THE PUDUCHERRY TOWN AND COUNTRY PLANNING ACT, 1969 (No. 13 of 1970)

ARRANGEMENT OF SECTIONS

CHAPTER I

Preliminary

SECTION

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

Puducherry Town and Country Planning Board

3. Puducherry Town and Country Planning Board.
4. Term of office and conditions of service of Chairman and members of the Town and Country Planning Board.

4A. No disqualification on certain cases.

5. Functions and powers of the Board.
6. Meetings of the Board.
7. Appointment of Committees by the Board.

CHAPTER III

Planning areas, Senior Town Planner and Planning Authorities.

8. Declaration of Planning areas, their amalgamation, sub-division and inclusion of any area with Planning area.

9. Powers to withdraw a planning area from operation of this Act. 10. Senior Town Planner.

11. Planning Authorities.

12. Functions and powers of the Planning Authority.

13. Term of Office and conditions of service of the Chairman and members of Planning Authorities.

14. Meetings of Planning Authorities.

15. Temporary association of persons with the Planning Authority. 16. Staff of the Planning Authority.

CHAPTER IV

Preparation of Land Use Map and Register.

17. Preparation of Existing Land and Building Use Map and Register. 18. Notice of the Preparation of the Map and Register.

19. Appeal to the Board.

20. The power of the Government in case of default of the Planning Authority to prepare the Map and Register.

CHAPTER V

Development Plans

21. Interim Development Plans.

22. Comprehensive Development Plan.

23. Power of the Government in case of default of planning Authority to prepare Development Plan.

CHAPTER VI

Detailed Development Plans.

24. Declaration of intention to make or adopt a Detailed Development Plan.

25. Notification of Resolution to make or adopt Detailed Development Plan.

26. Preparation and Submission of the Detailed Development Plan.

27. Preparation and Submission of Detailed Development Plan on direction by the Government.

28. Contents of Detailed Development Plan.

29. Powers of Government in case of default of Planning Authority to prepare a Detailed Development Plan.

CHAPTER VII

Procedure for approval and preparation of Development Plans.

30. Consent of the Government to the publication of notice of preparation of Development Plan.

31. Public notice of the preparation of the Development Plan. 32. Approval by the Government.

33. Coming into operation of the Development Plan.

34. Amendment of Development Plans.

35. Suspension of plan in emergency by the Government.

CHAPTER VIII

Control of development and use of land

36. Use and development of land to be in conformity with Development Plan.

37. Prohibition of Development without payment of development charges and without permission.

38. Appeal against grant of permission subject to conditions or refusal of permission.

39. Lapse of permission.

40. Obligation to acquire on refusal of permission, or on grant of permission in certain cases.

41. Compensation for refusal of permission or grant of permission subject to conditions in certain cases.

42. Power of revocation and modification of permission to develop. 43. Penalty for unauthorised Development or for use otherwise than in conformity with the Development Plan.

44. Power to require removal of unauthorised development. 45. Power to stop unauthorised development.

46. Power to require removal of unauthorised development or use.

47. Power to make Building Bye-laws and Zoning Regulations.

CHAPTER IX

Acquisition and disposal of land

48. Acquisition of land for purposes of Development Plan to be deemed for a public purpose.

49. Acquisition of land for Development Plan.

50. Power of Government to acquire land included in the Development Plan.

51. Amendment of the Land Acquisition Act, 1894 for purposes of acquisition.

51A. Compensation for damage suffered in consequence of delay in making award.

52. Disposal of land.

CHAPTER X

Levy, assessment and recovery of development charge 53. Levy of Development Charge.

54. Assessment of Development Charge.

55. Appeals against assessment.

56. Development Charge to be a charge on land and to be recovered as an arrear of land revenue.

CHAPTER XI

Finance, accounts and audit 57. Funds of Planning Authority.

58. Budget of the Planning Authority.

59. Accounts and Audit.

60. Annual Reports.

CHAPTER XII

Supplemental and miscellaneous provisions 61. Power of entry.

62. Service of notices, etc.

63. Public notice how to be made known.

64. Notice, etc., to fix reasonable time.

65. Authentication of orders and documents of the Board and the Planning Authority.

66. Mode of proof of records of the Board and Planning Authority.

67. Restrictions on the summoning of officers and servants of the Board or Planning Authority.

68. Penalty for obstructing contractor or removing mark.

69. Sanction of prosecution.

70. Composition of offences.

71. Jurisdiction of courts.

72. Fine when realised to be paid to the Planning Authority.

73. Members and Officers to be public servants.

74. Protection of action taken in good faith.

75. Finality of orders.

76. Validation of acts and proceedings.

77. Returns and informations.

78. Effect of other laws.

79. Power to delegate.

80. Control by the Government and the Board.

81. Power to make rules.

82. Power to make regulations.

83. Repeals and savings.

THE PUDUCHERRY TOWN AND COUNTRY PLANNING ACT, 1969

(No. 13 of 1970)

AN ACT

to provide for planning the development and use of rural and urban land in the Union territory of Puducherry and for purposes connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth

Year of the Republic of India as follows:-

CHAPTER - I

PRELIMINARY

Short title extent and commencement

1. (1) This Act may be called the Puducherry Town and Country Planning Act, 1969.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such [1][date as the Government may, by

Definitions

2. In this Act, unless there is anything repugnant in the subject or context, -

(1) “agriculture” includes horticulture, farming, growing a crops, fruits, vegetables, flowers, grass, fodder, trees or any kind of cultivation of soil; breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry

forming of land or any other
agricultural purposes, but shall not include the use of any land attached to a building for the purposes of a garden to be used along with such building, and "agricultural" shall be construed accordingly;

No.99 dated 14th September, 1971.

