Town and Country Planning Act, 1961 the …….....

……

Planning Authority in ends to prepare in Outline Development Plan for……
……. Area (Local Planning Area).

Suggestions from the public will be received in the Office of the Planning Authority…….. for a period of two months, ending …… 19…… either in person or by Registered post.]

1.Form VI added by GSR 237, dated 25-5-1967.

FORM VII

[Rule 34]

Notice is hereby given for the information of Sri/Smt/Mrs……..the owner/the occupier/the person interested in the land……..under Section 11/20 Rule 27 of the Karnataka Town and Country Planning Act,1961, that the Planning Authority intends to enter upon, survey and mark out details of the land on……and do all things required for the preparation of Outline Development Plan/Comprehensive Development Plan/Town Planning Scheme for ……. Planning Area.

Office.

Seal. Chairman.

_____

FORM VIII

[Rule 37-A(2)]

Notice of Recovery of Fee

Notice, under Section 18(1) of the Karnataka Town and Country Planning Act,1961, is hereby given to Sri/Smt/Mrs……..the applicant, to pay of fee of Rs…….only (in words……only) within 90 days from the date of receipt of this notice for the grant of permission for change in use/development of land/building at…….

Office.

Seal. Chairman.

FORM IX

[See Rule 46]

Declaration of intention of making Town Planning Schemes

It is hereby notified for the information of the general public that under Section 29 of the Karnataka Town and Country Planning Act,1961 the- Planning Authority intends to prepare a Town Planning Scheme for – area a map of which is published with this declaration. Suggestions are invited for consideration within a period of two months from the date of publication of the declaration.

1.Form VII and VIII inserted by GSR 356, dated 21-10-1976. 2.Form IX to XI inserted by GSR 237, dated 29-12-1980.

FORM X

[See Rule 50]

Commencement Certificate

Permission is hereby granted under clause (a) of sub-section (1) of Section 35 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1961).

to (name of person)

to (Description of work)

on the following conditions, namely.-

(Here specify the conditions)

_____

FORM XI

[See Rule 60]

(Notice under Section 47 of the Karnataka Town and Country Planning Act,1961)

To:

…….

…….

The building work specified in the schedule which is situated within the area included in the scheme approved by the State Government under Section 44 of the Karnataka Town and Country Planning Act,1961 is such as to contravene the scheme/that in its erection/carrying out the provisions of the scheme have not been complied with (strike out whichever is not applicable) in the following manner.-

(Here specify details)

You have failed to execute the following work which it was your duty to execute under the scheme approved by the State Government under Section 14 of the Karnataka Town and Country Planning Act,1961 and the Planning Authority considers that any further delay in the execution of the work would prejudice the efficient operation of the scheme.

(Here specify details)

You are hereby called upon to (state the particulars) within thirty days from the date of receipt of this notice failing which the Planning Authority will – (state details) and the expenses incurred therefor by Planning Authority shall be recoverable from you in accordance with sub-section (2) of Section 47 of the said Act.

SCHEDULE

(Here specify the details).]

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[1]THE KARNATAKA PLANNING AUTHORITY (AMENDMENT) RULES, 1967

GSR 237.- The Karnataka Planning Authority (Amendment) Rules, 1967. **1.Title.-** These Rules may be called the **Karnataka Planning Authority (Amendment) Rules, 1967.**

2. Rule 32-A.- The following rule may be added after the existing Rule 32.-

"Every Planning Authority, as soon as it is constituted should declare its intention to prepare an outline Development Plan as required under sub-section (1) of Section 10 of the Act in

Form VI (appended) and give wide publicity by affixing the copy of the said declaration on the Notice Board of the Office of the Planning Authority and in conspicuous places within the local planning area and also by publication in the Official Gazette".

FORM VI

[Rule 32-A]

Declaration of Intention of making Outline Development Plan

It is hereby, notifided for the Information of the General Public that under section 10 of the Karnataka Town and Country Planning Act,1961 the ……..

Planning Authority in ends to prepare in Outline Development Plan for …… Area (Local Planning Area).

Suggestions from the public will be received in the Office of the Planning Authority…… for a period of two months, ending……. 19…..either in person or by Registered post.

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[2] CORRIGENDUM

Subject.- Appendix to Government Notification No. LMA 8 MNP 67, dated 20th May, 1967 regarding the Karnataka Town and Country Planning Act,1967

GSR 2.- In the Appendix to Notification No.LMA 8 MNP 67, dated 20th May, 1967 insert the brackets, words and figures "(Rule 32-A)"under the title

1.Published in the Karnataka Gazette, dated 1-6-1967, *vide* Notification No. LMA 8 MNP 67,dated 20-5-1967

2.Published in the Karnataka Gazette, dated 11-1-1968, *vide* Notification No. HMA 8 MNP 67,dated 23-12-1967

"Form VI and substitute the word "making" for the word "naming" occurring in the descriptive heading of the form.

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[1]THE KARNATAKA PLANNING AUTHORITY (FIRST AMENDMENT) RULES, 1976

GSR 356.- Whereas, a draft of the rules further to amend the Karnataka Planning Authority Rules, 1965, was published as required by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.GSR 324 (HMA 13 MNT 74), dated 5th November, 1975 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 13th November, 1975 inviting objections and suggestions from all persons likely to be affected thereby on or before 6th December, 1975.