(2) "amenities" include roads and streets, open spaces, parks, recreational grounds, play grounds, water and electric supply, street lighting, swerage, drainage, public works and other utilities, services and convenience;

(3) "area of bad lay-out or obsolete development" means an area consisting of land which is badly laid out or of obsolete development, together with other land contiguous or adjacent thereto which is defined by a development plan as an area of bad lay-out or obsolete development;

(4) "Board" means Puducherry Town and Country Planning Board constituted under this Act;

(5) "building" includes ---

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding 2.5 metres in height) and any other structure whether of masonry, bricks, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a ship, vessel, boat, tent, van or any other structure used for human habitation or used for keeping or storing any article or goods;

(6) "building line" means the line which is in the rear of the street alignment or boundary and to which the plinth of a building adjoining on a street or an extension of a street or on a future street may lawfully extend and includes the line prescribed, if any, in any development plan or in the building rules;

(7) "building operations" include-

(a) erection or re-erection of a building or any part of it;

(b) roofing, re-roofing of any part of building or open space;

(c) any material alteration or enlargement of any building;

(d) any material change in the use of a building including the use of its one or more parts used for human habitation into a greater number of such parts;

(e) any such alteration of a building as is likely to effect an alteration of its drainage or sanitary arrangements or materially affects its security;

(f) the construction of a door opening on any street or land not belonging to the owner;

(8) "commerce" means carrying on any industry, trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to make profit, hospitals, nursing homes, infirmaries, educational institutions and also includes hotels, restaurants, boarding houses not attached to any educational institution, choultries; and "commercial" shall be construed accordingly;

(9) "commercial use" includes the use of any land or building or part thereof for purposes of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise;

(10) "Court" means a principal civil court of original jurisdiction and includes any other court empowered by the Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

(11) "development" with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, on, over or under the land or the making of any material change in any building or land or in the use of any building or land and includes sub-division of land;

(12) "Development plan" means an interim development plan or comprehensive development plan or detailed development plan prepared under this Act;

(13) "Engineering operations" include the formation or laying out of means of access to a road or the laying out the means of water supply, drainage, swerage or of electricity cables and lines or of telephone lines;

(14) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(15) "industry" includes the carrying out of any manufacturing process as defined in the Factories Act, 1948 (Central Act 63 of 1948); and "industrial" shall be construed accordingly;

(16) "industrial use" includes the use of any land or building or part thereof for purposes of an industry as defined;

(17) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(18) "Land Use Map" is a map that contains the existing use of every piece of land in the planning area and the existing use of every building therein;

(19) "Land Use Register" is a register which contains a set of Land and Building Use Map to record and maintain the Land and Building Use Surveys conducted from time to time;

(20) "Local authority" means a municipal council or other authority legally entitled to or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local authority, and a Local authority, is a "Local authority concerned" if any land within its local limits falls in the area of a plan prepared or to be prepared under this Act;

(21) "local Newspaper" means any newspaper published or circulated within the local planning area;

(22) "Non-conforming Use" is a use of land which does not conform to the zone use as prescribed in the Development plan;

(23) "occupier" includes –

(a) a tenant;

(b) an owner in occupation of, or otherwise using his land; (c) a rent free tenant of any land;

(d) a licensee in occupation of any land; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land;

(24) "owner" includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium for any land whether on his own account or on account of, or on behalf of or for the benefit of other person or as an agent, trustee, guardian, or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium or be entitled to receive the rent or premium if the land were let to a tenant, and includes the Head of a Government Department, General Manager of a Railway, the Secretary or other principal officer of a Local authority, statutory authority or Company in respect of properties under their respective control;

(25) "planning area" means any area declared to be a local planning area under section 8 of this Act;

(26) "Planning Authority" means any local Planning authority constituted under this Act;

(27) "prescribed" means prescribed by rules or regulations made, under this Act;

(28) "private street" means any street, road, square, court, alley, passage or riding path which is not a public street, but does not include a pathway made by the owner or premises on his own land to secure the access to or the convenient use of such premises;

(29) "public place" means any place or building which is open to the use and enjoyment of the public whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charge or not;

(30) "public street" means any street, road, square, court alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes ---

(a) the roadway over any public bridge or causeway and (b) the
footway attached to any such street, public bridge or causeway.

(31) "Regulation" means a regulation made under this Act by the Government and includes zoning and other regulations made as a part of a Development Plan;

(32) "relocation of population" means, in relation to an area of bad lay-out or obsolete development or a slum area, making available in that area or elsewhere, of accommodation for residential purposes or for carrying on business or other activities together with amenities to persons living or carrying on business or other activities in the said area who have to be so accommodated;

(33) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses, if any, appertaining to such building; and "Residential" shall be construed accordingly;

(35) "Senior Town Planner" means the Town Planner appointed by the Government under section 10;

(36) "slum area" means any predominantly residential area, where the dwellings which by reason of dilapidation, over-crowding, faulty arrangement of design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to public safety, health or morals and which is defined by development plan as a slum area;

(37) "Town and Country Planning Department" means the Department set up by the Government for purposes assigned to under this Act;

(38) "Union territory" means the Union territory of Puducherry.

CHAPTER - II

PUDUCHERRY TOWN AND COUNTRY PLANNING BOARD

Puducherry Town and Country Planning Board

3. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute, for the purpose of carrying out the functions assigned to it under this Act, a Board to be called the Puducherry Town and Country Planning Board.

(2) The Minister-in-charge of Town and Country Planning and the Secretary to the Government-in-charge of the subject shall be the Chairman and Vice-Chairman of the Board.

(3) The Board shall consist of five officers, including the Senior Town Planner and three non-officials to represent the communes to be nominated by the Government.

(4) The Senior Town Planner, an ex-officio Member, shall be Secretary to the Board.

Term of office and conditions of service of the Chairman and members of the Town and Country Planning Board

4. (1) The term of office and conditions of service of the Chairman and other members of the Board shall be three years, and shall commence from the date of publication of their names under section 3 or immediately after the expiry of the term of office of the outgoing members,

whichever is later:

Provided that 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) The Chairman and other members of the Boards shall be entitled to receive travelling allowance as may be fixed by the Government.

***[No disqualification in certain cases**

4A. No person shall be disqualified for being chosen as, or for being a member of the Legislative Assembly by virtue only of the fact that he is a Chairman or a member of the Board].

Functions and powers of the Board

5. (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the Board shall be to guide, direct and assist the Planning Authorities, to advice the Government in matters relating to Town and Country Planning development and use of rural and urban land in the Union territory and to perform such other functions as the Government may, from time to time, assign to it under this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Board may, and shall if required by the Government--

(a) direct and supervise the preparation of development plans by Planning authorities;

(b) undertake, assist and encourage the collection, maintenance and publication of statistics, bulletins and monographs on Town and Country Planning and its methodology;

(c) prepare and furnish reports relating to the working of this Act;

(d) perform any other functions which are supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

(3) The Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

* Inserted by Act No. 3 of 2009 and this Act has come into force w.e.f 13.08.09.

Meetings of the Board

6. (1) The Board shall meet at such time and place as required and shall, subject to provisions of sub-sections (2) and (3), observe the procedure as may be prescribed in regard to the transaction of the business at such meetings.

(2) The Chairman or in his absence the Vice-Chairman or in the absence of the Chairman and of the Vice-Chairman, any member chosen from among the members present shall preside at a meeting of the Board.

(3) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting and in the case of an equality of votes, the Chairman or the person presiding shall have and exercise a casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose, which shall be signed at the next meeting by the person presiding at such meeting and shall be open for inspection by any member during office hours.

Appointment of Committees by the Board

7. (1) For the purposes of assisting the Board in exercising its powers, discharging its duties or performing its functions as may be specified by it, the Board may constitute one or more Committees.

(2) The Committee constituted under sub-section (1) shall consist of such members as may be specified by the Board.

(3) The Board shall have the power to co-opt as members of any Committee constituted under sub-section (1), any person or persons who are not members of the Board and the person or persons so co-opted shall not have a right to vote.

CHAPTER - III
PLANNING AREAS, SENIOR TOWN PLANNER AND PLANNING AUTHORITIES

Declaration of Planning areas, their amalgamation, sub-division and inclusion of any area with Planning area

8. (1) The Government may, by notification, declare any area in the Union territory to be a planning area for the purpose of this Act, and on such declaration this Act shall apply to such area.

(2) Every such notification shall define the limits of the area to which it relates.

(3) The Government may, after consultation with the Board and the Planning Authorities concerned, amalgamate two or more planning areas into one planning area, subdivide a planning area into different planning areas and include such divided areas in any other planning area.

(4) The Government may, by notification, direct that all or any of the rules, regulations, orders, directions and powers made, issued or conferred under this Act and in force in any other planning area at the time, with such exceptions and adaptations and modifications as may be considered necessary by the Government, shall apply to the area declared as, amalgamated with or included in, a planning area under this section and such rules, regulations, bye-laws, orders, directions and powers shall forthwith apply to such planning area without further publication.

*[(5) The first publication of a notification as to the declaration of the planning area shall be deemed and have the same effect as the publication of a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894, (Central Act 1 of 1894), except where a notification under sub-section (1) of section 4 or a declaration under section 6 of that Act has been previously made and is in force].

Powers to withdraw a planning area from operation of this Act

9. (1) The Government may, by notification, withdraw from the operation of this Act, the whole or part of any planning area declared thereunder.

(2) When a notification is issued under this section in respect of any planning area, this Act and all notifications, rules, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area.

* Inserted by Act, 15 of 1971, section 2. w.e.f 15-7-1972.

Senior Town Planner

10. As soon as may be after the commencement of this Act, the Government shall, by notification in the Official Gazette, appoint a Senior Town Planner for the Union territory called "Senior Town Planner" for the purpose of carrying out the functions assigned to him under this Act or rules made thereunder.

Planning Authorities

11. (1) As soon as may be, after declaration of a local planning area, the Government in consultation with the Board, shall, by notification, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the Planning Authority of that area having jurisdiction over that area.

1[(2) Every Planning Authority constituted under sub-section (1), shall consist of the following members, namely :-

(i) a Chairman appointed by the Government;

(ii) four officers appointed by the Government including the Senior Town Planner or any other officer of the Town and Country Planning Department, who shall be the Member-Secretary to the Planning Authority; and

(iii) representatives of local authorities composed as follows: -

(a) in the case of the Planning area in which only one local authority has jurisdiction, a representative nominated by that local authority from among the members of that authority;

(b) in the case of Planning area in which two or more local authorities have jurisdiction, one representative each of such local authority as the Government may consider necessary to be represented, nominated by the respective local authorities from among the members of each such local authority].

_____ 1. Substituted vided Act No.10 of 1981 section 2, w.e.f 08.10.1981 vide Notification published in Extra-Ordinary Gazette No.99 dated 20.10.1981.

(3) Every Planning Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

Functions and powers of the Planning Authority

12. (1) Subject to the provisions of this Act, the rules made thereunder and the directions of the Government and the Board, the powers and functions of the Planning Authority shall be ---

(i) to prepare in respect of the Planning area --

(a) an Existing Land Use Map and Land Use Register;

(b) an Interim Development Plan;

(c) a Comprehensive Development Plan;

(d) a Detailed Development Plan;

(ii) to prescribe uses of land within its area and for these purposes it may carry out or caused to be carried out surveys of its Planning area; and

(iii) to prepare report or reports of such survey; and

(iv) to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Term of Office and conditions of service of the Chairman and members of the Planning Authorities

13. (1) The term of office and the conditions of service of the Chairman and members of the Planning Authority shall be such as may be prescribed and they shall be entitled to receive such salaries or allowances as may be fixed by the Government.

(2) The Government may, if it thinks fit, terminate the appointment of the Chairman or any member of the Planning Authority at any time.

(3) The Chairman or any member may resign his membership of the Planning Authority by giving notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a member of the Planning Authority.

(4) Any vacancy so created shall be filed by fresh appointment by the Government.

Meetings of Planning Authorities

14. (1) Each Planning Authority shall meet, at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such procedure in regard to the transaction of business at it, meetings as may be prescribed.

(2) The Chairman of the Planning Authority or in his absence, any member nominated by him in that behalf shall preside at a meeting of the Planning Authority.

(3) All questions at a meeting of the Planning Authority shall be decided by a majority of votes of the members present and voting and in the case of an equality of votes, the Chairman or in his absence the person presiding shall have and exercise a second or casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose which shall be signed at the next meeting by the person presiding at such meeting and shall be open to inspection by any member during office hours.

Temporary association of persons with the Planning Authority for particular purposes

15. (1) The Planning Authority may associate with itself in such manner and for such purposes as may be prescribed by rules any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) Any person associated with it by the Planning Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Planning Authority relevant to that purpose but shall not have a right to vote at a meeting and shall not be a member for any other purpose.

Staff of the Planning Authority

16. (1) Subject to such control and restrictions as may be specified in the rules made in this behalf, a Planning Authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and employees of the Planning Authority shall be entitled to receive such salaries and allowances, if any, as may be fixed by the Planning Authority and shall be governed by such terms and conditions of service as may be determined by rules and regulations made in this behalf.

CHAPTER - IV

PREPARATION OF LAND USE MAP AND REGISTER

Preparation of Existing Land and Building Use Map and Register

17. As soon as may be, after its constitution, every Planning Authority shall, not later than six months after its constitution or within such further period not exceeding six months as the Government may allow, prepare a Present Land Use Map (hereinafter called the Map) and present Land Register (hereinafter called the Register) in the form to be prescribed, indicating the present use of very piece of land in the planning area and the present use of every building therein.

Notice of the preparation of the Map and Register

18. (1) After the preparation of the Map and the Register, the Planning Authority shall publish a public notice of the preparation of the Map and Register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Map and Register within thirty days of the publication of such notice.