Whereas, objections and suggestions received on the said draft, have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby makes the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (First Amendment) Rules, 1976**.

2. They shall come into force at once.

2. Insertion of new Rules 9-A and 9-B.- In Chapter II of the Karnataka Planning Authority (First Amendment) Rules, 1965 hereinafter referred as the said Rules, after Rule 9, the following Rules shall be inserted, namely.-

"9-A. travelling and daily Allowances.-The Karnataka Travelling Allowance Rule, 1957 regulating the payment of travelling allowance to non-official members of councils, committees, conferences and other bodies constituted under the authority of the Government shall be applicable for payment of traveling and daily allowance to the non-official members of the Planning Authority and special invites to associate with the Planning Authority and for the purposes of the said rules the Planning Authority shall be deemed to all under list „A" referred to in Rule 8 of the said rules.

"9-B. Association of Persons with Planning Authority.-(1)The Planning Authority may associate with itself under sub-section (1) of Section 4-F any person residing within the local planning area by inviting him to attend in person the meetings of the Planning Authority for tendering his advice for the purposes specified in sub-rule (2). If the Planning Authority desires to associate with itself a person is required for more than three meetings the said authority shall after passing a resolution with two-thirds majority to that effect obtain prior permission of the Government.

(2) The Planning Authority may associate with itself a person for the purpose of assistance or advice in architectural control, planning techniques, traffic and transport proposals for industrial location, public and semi-public institutions, alignment of roads and high ways and for such other specialized purposes which may be considered necessary."

3. Amendment of Rule 34.- In Rule 34 of the said rules.-

(1) in the heading for the word and figures "Section 11"", the words and figures "Sections 11, 20 or 27" shall be substituted.

(2) for the word and figures “shall be given under section 11” the words and figures “in

Form VII shall be given under sections 11, 20 or 27" shall be substituted.

4. Amendment of Rule 36.- After sub-rule (1) of Rule 36, the following sub-rule shall be inserted namely.-

"(2-A) The Planning Authority may levy a fee specified in column (2) of Table below for the purposes specified in column (1) thereof.-

TABLE

	Purposes (1)	Rate of fee(2)
1.	1. Scrutiny of layout plans and designs and effecting modifications	One-fourth paise per square meter of land
2.	2. Supply of copies of Plans or maps	Eight rupees per square meter of plan".

5. Amendment of Rule 37.- In Rule 37 of the said rules.-(1) In the heading for the word, figures and brackets "Section 17(4)" the words, figures and brackets "Section 15(4) or 17(4)" shall be substituted.

(2) In sub-rule (1), after the word "under" the words brackets and figures "sub-section (4) of Section 15 or" shall be inserted.

6. Insertion of new Rule 37.A. After Rule 37 of the said rules, the following rule shall be inserted, namely.-

"37-A. Fees to be levied in certain cases of permission for change in the use or development of land or building.- (1) For the purposes of "sub-section (1) of Section 18 the Planning Authority may levy a fee, not exceeding one-third of the estimated increase in the value of the land or building as specified in the Table below, namely.-

TABLE

1.	A city or town with a population of ten lakhs and above	Twenty rupees per square meter of land
2.	A city or town with a population of one lakh and above but less than ten lakhs	Ten rupees per square meter of land
3.	A city or town with a population of fifty thousand and above but less than one lakh	Five rupees per square meter of land
4.	A city or town with a population of twenty thousand and above but less than fifty thousand	Two rupees per square meter of land
5.	A city or town with a population of less than twenty thousand	One rupee per square meter of land

Form VIII by registered post acknowledgement due to the applicant indicating the amount of fee payable by him which shall be paid within ninety days from the date of receipt of the said notice. Provided that the Planning Authority may, on application made in this behalf, for reasons to be recorded in writing, extend the period for payment to such further period not exceeding nine months, as it consider necessary.

(3) An appeal under sub-section (2) of Section 18 may be filed within ninety days from the date of receipt of notice under sub-rule(2).

(4) Increase in the value of the land or building for the purpose of sub-section (1) of Section 18 shall be estimated taking into consideration the increase in the market value o and increase in the income from the land or building as a result of the change in the use or development thereof. For the purposes of determining the market value of and income from the land or building, the value and income from similar lands and buildings with similar environmental conditions and use in the neighbourhood shall be taken into consideration.

7. Insertion of new Chapter VII.- After Chapter VI of the said rules, the following chapter and rule shall be inserted, namely.-

"**CHAPTER VII**

Miscellaneous:

40. Appointment of Officers and Employees.-(1) No post the maximum of the scale of pay of which exceeds Rupees 350 shall be created without the previous sanction of the Government and appointments to such posts shall be made in consultation with the Karnataka Public Service Commissioner:

Provided that a person belonging to any of the Civil Services of the State may be appointed either by transfer or on deputation to any posts under the Planning Authority with the prior approval of the Government in the case of the Government in the case of Class I or II Officers and with the prior approval of the Head of the Department concerned in other cases.