(2) After the expiry of the period mentioned in sub-section (1) the Senior Town Planner shall, after allowing a reasonable opportunity of being heard to all the persons who have filed the objections, make a report to the Planning Authority.

(3) The Planning Authority shall consider the report of the Senior Town Planner and may make such modification in the Map or Register or both, as it considers proper, and adopt the Map and the Register by a resolution within a period of three months from the last date allowed for the filing of the objections specified under sub-section (1).

(4) Within thirty days after the adoption of the Map and the Register, the Planning Authority shall publish a public notice of the adoption of the Map and the Register and the place

or places where the copies of the same may be inspected and shall submit copies of the Map and the Register to the Board and the Government.

(5) A copy of such public notice shall also be published in the Official Gazette. The publication of the public notice in the Official Gazette in respect of the Map and the Register shall be conclusive evidence that the Map and the Register have been duly prepared and adopted.

1[(6) Proceedings under this section and section 19 shall be deemed and have the same effect as proceedings under section 5A of the Land Acquisition Act, 1894 (Central Act 1 of 1894)].

Appeal to the Board

19. (1) Any person aggrieved by any decision of the Planning Authority may appeal to the Board within two months from the notification of adoption of the Map and Register by the Planning Authority.

(2) The Board may, after making such enquiries as it deems fit, pass orders on the appeal.

(3) The orders of the Board on such appeal shall be final.

The power of the Government in case of default of the Planning Authority to prepare the Map and Register

20. (1) Where by virtue of the foregoing provisions of this Chapter, a Map and a Register are to be prepared then ---

(a) if within the period prescribed or within such period which the Government has extended, no Map or Register has been prepared; or

(b) if at any time the Government is satisfied that the Planning Authority is not taking steps necessary to prepare such a Map and Register within that period,

the Government may direct the Senior Town Planner to prepare the Map and the Register.

1. Inserted by Act, 15 of 1971, section 3. w.e.f 15-7-1972.

(2) After preparation of the Map and the Register, the Senior Town Planner shall submit the same to the Board which shall forward the Map and Register to the Planning Authority; and the Planning Authority shall follow the procedures laid down in the Act as if the Map and Register were prepared by the Planning Authority itself.

(3) Any expenses incurred under this section in connection with the making of the Map and the Register with respect to the area of a Planning Authority shall be borne by the Planning Authority.

CHAPTER – V

DEVELOPMENT PLANS

Interim Development Plans

21. (1) As soon as may be, after the declaration of a planning area, the Planning Authority shall, not later than one year after such declaration or within such further period as the Government may, from time to time, extend but such extension being not exceeding two years, prepare and submit to the Board and the Government an Interim Development Plan for the Planning area or any of its parts.

(2) The Interim Development Plan shall –

(a) indicate broadly the manner in which the Planning Authority proposes that land in such area should be used;

(b) allocate areas or zones of land for use ---

(i) for residential, commercial, industrial and agricultural purposes; (ii) for public or semi-public open spaces, parks and playgrounds; (iii) for such other purposes as the Planning Authority deems fit;

(c) indicate, define and provide ---

(i) for existing and proposed national highways, arterial roads, ring roads and major streets;

(ii) the existing and proposed other lines of communication including railways, canals, air-ports;

(d) include regulations (hereinafter called zoning regulations to regulate within each zone the location, height, number of storeys and size of buildings, and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land).

(3) The Interim Development Plan may indicate, define and provide for –

(i) the existing and proposed Public and semi-public buildings, and (ii) all or any of the purposes and matters as may be indicated, defined and provided for in the Comprehensive Development Plan under section 22.

(4) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Interim Development Plan, any such plan shall include maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the Interim Development Plan.

Comprehensive Development Plan

22. (1) As soon as may be after the declaration of a planning area, the Planning Authority shall, but not later than three years after such declaration or within such further period as the Government may from time to time extend but such extension being not exceeding four years, prepare and submit to the Board and the Government a Comprehensive Development Plan for the Planning area.

(2) The Comprehensive Development Plan shall ---

(a) indicate, define and provide for all the matters that have to be or may be indicated, defined or provided for in the Interim Development Plan with such modifications as the Planning Authority deems fit;

(b) indicate, define and provide for ---

(i) areas reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens and other recreational uses, greenbelts and nature reserves;

(ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, agricultural and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

` (iv) major road and street improvements;

(v) area reserved for public buildings and institutions and for new civic developments;

(vi) areas for future development and expansion and areas for new housing;

(vii) amenities, services and utilities;

(viii) all such matters as may be prescribed by the rules or may be directed by the Government or the Board to be indicated, defined and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

(d) indicate the stages by which the plan is proposed to be carried out.

(3) The Comprehensive Development Plan may -

(a) indicate, define, and provide for

(i) all such matters as the Planning Authority may consider expedient to be indicated, defined and provided for in the development plan;

(ii) detailed development of specific areas for housing shopping centres, industrial areas and civic centres, educational and cultural institutions and control of architectural features, facade of buildings and structures;

(b) designate as land subject to acquisition for any public purpose, and in particular but without prejudice to the generality of this provision, for the purpose of---

(i) the Union of India, the State, the Planning Authorities or any other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad lay-out or obsolete development and slum areas and provision for rehabilitation of population;

(iii) the provision of open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan;

(v) any of the matters as are referred to in sub-section (2).

(4) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the development plan.

Power of the Government in case of default of Planning Authority to prepare Development Plan

23. (1) Where, by virtue of the foregoing provisions of this Act, a Development Plan is to be prepared –

(a) if within the period prescribed or within such period which the Government has extended no Development Plan has been prepared; or

(b) if at any time the Government is satisfied that the Planning Authority is not taking steps necessary to prepare such a Development Plan within that period,

the Government may direct the Senior Town Planner to prepare the Development Plan.

(2) After preparation of the Development Plan, the Senior Town Planner shall submit the Development Plan to the Board and the Board shall forward the Development Plan to the Planning Authority who shall follow the procedure laid down in the Act as if the Development Plan was prepared by the Planning Authority itself.

(3) Any expenses incurred under this section in connection with the preparation of the Development Plan for the Planning Area of a Planning Authority shall be borne by the Planning Authority.

CHAPTER – VI

DETAILED DEVELOPMENT PLANS

Declaration of intention to make or adopt a Detailed Development Plan

24. A Planning Authority may, by resolution, decide ---

(i) to prepare a Development Plan to be called Detailed Development Plan in respect of any land within the Planning Area;

(ii) to adopt with or without modification even a Detailed Development Plan proposed by Co-operative Societies or any of the owners of any such land.