(2) The scales of pay methods and qualifications for recruitment and other terms and conditions of services of Officers and employees of the Planning Authority shall be the same as those applicable to the holders of corresponding categories of posts in the Department of Town Planning or other relevant departments of the Government of Karnataka:

Provided that the Officers and members of the Planning Authority shall not be eligible for pension".

8. Insertion of new Forms VII and VIII.- After Forms of the said rules the following forms shall be inserted, namely.-

FORM

VII

[Rule 34]

Notice is hereby given for the information of Sri/Smt/Mrs…….. the owner/the occupier/the person interested in the land……. Under Section 11/20 rule 27 of the Karnataka Town and Country Planning Act,1961, that the Planning Authority intends to enter upon, survey and mark out details o the land on……and do all things required for the preparation of Outline Development Plan/Comprehensive Development Plan/Town Planning Scheme for……Planning Area..

Office

Seal Chairman.

FORM VIII

[Rule 37-A(2)]

Notice of Recovery of Fee

Notice, under Section 18(1) of the Karnataka Town and Country Planning Act,1961, is hereby given to Sri/Smt/Mrs……..the applicant, to pay of fee of Rs…….only (in words……only) within 90 days from the date of receipt of this notice for the grant of permission for change in use/development of land/building at…….

Office.

Seal. Chairman.

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[1]THE

KARNATAKA

PLANNING AUTHORITY (AMENDMENT) RULES,1977

GSR 291.- Whereas, a draft of the rules further to amend the Karnataka Planning Authority Rules, 1965, was published as required by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.GSR 70 (HMA 227 MNT 76), dated 26th February, 1977 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 28th February, 1977 inviting objections and suggestions from all persons likely to be affected thereby on or before 31st March, 1977.

Whereas, objections and suggestions received on the said draft, have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby makes the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the Karnataka Planning Authority (Amendment) Rules, 1977.

(2) They shall come into force at once.

2. Amendment of Rule 36.- After sub-rule (2-A) of Rule 36, of the Karnataka Planning Authority Rules, 1965 (hereafter referred as the said rules), for the Table the following Table shall be substituted, namely.-

TABLE

	Purposes	Rate of fee
1.	1. Scrutiny of layout plans and designs and effecting modifications	Half-a-paise per square meter of land
2.	2. Supply of copies of Plans or maps	Sixteen rupees per square meter of plan".

3. Amendment of Rule 37-A.- In Rule 37-A of the said rules, in sub-rule (1), for the Table the following Table shall be substituted, namely.-

TABLE

	e per square meter of land

Particulars		Residential	Industrial	Commercial
1.		Rupees Two	Rupees Five	Rupees Ten
2.	A city or town with a population of one lakh and above but less than ten lakhs	Rupee One and Fifty paise	Rupees Three	Rupees Five
3.	A city or town with a population of fifty thousand and above but less than one lakh	Rupees One	Rupees Two	Rupees Three
4.	A city or town with a population of twenty thousand and above but less fifty thousand	Paise Fifty	Rupees One	Rupees Two
5.	A city or town with a population of less than twenty thousand	Paise Twenty-five	Paise Fifty	Rupees One

4. Insertion of new Chapter VIII.- After Chapter VII of the said rules, the following Chapter and rules shall be inserted, namely.-

CHAPTER VIII
Comprehensive Development Plan

41. Manner of preparing the Comprehensive Development Plan under Section 19(1).- (1) For the purpose of preparing a Comprehensive Development Plan under sub-section(1) of Section 19, the Planning Authority shall conduct necessary surveys‟ prescribed in Rule 42 below and synthesis the data so collected to the proposals in the plan and work out proposals for various used to accommodate the future population expected within the time target of 15 to 20 years. The Comprehensive Development Plan shall indicate the manner in which the development and improvement of the entire planning are to be carried out with specific

proposals for items specified in clauses (a) to (g) of sub-section (1) of Section 21.

(2) The report shall contain.-1. Particulars about the items specified in clauses (a),(b) and (c) of sub-section (1) of Section 21.

2. Particulars about:

(i) Population projection;

(ii) Land requirement for future development;

(iii) Land use and zoning, including sub-division regulations; (iv) Survey conducted and the conclusions for various items of Development and the proposals made in the plan;

(v) City Development Programme to implement the proposals.

3. Explanation regarding the problems and justification of the proposals made.

4. Various data to support the proposals.

5. Separate sections to deal with various aspects of planning such as land use, housing, traffic and transportation, community, facilities, utilities and services etc.,

42. Surveys to be carried out under Section 19(2).- For the purpose of preparing a Comprehensive Development Plan under sub-section (1) of Section 19, the Planning

Authority shall carry out the following surveys.-

1. The existing land use survey to bring the present land use upto date;
2. Topographical survey;
3. Structural condition;
4. Density of population;
5. Socio-economic condition;
6. Traffic and transportation;
7. Community facilities;
8. Utility and services;
9. Housing;
10. Recreational facilities;
11. Public and Semi-public uses;
12. Trade and Commerce;
13. Industrial surveys;

The required data may be collected either from the Primary or Secondary sources.

43. Manner of preparing the Comprehensive Development Plan and report by the Director of Town Planning under sub section (3) of Section19.- The Director of Town Planning when he is authorized to prepare a Comprehensive Development Plan and the report under sub section (3) of Section19, shall prepare such plan and the report in the same manner as prescribed under Rules 41 and 42.

44. Publication of the Comprehensive Development Plan under sub section (4) of Section 22.- The Comprehensive Development Plan as finally approved by the State Government under sub section (3) of Section 22 shall be published in the Official Gazette.

45. Period of appealunder sub section (3) of Section 24.- An appeal under sub section (43) of Section 24 shall be filed within Ninety days from the date of receipt of notice.

[1]THE
KARNATAKA
PLANNING AUTHORITY (AMENDMENT) RULES, 1980

GSR 172.-Whereas, the draft of the rules further to amend the Karnataka Planning Authority Rules, 1965, was published as required by sub section (1) of Section 74 Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.HUD 32 LRB 79, dated the 28/29th January, 1980 in Part IV, Section 2-

1.Published in the Karnataka Gazette, Extraordinary, dated 16-6-1980, vide Notification No. HUD 32 LRB 79,dated 12-6-1980.

C(i) of the Karnataka Gazette, Extraordinary, dated 2nd February, 1980 inviting objections and suggestions from persons likely to be affected thereby on or before 5th March, 1980.

1980.

And Whereas, no objections and suggestions have been received by the Government on the said draft.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby make the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (Amendment) Rules, 1980.**

(2)They shall come into force at once.

2.Amendment of Rule 36.- In sub-rule (2-A) of Rule 36, of the Karnataka Planning Authority Rules, 1965, in the Table for the entry under column 2 against item 1, the following entry shall be substituted, namely.- " One paise per square metre of land subject to a minimum of five rupees"

[1]THE

KARNATAKA

PLANNING AUTHORITY (AMENDMENT) RULES, 1980

GSR 3.- Whereas, the draft of the rules further to amend the Karnataka Planning Authority Rules, 1965, was published as required by sub section (1) of Section 74 Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.HUD 21 LRB 80, dated the 27th October, 1980 in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary No.789, dated 29th October, 1980 inviting objections and suggestions from all persons likely to be affected thereby on or before the 30th November, 1980.

And Whereas, no objections and suggestions have been received by the Government on the said draft.

1.Published in the Karnataka Gazette, Extraordinary, dated 5-1-1987, vide Notification No. HUD 21 LRB 80,dated 29-12-1980.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby make the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (Amendment) Rules, 1980.**

(2) They shall come into force at once.

2.Insertion of new Rules 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66.- After Rule 45 of theKarnataka Planning Authority Rules, 1965, (hereinafter referredto as the said rules), the following rules shall be inserted, namely.-

“46 Publication of declaration of intention to make a scheme under Section 29.-(1) The Planning Authority shall publish in the official Gazette, a declaration of its intention to make a scheme under Section 29 in

Form IX and shall also publish the same by means of an advertisement in one or more newspapers published in the regional language and circulating in the jurisdiction of the Planning Authority.

(2) The Planning Authority shall cause copies of such advertisement to be pasted in prominent places in or near the area included in the scheme and at the Head Office of the Planning Authority showing therein a maj comprising the area of the Scheme and inviting suggestions of the public within a period of two months.

47. Publication of draft Scheme under Section 30.-(1) A Planning Authority making a draft Scheme under Section 30 shall cause the same to be published in the Official Gazette and by means of an advertisement in one or more newspapers published in the regional language and circulating in the jurisdiction of the Planning Authority.

(2) The Planning Authority shall also cause copies of the draft schemes as published in the Official Gazette and the advertisement to be pasted on the notice Board at the office of the Planning Authority and at other important places in or near the area included in the draft scheme.

(3) Every advertisement published under sub-rule (1) shall, in pursuance of the provisions of Section 34, announce that if within one month from the date of publication of the draft Scheme in the official Gazette and any person affected by such scheme communicates in writing the Planning Authority any objection relating to such scheme, the Planning Authority shall consider such objection.

48. Publication of Notification under Section 31.-The Notification under Section 31, directing a Planning Authority to make and publish a draft scheme in respect if any land in regard to which Town Planning scheme may be

made shall be published in the Official Gazette and copies thereof supplied to the Planning Authority for the purpose of pasting them in prominent places within the said land in the Notice Board of the Office of the Planning Authority.

49. Other Particulars to be included in the contents of draft Scheme under Section 32.- The draft Scheme shall contain the following particulars specified in clauses (a) to (f) of Section 32, namely.-

(i) An index map on a scale not smaller than I Cm.-633 Mtrs.

Showing.-

(a) The area included in the Scheme and the surroundings within a reasonable limit on all sides of such area; and

(b) all existing roads and means of communication of every kind; (ii) A Plan on a scale not smaller than I Cm.-24 Mtrs. Showing the original plots with identification numbers and all existing buildings; (iii) A Plan on a scale not smaller than I Cm.-24 Mtrs. Showing both the original plots and manner in which it is proposed to alter the boundaries of the original plots; (iv) A brief report containing the proposals of the scheme.

50.Form of commencement certificate granted under Section 35(1).- The commencement certificate to be granted by a Planning Authority under clause (a) of sub-section (1) of Section 35 shall be in Form Ni.X.