Notification of Resolution to make or adopt Detailed Development Plan

25. The resolution under section 24 shall be published by the Planning Authority in the prescribed manner and such notification shall indicate the boundaries of the area of the Detailed Development Plan and specify the time and place where a plan of the area may be inspected.

Preparation and submission of the Detailed Development Plan

26. As soon as may be after a notification has been published under section 25 and not later than twenty-four months from the date of notification, the Planning Authority shall prepare in the manner prescribed and submit a Detailed Development Plan to the Board and the Government.

Preparation and submission of Detailed Development Plan on direction by the Government

27. Notwithstanding anything contained in sections 24 and 26, the Government may, in respect of any land, after making such enquiry as they deem necessary, by notification in the Official Gazette require a Planning Authority to prepare and submit to the Board and to them a Detailed Development Plan.

Contents of Detailed Development Plan

28. (1) The Detailed Development Plan may be in the form of a Land Development Plan, a Re-development Plan, an improvement Plan or a Deferred Development Plan or a combination of more than one such plan and may indicate, define and provide for all matters that have to be or may be indicated, defined and provided for in the Comprehensive Development Plan or the Interim Development Plan if such Plan has been prepared, and such other matters as the Planning Authority may consider necessary in the interest of the development of the area and consistent with the objectives and purposes of this Act.

(2) Irrespective of whether an Interim Development Plan or a Comprehensive Development Plan has been prepared or not, a Detailed Development Plan, may indicate, define and provide for all or any of the following:-

(a) laying out or re-laying out of land either vacant or already built upon as building sites or for any of the purposes mentioned in this section; (b) construction, diversion, extension, alterations, improvement or closure of lanes, streets, roads and other communications;

(c) construction, alteration, removal or demolition of buildings, bridges and other structures;

(d) acquisition by purchase, exchange or otherwise whether within or without the area included in the Detailed Development Plan and whether required immediately or not for all or any of the purposes of the Detailed Development Plan;

(e) re-distribution of boundaries and reconstitution of plots belonging to owner of property;

(f) disposal by sale, exchange, lease or otherwise of land acquired or owned by the Planning Authority;

(g) Transport facilities;

(h) water supply;

(i) lighting;

(j) drainage inclusive of sewage, surface draining and sewage disposal;

(k) allotment or reservation of land for streets, roads, squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, market shops, factories, hospitals, dispensaries, Government and Municipal buildings and public and semi-public purposes of all kinds;

(l) construction of buildings and houses generally and housing or re-housing of persons displayed by the proposals, made in the plan either within the area of such plan or outside such area;

(m) preservation of places or objects and buildings of archaeological or historic interest or of natural beauty or actually used for religious purposes or regarded by the public with special religious veneration; or protection of canal, tank or river sides, costal areas and other places of natural or landscape beauty;

(n) imposition of conditions and restrictions in regard to the character, density, architectural features and heights of buildings, the buildings or control lines for roads, railway lines and power supply lines and the purposes to which buildings or specified areas may or may not be appropriated; and provision and maintenance of open spaces in and around buildings;

(o) advance to the owners of land or buildings comprised within the Development Plan upon such terms and conditions as may be provided by the plan, of the whole or part of the amount required for the erection of buildings or for the carrying out of the works, alterations or improvements in accordance with the Development Plan;

(p) such other matters to be indicated, defined and provided for in the Comprehensive Development Plan under section 22 of this Act.

(3) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Detailed Development Plan, any such plan shall include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals in the development Plan.

(4) Without prejudice to the generality of this provision, every Detailed Development Plan shall contain the following particulars ---

(a) a plan showing the lines of existing and proposed streets;

(b) the ownership of all lands and buildings in the area covered by the Plan;

(c) the area of all such lands, whether public or private;

(d) a full description of all details of the plan under the provisions of sub-section (1) or (2);

(e) particulars of all land either acquired already or to be acquired for the purposes mentioned under sub-section (1) or (2);

(f) in cases where the Detailed Development Plan provides for any housing or re-housing, the particulars regarding the number and nature of houses to be provided by the Planning Authority, the approximate quantity of land to be acquired, the details of the land to be acquired and all matters supplemental, incidental or consequential to such housing or re-housing;

(g) zoning regulations and regulations for enforcing or carrying out the provisions of the plan.

Powers of Government in case of default of Planning Authority to prepare a Detailed Development Plan

29. (1) Where by virtue of the foregoing provisions of this Act, a Detailed Development Plan is to be prepared ---

(a) if within the period prescribed a Detailed Development Plan has not been prepared;

(b) if at any time the Government is satisfied that the Planning Authority is not taking steps necessary to prepare the Detailed Development Plan within the period,

the Government may, by notification in the Official Gazette, direct the Senior Town Planner to prepare and submit to the Board a Detailed Development Plan within such period as the Government may prescribe.

(2) The Board shall on receipt of the Detailed Development Plan from the Senior Town Planner forward the same to the Planning Authority concerned.

(3) The Planning Authority shall on receipt of the Plan from the Board follow the further procedures laid down in the Act as if the Detailed Development Plan was prepared by the Planning Authority itself.

(4) Any expenses incurred under this section in connection with the preparation of any such development plan for the Planning Area of a Planning Authority shall be paid by the Planning Authority.

CHAPTER – VII

PROCEDURE FOR APPROVAL AND PREPARATION OF DEVELOPMENT PLANS

Consent of the Government to the publication of notice of preparation of Development Plan

30. (1) As soon as may be after the Development Plan has been submitted to the Board and the Government, but not later than the time prescribed by the rules, the Government may direct the Planning Authority to make such modifications in the Development Plan as the Government thinks fit and there upon the Planning Authority shall make those modifications.

(2) The Government shall, after the modifications, if any, directed by it have been made, give its consent to the publication of a public notice under sub-section (1) of section 31 of the preparation of the Development Plan to the Planning Authority.

Public notice of the preparation of the Development Plan

31. (1) As soon as may be, after the Planning Authority has received the consent of the Government to the publication of the public notice, the Planning Authority shall publish a public notice in the Official Gazette and in a local newspaper, of the preparation of the Development Plan and place or places where copies of the same may be inspected, invite objections in writing from any person with respect to the Development Plan within such period as may be specified in the notice;

Provided that such period shall not be less than two months from the date the notice is published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the Planning Authority shall appoint a Committee consisting of the Senior Town Planner and not more than two of its other members to consider the objections filed under sub-section (1) and report on them within such time as the Planning Authority may fix in this behalf.

(3) The Committee so appointed shall have power to co-opt any other person. The provisions of section 15 shall apply to the persons co-opted, by the Committee.