51. The procedure to be followed in making and inquiry under clause (c) of sub-section (1) of Section 35.-(1) For the purpose of making an inquiry under clause (c) of sub-section (1) of Section 35, the Planning Authority shall serve a notice in writing upon the person contravening the provisions of the said section calling upon him to show cause why he should not be directed.-

(a) to remove, pull down or alter the building or other work; (b) to restore the land to its original condition, as the case may be.

The notice shall specify a date not earlier than seven days from the date of its service for hearing the case.

(2) The Planning Authority if it considers expedient to do so may appoint a Committee of not less than three of its members to hear such cases.

(3) Any representation which may be made by or on behalf of the person served with notice on the date specified under sub-rule (1) which may be received on or before such date, shall be considered. Minutes shall be kept of the inquiry so held and the decisions arrived at in such inquiry shall be reduced to writing together with reasons for the same. Reasons for the decision shall be signed by all persons giving such decisions.

52. The manner in which and the method according to which compensation shall be payable under sub section (2) of Section 35.- (1) The compensation payable under sub section (2) of Section 35 shall be the difference between the value of the property (inclusive of structures) on the basis of the existing use and that on the basis of the permitted use both values being determined as on the date of declaration of intention to prepare the scheme.

(2) In making the valuation of the basis of the permitted use allowance shall be made for the expenses that may have to be incurred in so converting the existing structures to make suitable for the permitted use.

(3) In cases where provision is made for the continuance of existing use for a number of years, taking into consideration the future life of the structures, the compensation payable shall be limited to the present value of the standing structures less value of the materials at the end of such period.

(4) Any compensation payable under this rule shall be paid in the same manner as any other compensation payable under the Act.

53. Authority to which any person aggrieved by the decision of the Planning Authority may appeal under sub section (4) of Section 35.- Any person aggrieved by the decision of the Planning Authority under Section 35 of the Act may appeal to the Director of Town planning within a period of sixty days from the date of the decision.

54. Procedure to be followed by Town Planning Officer in making orders under sub section (1) of Section 38.- The Town planning Officers shall give notice to the owner of the property or the person having any right in such property of the date on which he will commence his duties and shall state therein the time as provided in Rule 63 within which the owner of any property or person having any right in such property which is injuriously affected by the making of Town planning scheme shall be entitled under Section 60 to make a claim before him. Such notice shall be advertised in one or more news papers published in the regional languages and circulating within the jurisdiction of the local authority any shall be pasted in prominent places at or

near the area comprised in the scheme and on the notice board at the office of the Town planning Officer.

(2) The Town planning Officer shall after the date fixe in the notice given under sub-rule (1) continue to carry on his duties on working days.

(3) The Town planning Officer shall give all persons affected by any particulars of the scheme sufficient opportunity of stating their views and shall not give any decision till he has duly considered their representations, if any.

(4) If during the proceedings, it appears to the Town planning Officer that there are conflicting claims or any difference of opinion with regard to any part of the scheme, the Town planning Officer shall record a brief minute in his own hand, setting to the points at issue and the necessary particulars and shall give a decision with reasons therefor. All such minutes shall be appended to the scheme.

(5) The Town planning Officer shall record and enter in the Scheme every decision given by him under clauses (a), (b), (c), (g), (k) and (i) of sub section (1) of Section 38. The calculations and estimates required by clauses (d), (e), (f), (h), (i), (j) and (m) sub section (1) of Section 38.

(6) The final scheme drawn up by the Town planning Officer shall include the particulars specified in Rule 49.

(7) The component parts of the Scheme shall be so arranged that they may be readily referred to in connection with the map and plans.

(8) The Town planning Officer shall publish the final scheme drawn up by him by notification in the official Gazette and also by means of an advertisement in the local newspapers announcing that the final scheme shall be open for inspection of the public during the office hours and to communicate forth with the decisions taken by him in respect of each plot to the owner or person interested by the issue of requisite extract from the final scheme.

55. The form in which the Town planning Officer is to draw the final scheme under clause (n) of sub section (1) of Section 38.- (1) The name of the scheme and the definitions for important terms shall be given in the scheme.

(2) An estimate of total cost of the Scheme shall be prepared and the period within which the execution is to be completed shall be stated in the scheme.

(3) The boundary of the scheme and the width of streets to be widened shall be stated.

(4) The responsible authority shall prepare layouts for development and improvement within the scheme area and also permit private developments according to the proposals of the Scheme.

(5) Building lines on important roads shall be fixed.

(6) All the survey numbers and sub-division numbers, names of the owners, description of and the present use of the land included in the scheme shall be notified to the public in the form of a statement.

(7) A statement showing the estimated cost of the scheme indicating therein the receipt and expenditure shall be prepared.

(8) The list showing particulars such as extent, nature, ownership and boundaries of the lands and other properties proposed for acquisition for widening of roads, providing amenities etc., shall be prepared a .

(9) The statement showing the names of streets, their length, width etc., proposed for widening shall be given.

(10) List of lands reserved and the purpose for which they are reserved shall be furnished.

(11) A form of application requesting for grant of permission or formation of layouts by individuals shall be prepared.

(12) The compensation to be paid for the lands acquired and the betterment levy to be collected from owners whose lands are benefited due to the scheme shall be worked out and stated in the scheme.

56. Procedure to be followed by the Officer appointed to hold an enquiry for the purpose of deciding a disputed claim as to ownership under Section 42.- (1) The officer holding an enquiry into disputed ownership under Section 42 shall, while the inquiry is proceeding, record a minute of the proceedings including the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the decision.

(2) Such Inquiry shall be in public and seven days notice of the inquiry shall be given to parities to the dispute.

57. Manner of preparing a preliminary scheme under Section 43.-(1) The Town planning Officer shall on an application of a Planning Authority to split up any draft Scheme into different sections for the purpose of making a preliminary Scheme in consultation with the Planning Authority, find out whether it would be feasible to prepare a preliminary scheme for any particular section without in any way

affecting the general proposals for the draft scheme. He may prepare such preliminary scheme for any section provided that such section could be treated as an independent unit and that the decisions taken in respect thereof would not affect in any way, the proposals of the draft scheme in other Sections.

(2) The Town planning Officer shall, subject to the provisions of the proviso to Section 43, prepare a preliminary Scheme in the manner provided in sub-rule (1) to (5) of Rule 54.

(3) The Preliminary scheme shall contain plans referred to in clause (i) to (iii) of Rule 49 and the decision recorded by the Town planning Officer.

58. Manner of giving notice under Section 44.- All notices required to be served upon any person under the Act and under these rules shall unless otherwise provided be served in the manner laid down in the Code of Civil Procedure, 1908 for the service of summons on a defendant.

59. Procedure to be followed in summarily evicting a person under Section 46.-For eviction under Section 46, the Planning Authority shall follow the following procedure namely.-

(a)the Planning Authority shall in the first instance serve a notice upon the person to be evicted requiring him within such reasonable time as may be specified in the notice to vacate the land;

(b) If the person to be evicted fails to comply with the requirements of the notice, the Planning Authority shall depute any officer or servant to remove him;

(c) If the person to be evicted resists or obstructs the officer or servant deputed under clause (b) or if he reoccupies the land after eviction, the Planning Authority shall prosecute him under Section 188 of the Indian Penal Code

60.The notice to be given before action is taken under section 47.- Before removing, pulling down or altering any building or other work or executing any work under sub-section (1) of Section 47, a the Planning Authority shall serve a notice on the owner or occupier of the building or work as the case may be, calling upon him to remove pull down or alter such building or work or execute such work within such reasonable time as may be specified in the notice and intimating him theintention of the Planning Authority to do soon failure to comply with the requirement of the Notice.

61. Variation of Scheme under Section 48.-(1) AnyPlanning Authority making an application for the variation of a scheme undersub-section (1) of

Section 48 shall state in such application all the particulars in respect of variation to be made.

(2) The publication of the draft variation under sub-section (1) of Section 48 shall be made by means of a notification published in the official Gazette and in one or more newspapers circulating within the jurisdiction of the Planning Authority.

(3) When variation is made undersub-section (6) of Section 48, the Town planning Officer of the Planning Authority as soon as may be, forward a copy of such variation to the Deputy Commissioner of Land Records who shall correct the survey records affected by the variation.

62. Manner of election of representatives of the several Planning Authorities under sub-section (2) of Section 51.- Every Joint Town Planning Board constituted under sub-section (2) of Section 51 shall consist of the following members.-

(i) A Chairman appointed by the State Government;

(ii) A Town planning Officer appointed by State Government who shall be a Member Secretary to the Joint Town Planning Board;

(iii) Number of representatives of each of the Planning Authorities as the State Government may consider to be represented from the respective Planning Authorities;

(v)

Three other members appointed by the State Government along whom one may be a person having experience in Town Planning.

The State Government may, if it thinks fit, appoint one of the Members as Vice-Chairman of the Joint Town Planning Board.

63. Time limit for claiming compensation under Section 60.- The time within which the owner of any property or right which is injuriously affected by, the making of a Town Planning scheme may make a claim under Section 60, shall be three months from the date fixed in the notice given under sub-rule(1) of Rule 54 or the date of hearing of his case before the Town Planning Officer whichever is later.

64. **The period within which payment is to be made to thePlanning Authority under section 63.-** The period within which the owner of a plot shall make paymentunder section 63 shall be three month from the date on which the owner is directed by Town Planning Officer to make payment.

65. Manner of making documents, plans and maps to be accessible under sub-section (3) of Section 77.- documents, plans and maps relating to the sanctioned scheme made by the Planning Authority shall be kept open for

the public inspection at the Office of the sub-Registrar at any time during office hours for a period of six months from the date of the official Gazette in which the sanction was published.

(2) All documents, plans and maps shall on the expiry of the period mentioned in sub-rule (1) be lodged with the Director of Town Planning.

66. The procedure to be adopted by the Planning Authority to secure co-operation on the part of owners or persons interested in the land proposed to be included in a Town Planning Scheme.- A Planning Authority shall call a meeting or meetings of the owners of the lands included in Town Planning Scheme by the issue of a public notice as well as by the issue of individual notices to all the owners whose addresses the Planning Authority is aware of and explain in such meeting or meetings the tentative proposals of the draft Scheme for eliciting public opinion and suggestions on the said proposals. the Planning Authorities may take into consideration all such suggestions made and objections raised on the proposals of the Scheme before finalizing the draft Scheme."