(4) Such Committee shall allow a reasonable opportunity of being heard to any person, including representatives of Government Departments or local authorities, who has filed any objection and who has made a request for being heard and submit a report to the Planning Authority on the case.

(5) As soon as may be after the receipt of the Report from the Committee, but not later than the time prescribed by the rules, the Planning Authority shall consider the report of the Committee and may make such amendments in the Development Plan as it considers proper, and shall submit the Development Plan with or without modification together with the report of the Committee to the Board and to the Government.

Approval by the Government

32. As soon as may be after the submission of the Development Plan, but not later than the time prescribed by the rules, the Government after consultation with the Board may, either approve the Development Plan or approve it with such modifications as it may consider necessary or return it to the Planning Authority to modify the Plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf.

Coming into operation of the Development Plan

33. (1) Immediately after the Development Plan has been approved by the Government, the Planning Authority shall publish a public notice in the Official Gazette and in a local newspaper of the approval of the Development Plan and place or places where copies of the same may be inspected.

(2) From the date of publication of the aforesaid notice in the Official Gazette, the Development Plan shall come into operation.

(3) (a) After the coming into operation of the Development Plan, any person aggrieved by it may make an application to the court within thirty days of the coming into operation of the said Plan questioning the validity of the same or any provisions contained therein on the following grounds. –

(i) that it is not within the powers conferred by this Act, or

(ii) that any requirement of this Act, or any rules made thereunder have not been complied with in relation to the making of the Development Plan.

(b) The court after allowing an opportunity of being heard to the Planning Authority, the Board and the Government –

(i) may, stay, until the final determination of the proceedings,the operation of any provisions contained therein so far as it affects any property of the applicant; and

(ii) if satisfied that the development plan or any provision contained therein is not within the powers of this Act, or that the interest of the applicant has been substantially prejudiced by a failure to comply with any requirement of the Act or rules, may quash the plan or any provision contained therein generally or in so far as it affects any property of the applicant.

(4) Subject to the provisions of sub-section (3); a Development Plan shall not, either before or after it has been approved, be questioned in any manner, in any legal proceedings whatsoever.

1[(5) Subject to the provisions of paragraph 3 of the Schedule, the notification under this section shall be deemed and have the same effect as a declaration under section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), except where a declaration under the last mentioned section has been previously made and is in force].

_____ 1. Inserted by Act, 15 of 1971, section 4. w.e.f 15-7-1972.

Amendment of Development Plans

34. (1) At any time after the date on which the Development Plan for an area comes into operation, the Planning Authority may, and after every five years shall, carry out fresh surveys as it or the Board or the Government may consider necessary and shall review and submit to the Board and the Government any alteration or addition considered necessary to the Development Plan in operation.

(2) The provisions of sub-section (2) of section 30 and sections 31, 32 and 33 with such modifications as may be necessary shall apply to such Development Plan.

Suspension of plan in emergency by the Government

35. If the Government is satisfied that a grave emergency exists which necessitates the suspension of any Development Plan or part of any Development Plan, it may, by a notification in the Official Gazette, suspend the Development Plan or any part thereof.

CHAPTER – VIII

CONTROL OF DEVELOPMENT AND USE OF LAND

Use and development of land to be in conformity with Development Plan

36. After the coming into operation of any Development Plan in any area, no person shall use or permit to be used any land carry out any development in that area otherwise than in conformity with such Development Plan:

Provided that the Government may allow the continuance for a period not exceeding ten years of the use, upon such terms and conditions as may be prescribed by the regulations made in this behalf, of any land for the purpose and to the extent for and to which it is being used on the date on which such Development Plan come into operation.

Prohibition of development without payment of development charges and without permission

37. (1) After the Development Plan comes into force in any area and subject to the provisions relating to levy, assessment and recovery of development charges and other provisions of this Act, no development, institution or change of use, of any land shall be undertaken or carried out in that area —

(a) without obtaining a certificate from the Planning Authority certifying that the development charge as leviable under this Act has been paid or that no such development charge is leviable; and

(b) without obtaining the permission in writing as provided for hereinafter:

Provided that no such permission shall be, necessary ----

(i) for carrying out works for the maintenance improvement or other alterations of any building being works which affect only the interior of the building, or which do not materially affect the external appearance of the building;

(ii) for the carrying out by the Central Government or the Government or any local authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;

(iii) for the carrying out by the Central Government or the Government or any local authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(iv) for the excavations (including wells) made in the ordinary course of agricultural operations;

(v) for the construction of unmetalled road intended to give access to land solely for agricultural purposes;

(vi) for normal use of land which has been used temporarily for other purposes;

(vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasions.

(2) (a) Any person or body (including a department of Central Government or the Government or local authority) intending to carry out any development on any land shall make an application in writing to the Planning Authority for the permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed by the rules or the regulations:

Provided that in the case of a department of Central Government or the Government or local authority intending to carry out any development on any land the department or authority concerned, as the case may be, shall notify in writing to the Planning Authority of its intention to do so, giving full particulars thereof accompanied by such documents and plans as may be prescribed by the Government from time to time, at least one month prior to the undertaking of such development; where the Planning Authority has raised any objection, in respect of the

conformity of the proposed development either to any development plan under preparation, or to any of the building bye-laws in force at the time, or due to any other material consideration, under sub-section (4) the department or authority concerned, as the case may be, shall –

(i) either make necessary modification in the proposals for development to meet the objections raised by the Planning Authority, or

(ii) submit the proposals for development together with the objections raised by the Planning Authority to the Government for decision.

(b) The Government on receipt of the proposals for development together with the objections of the Planning Authority shall, in consultation with the Senior Town Planner, either approve the proposals with or without modifications or direct the Department or authority concerned, as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

(3) (a) The Planning Authority shall, on receipt of the application refer it to the Town and Country Planning Department for advice and for assessment of the development charges as specified in this Act.

(b) On receipt of the advice of the Town and Country Planning Department and on payment of the development charges as assessed by that department, the Planning Authority shall pass orders –

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think fit; or

(iii) refusing permission.

(c) Subject to the provisions of sub-section (2), this sub-section shall not apply to any case of a department of the Central Government or the Government or local authority.

(d) Without prejudice to the generality of the foregoing clause, the Planning Authority may impose conditions to the effect that the permission granted is only for a limited period and after the expiry of that period, the land shall be restored to its previous conditions or the use of the land permitted shall be discontinued.

(4) The Planning Authority in dealing with the applications for permission shall have regard to –

(i) the provisions of the Development Plan and the building bye-laws and zoing regulations made under section 47;

(ii) the proposals or provisions which it thinks are likely to be made in any Development Plan under preparation or to be prepared; and

(iii) any other material consideration.