3. Insertion of New Forms IX, X and XI.- After Form VIII of the said rules, the following Forms shall be inserted.-

"FORM IX

[See Rule 46]

Declaration of intention of making Town Planning Schemes It is hereby notified for the information of the general public that under Section 29 of the Karnataka Town and Country Planning Act,1961 the **-** Planning Authority intends **to prepare a** Town Planning Scheme for – area a map of which is published with this declaration. Suggestions are invited for consideration within a period of two months from the date of publication of this declaration.

"FORM X

[See Rule 50]

Commencement Certificate

Permission is hereby granted under clause (a) of sub-section (1) of Section 35 of the Karnataka Town and Country Planning Act,1961(Karnataka Act 11 of 1961).

to (name of person)

to (Description of work)

on the following conditions, namely.-

(Here specify the conditions)

"

FORM XI

[See Rule 60]

(Notice under Section 47 of the Karnataka Town and Country Planning Act,1961)

To:

……

……

The building work specified in the scheduled which is situated within the area included in the scheme approved by the State Government under Section 44 of the Karnataka Town and Country Planning Act,1961 is such as to contravene the scheme that in its erection/carrying out the provisions of the scheme have not been complied with (strike our whichever is not applicable) in the following manner.-

(Her specify details)

You have failed to execute the following work which it was your duty to execute under the scheme approved by the State Government under Section 44 of the Karnataka Town and Country Planning Act,1961 and the Planning Authority considers that any further delay in the execution of the work would prejudice the efficient operation of the scheme.

(Her specify details)

You are hereby called upon to (State the particulars) within thirty days from the date of receipt of this notice failing which the Planning Authority will – (state details) and the expenses incurred there for by Planning Authority shall be recoverable form you in accordance with sub-section (2) of Section 47 of the said Act."

SCHEDULE

(Her specify details)

……..

Chairman.

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[1]THE

KARNATAKA

PLANNING AUTHORITY (FIRST AMENDMENT) RULES, 1986

GSR 9.- Whereas, a draft of the rules further to amend the Karnataka Planning Authority Rules, 1965, was published as required by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.HUD 154 TTP 84 (1), dated 24th October, 1986 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 1st May, 1986 inviting objections and suggestions from all persons likely to be affected thereby on or before 2nd June, 1986.

Whereas, objections and suggestions received on the said draft, have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby makes the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (First Amendment) Rules, 1986.**

2. They shall come into force at once.

2.Amendment of Rule 37-A.- For the Table in sub-rule (1) of Rule 37-A of the Karnataka Planning Rules, 1965 the following , namely.-

Sl. No.	Particulars	Residential purpose	Fee per square meter of land Industrial purpose	Commercial purpose
(1)	(2)	(3)	(4)	(5)
1.	A City or town with a population of ten lakhs and above	Rupees five	Rupees Ten	Rupees Twenty-five
2.	A city or town with a population of one lakh and above but less than ten lakhs	Rupee Three	Rupees five	Rupees Ten

1.Published in the Karnataka Gazette, Extraordinary, dated 1-1-1987, vide Notification No. HUD 154 TTP 84(1), dated 23-12-1986.

3.	A city or town with a population of fifty thousand and above but less than one lakh	Rupees Two	Rupees Three and paise fifty	Rupees Five
4.	A city or town with a population of twenty thousand and above but less than fifty thousand	Paise seventy five	Rupees one and paise fifty	Rupees Three
5.	A city or town with a population of less than twenty thousand	Paise thirty five	Paise Seventy five	Rupees One and paise fifty.

[1]THE KARNATAKA PLANNING AUTHORITY (AMENDMENT) RULES, 1988

GSR 47.- Whereas, a draft of the Karnataka Planning Authority Rules, 1988, was published as required by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.HUD 154 TTP 84 (1), dated 26th August, 1988 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 29th August, 1988 inviting objections and suggestions to the said draft from all persons likely to be affected thereby on or before Ist October, 1988.

Whereas, objections or suggestions, have been received by the State Government in respect of the said draft.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby makes the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (Amendment) Rules, 1988.**

1.Published in the Karnataka Gazette, Extraordinary, dated 27-2-1989, vide Notification No. HUD 154 TTP 84(1), dated 2

2. They shall come into force at once.

2.Amendment of Rule 37-A.- For sub-rule (1) of Rule 37-A of the Karnataka Planning Authority Rules, 1965 the following sub-rule shall be substituted, namely.-

"(1) For the purpose of sub-section (1) of Section 18 the fee leviable by the Planning Authority shall be.-

(a) at the rates specified in the table below in the case of grant of permission for change in the use of land namely.-

TABLE

In the local planning Area of		Fee per square meter of total land		
		Residential	Industrial	Commercial
		Rs.	Rs.	Rs.
1.		4-00	8-00	15-00
2.	2. A city or town with a population of one lakh and above but less than ten lakhs	2-00	4-00	6-00
3.	3. A city or town with a population of fifty thousand and above but less than one lakh	1-50	2-50	3-00
4.	4. A city or town with a population of twenty thousand and above but less fifty thousand	0-75	1-00	2-00
5.	5. A city or town with a population of less than twenty thousand	0-30	0-50	1-00