(5) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order.

(6) Any such order shall be communicated to the applicant in the manner prescribed by the regulations.

(7) If the Town and Country Planning Department is of the view that any order passed by the Planning Authority is contrary to the provision of the Act or any Development Plan or the buildings bye-laws or zoning regulations made under this Act, it may submit a report to the Government containing the facts of the case. On receipt of the report, the Government may review, cancel or modify the orders of the Planning Authority.

Appeal against grant of permission subject to conditions or refusal of permission

38. (1) Any applicant aggrieved by an order passed under section 37 may appeal to the Board within one month of the communication of that order to him in the manner and accompanied by such fees as may be prescribed by the rules.

(2) The Board after receiving the appeal, may give a reasonable opportunity of being heard to the appellant and the Planning Authority and also call for any report, if necessary.

(3) After hearing the appellant and the Planning Authority or after considering the aforesaid report, the Board may pass an order dismissing the appeal or accepting the appeal by –

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think fit;

and

(iii) removing or modifying the conditions, subject to which permission has been granted and imposing other conditions, if any, as it may think fit.

(4) The Board may, by a resolution, delegate any of its functions and powers under this section to the Senior Town Planner on such occasion and subject to such conditions, if any, as may be specified, therein.

Lapse of permission

39. Every permission for any development granted under this Act shall remain in force for three years only from the date of such permission:

Provided that the Planning Authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period, for such time as it may think proper but such extended period shall in no case exceed three years:

Provided further that such lapse shall not bar any subsequent application for fresh permission under this Act.

Obligation to acquire on refusal of permission, or on grant of permission in certain cases

40. (1) Where any person interested in the land aggrieved by an order in appeal under section 38 refusing to grant permission to develop the land, or granting permission subject to condition, claims —

(a) that the land has become incapable of reasonably beneficial use in the existing state; or

(b) in a case where permission to develop the land was granted subject to conditions that the land cannot be rendered capable of reasonably beneficial use by carrying out the permitted development in accordance with these conditions, he may, within three months and in the manner prescribed by the rules, serve on the Government a notice (hereinafter referred to as an acquisition notice) requiring the Government to acquire his interest in the land.

(2) A copy of such notice shall, at the same time, be served on the Board and the Planning Authority.

(3) After receiving notice under sub-section (1), the Government shall appoint a person who shall give reasonable opportunity to the person interested serving the acquisition notice, the Planning Authority and the Board, to be heard and shall submit a report, thereon to the Government; after receiving such report; the Government –

(a) if satisfied that the conditions specified in clause (a) or clause (b) of sub-section (1), are not fulfilled, shall pass an order refusing to confirm the notice;

(b) if satisfied that the conditions specified in clause (a) or clause (b) of sub-section (1) are fulfilled regarding the land or any part of the land, shall pass an order –

(i) confirming the notice; or

(ii) directing the Planning Authority to grant such permission to develop the land or grant the permission subject to such conditions as will keep the land capable of reasonably beneficial use:

Provided further that the Government shall not confirm the notice if the order appealed against was passed on the ground of not complying with any provisions of this Act, rules or regulations that may be applicable.

(4) If within the period of one year from the date on which an acquisition notice is served under sub-section (1) the Government has not passed any order under sub-section (3), the notice shall be deemed to have been confirmed at the expiry of that period.

(5) Upon confirmation of the notice under sub-section (3) or (4), the Government shall proceed to acquire the land or that part of any land regarding which the notice has been confirmed within one year of the confirmation of the acquisition notice.

Compensation for refusal of permission or grant of permission subject to conditions in certain cases

41. (1) Where an order in appeal under section 38 refusing to grant permission, or granting permission subject to conditions, relates to any of the following developments ---

(a) the re-erection of a building which has been destroyed or demolished so long as the cubic content of the original building is not exceeded by more than one-tenth;

(b) the enlargement, improvement or other alteration of any building which was in existence on the date a Development Plan relating to the area comes into operation for the first time, so long as the cubic content of the original building is not exceeded by more than one-tenth:

(c) the carrying out, on land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement, improvement or alteration of a building for human habitation or of building used for the purpose of marketing of the produce of land; (d) Where any part of any building or other land which on the date of coming into operation for the first time of a Development Plan relating to the area, is used for a particular purpose, the use of that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building or land used for that purpose on that day, or as the case may be, one-tenth of the area of the land so used on that date, the owner may, within the time and in the manner prescribed by the rules made under this Act, claim upon the Planning Authority, if he has not served an acquisition notice or if the acquisition is not confirmed by the Government under section 40, compensation for such refusal or for grant of permission subject to conditions:

Provided that no compensation shall be claimable if such refusal or grant of permission subject to conditions was based on any provision of any Development Plan.

(2) The compensation shall be equal to

(a) where permission is refused, the difference between the value of the land as if the permission had been granted and the value of the land in its existing state;

(b) where permission is granted subject to conditions, the difference between the value of the land as if the permission had been granted unconditionally and the value of the land with the permission granted subject to conditions.

(3) When a claim is received by the Planning Authority, the Senior Town Planner shall, after giving an opportunity of being heard to the applicant, make a report to the Planning Authority.

(4) The Planning Authority shall, after considering the aforesaid report, assess the compensation and offer it to the owner.

(5) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the Planning Authority shall refer the matter for the

adjudication of the Court and the decision of the Court shall be final and be binding on the owner and Planning Authority.

Power to revocation and modification of permission to develop

42. (1) If it appears to the Planning Authority that it is expedient having regard to the development plan prepared, under preparation or to be prepared and to any other material considerations, that any permission to develop land granted under this Act or any other law should be revoked or modified, the Planning Authority may, by an order, revoke or modify the permission to such extent as appears to it to be necessary:

Provided that ---

(a) where the permission relates to the carrying out of building or other operations no such order –

(i) shall affect such operations as have been previously carried out;

(ii) shall be passed after these operations have been completed;

(b) where permission relates to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) When permission is revoked or modified by an order made under sub-section (1), if the owner claims from the Planning Authority within the time and in the manner prescribed, compensation for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission which has been rendered abortive by the revocation or modification, the Planning Authority shall, after giving the owner a reasonable opportunity of being heard by the Senior Town Planner and after considering the Senior Town Planner's report, assess and offer such compensation to the owner as it thinks fit.

(3) If the owner does not accept the compensation and gives notice, within such time as may be prescribed of his refusal to accept, the Planning Authority shall refer the matter for the adjudication of the Court and the decision of the Court shall be final and be binding on the owner and the Planning Authority.