(b) at the rates specified in the table below in the case of grant of permission for development involving carrying out of building on the plot approved by the Planning Authority namely.-

TABLE

In the local planning Area of	Fee per square meter of floor area of all the floors of the building Floor sanctioned.		
	Residential	Industrial	Commercial
	Rs.	Rs.	Rs.
1.	2-00	4-00	10-00

2.	2. A city or town with a population of one lakh and above but less than ten lakhs	1-50	2-50	4-00
3.	A city or town with a population of fifty thousand and above but less than one lakh	1-00	2-00	2-00
4.	A city or town with a population of twenty thousand and above but less fifty thousand	0-50	1-00	2-00
5.	A city or town with a population of less than twenty thousand	0-25	0-50	1-00

Provided that in the case of grant of permission for development involving addition to any existing building, fees under this clause shall be levied only in respect of the floor area proposed to be added."

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[1]CORRIGENDUM

GSR 608.- The following corrections, etc., may be made to the Karnataka Planning Authority Rules, 1965 issued in Notification No.PLM 76 MNP 64, dated 25th February, 1965:

Page No.	Rule and Line	Corrections
14	2nd line in Rule 26(d)	The word "he" to be added after the word "which"
14.	3rd line in Rule 27(1)	Spelling to be corrected for the word "which"
19.	Sub-rule 4 of Rule 30	The word "OR" to be added below the words "front, Rear, Left, Right and above the row of words "East, West, North South. The dividing horizontal line may be omitted.
20.	5th line in Rule 36(1)	The word "of" may be substituted for the words "not more than" The word "than" may be added between the words "size" and "the" appearing in the same line
28.	Form IV Colum IV	The figure number "8" appearing before the words "months" may be corrected to "4"
6.	Ist line in Rule 12(4)	In place of the word "containing" the word "contained" should be substituted
13.	4th line in Rule 25	The letter „a" should be substituted in place of „o" in the bracket.

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[1]THE KARNATAKA PLANNING AUTHORITY (AMENDMENT) RULES, 2004

Whereas, the draft rules of the following rules further to amend the Karnataka Planning Authority Rules, 1965, was published which the Government of Karnataka

proposes to make in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) in Notification No.UDD 184 Bemrupra 04, dated 21-2-2004, in Part IV-A of the Karnataka Gazette, Extraordinary, dated 21-2-2004 inviting objections and suggestions from all persons likely to be affected thereby within 15 days of publication in the Official Gazette.

And Whereas, no objections and suggestions, have been received by the Government .

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby makes the following rules, namely.-

1.Published in the Karnataka Gazette, Extraordinary, No. 466, dated 6-4-2004, vide Notification No. UUD 184 Bemrupra 04, dated 31-3-2004

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (Amendment) Rules, 2004.**

(2) They shall come into force at once.

2. Insertion **of Rule 37-B.-** After rule 37-A of the Karnataka Planning Authority Rules, 1965 the following rule shall be inserted, namely.-

"37-B. Fees levied in case of permission for change in land use in case of infrastructure project.- Notwithstanding anything contained in Rule 37-A, the fee leviable under sub-section (1) of Section 18 by the Planning authority for permission for a change in the use of land in the case of any infrastructure project notified by the State Government, shall be rupees ten thousand per acre".

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[1]THE

KARNATAKA
PLANNING AUTHORITY (AMENDMENT) RULES, 2012

Whereas, the draft of Karnataka Planning Authority (Amendment) Rules, 2012, was published as required by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) in Notification No.UDD 98 My AaPra 2012, dated 1-3-2012, in Part IV-A of the Karnataka Gazette, Extraordinary, dated 1-3-2012, inviting objections/suggestions from persons likely to be affected thereby within 30 days from the date of its publication in the Official Gazette.

And Whereas, no objections and suggestions, to the said draft amendment have been received within the said period in this regard.

Now, therefore, in exercise of the powers conferred by Section 74 of the Karnataka Town and Country Planning Act,1961 (Karnataka Act 11 of 1963) the Government of Karnataka hereby makes the following rules, hereby.-

1. Title and commencement.- (1) These rules may be called the **Karnataka Planning Authority (First Amendment) Rules, 2012.**

2. They shall come into force at once.

2.Amendment of Rule 37-A.- For sub-rule (2) of Rule 37-A of the Karnataka Planning Authority Rules, 1965, the following shall be substituted, namely.-

Form VIII by registered post due acknowledgement to the applicant indicating the amount of fee payable by him which shall be paid within ninety days from the date of receipt of the said notice. Provided that the Planning Authority may, on application made in this behalf, for reasons to be recorded in writing, extend the period of payment to such further period not exceeding nine months, as it considers necessary. The Planning Authority may, with the previous approval of the Government, further extend the period of payment upto 24 months from the date of such approval, subject to collection of interest at the rate of the prime lending rate of the SBI and a penalty of 2% for the first twelve months and 3% for the next twelve months compounded quarterly. If the applicant fails to remit the fees within the extended period as prescribed above, the grant of permission stands cancelled".

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