Penalty for unauthorised Development or for use otherwise than in conformity with the Development Plan

43. (1) Any person who, whether at his own instance or at the instance of any other person or anybody commences, undertakes or carries out development, institutes, or changes use of any land –

(a) in contravention of any development plan;
(b) without payment of development charges;
(c) without permission as required under this Act;
(d) in contravention of any condition subject to which such permission has been granted;
(e) after the permission for development has been revoked under section 42;
(f) in contravention of the permission which has been modified under section 42;
(g) in contravention of the provisions of sub-section (3) of section 47;

shall be punishable with a fine which may extend to ten thousand rupees, and in the case of a continuing offence with a further fine which may extend to five hundred rupees for everyday during which the offence continues after conviction for the first commission of the offence.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Development Plan without having been allowed under provisio to section 36 or where the continuance of such use has been allowed under that section,

continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punishable with a fine which may extend to five thousand rupees and in the case of a continuing offence with a further fine which may extend to five hundred rupees for everyday during which such offence continues after conviction for the first commission of the offence.

Power to require removal of unauthorised development

44. (1) Where any development of the land has been carried out as described in section 43, the Planning Authority may, within three years of such development, serve on the owner a notice requiring him, within such period, being not less than one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice —

(i) in cases specified in clauses (a), (c) or (e) of sub-section (1) of section 43 to restore the land to its condition before the said development took place;

(ii) in cases specified in clauses (b) of sub-section (1) of section 43 to restore the land to its condition before the said development, took place or to pay the development charge and such penalty if any, as may be prescribed by the rules;

(iii) in cases specified in clause (d) or (f) of sub-section (1) of section 43 to secure compliance with the conditions or with the permission as modified.

and in particular any such notice may for the purpose aforesaid require-

(a) the demolition or alteration of any building or works;

(b) the carrying out on land, of any building or other operations; or (c) the discontinuance of any use of land:

Provided that in the case the notice requires the discontinuance of any use of land, the Planning Authority shall serve as notice on the occupier also.

(2) Any person aggrieved by such notice may, within the period and in the manner prescribed —

(a)apply for permission under section 37 for the retention of the land or any building, work or for the continuance of any use of the land, to which the notice relates, or

(b) appeal to the Board,

(3) (i) The notice shall be of no effect pending the final determination or withdrawal of the application or the appeal.

(ii) If such permission as aforesaid is granted on the application, the notice shall not take effect, or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land, the notice shall not take effect regarding such buildings or works or such part of the land but shall have full effect regarding other buildings or works or other parts of the land.

(4) On an appeal made to the Board under sub-section (2) the Senior Town Planner or any other person appointed by him in this behalf after obtaining the remarks of the Planning Authority concerned and making such enquiries as may be deemed necessary submit a report to the Board.

(5) After considering the aforesaid report and hearing the appellant, the Board may dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit.

(6) If within the period specified in the notice or within such period as may be prescribed after the disposal or withdrawal of the application for permission or the appeal under the sub-section (2), the notice or so much of it as continues to have effect, or the notice with variation made in appeal, is not complied with, the Planning Authority may

(a) prosecute the owner for not complying with the notice and in the case where the notice required the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice, and

(b) (i) in the case of a notice requiring the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the Planning Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations.

(ii) the Planning Authority may recover the cost of any expense incurred by it in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under sub-section (6) (a) shall be punishable with a fine which may extend to ten thousand rupees, and in the case of a continuing offence with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

Power to stop unauthorised development

45. (1) Where any development of land as described in section 43 is being carried out but has not been completed, the Planning Authority may serve on the owner and the person carrying out the development a notice requiring the development of land to be discontinued from the time of the service of such notice.

(2) Where such notice has been served the provisions of sub-sections (2), (4) and (5)of section 44 shall apply, with such modifications as may be necessary:

Provided that the provisions of sub-section (3) (i) of section 44 shall not apply and in spite of the filing of an application for permission for development or an appeal as provided in sub-section (2) of section 44 the notice shall continue to have full effect.

(3) Any person, who continues to carry out the development of land, whether himself or on behalf of the owner or any other person, after such notice has been served shall be punishable with a fine which may extend to ten thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for everyday after the date of the service of the notice during which the non-compliance has continued or continues.

(4) If such notice is not complied forthwith, the Planning Authority or such officer of the Planning Authority who may be authorised in this behalf may require any police officer to remove such person and all assistants and workmen from the land at anytime after the service of such notice and such police officer shall comply with the requisition accordingly.

(5) After the requisition under sub-section (4) has been complied with, the Planning Authority or such officer of the Planning Authority who may be authorised in this behalf may, if he thinks fit, depute, by a written order, a police

officer or any officer or employee of the Planning Authority to watch the land in order to ensure that the development is not continued.

(6) Where a police officer or an officer or employee of the Planning Authority has been deputed under sub-section (5) to watch the land, the cost of such deputation shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such persons as arrears of land revenue.

Power to require removal of unauthorised development or use

46. (1) If it appears to a Planning Authority that it is expedient in the interest of the proper planning of its areas (including the interest of amenities) having regard to the development plan prepared, or under preparation, or to be prepared, and to any other material considerations –

(a) that any use of land should be discontinued; or

(b) that any conditions should be imposed on the continuance thereof; or (c) that any building or work should be altered or removed;

the Planning Authority may, by notice served on the owner (i) require the discontinuance of that use, or

(ii) impose such conditions, as may be specified in the notice on the continuance thereof, or

(iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any buildings or work, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.

(2) Any person aggrieved by such notice may, within the said period and in the manner prescribed, appeal to the Board.

(3) If an appeal is filed under the last foregoing sub-section, the provisions of clause (i) of sub-section (3) and sub-section (4) and (5) of section 44 shall apply with such modifications as may be necessary.

(4) If any person---

(i) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or

(ii) who has carried out any work in compliance with the notice.

claims from the Planning Authority within the time and in the manner prescribed, compensation in respect of that damage or of any expense reasonably incurred by him for complying with the notice the provisions of sub-sections (3) to (5) of section 41 shall apply with such modifications as may be necessary.

(5) (a) If any person interested in the land in respect of which a notice is issued under this section claims that, by the reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (2) and in the manner prescribed, serve on the Government an acquisition notice requiring it to acquire his interests in the land.

(b) When a notice is served under the last foregoing sub-section, the provisions of sub-sections (2) to (4) of section 40 shall apply with such modifications as may be necessary.

Power to make Building Bye-laws and Zoning Regulations

47. (1) The Government, in consultation with the Town and Country Planning Department, may, by notification in the Official Gazette, make Building Bye-laws and Zoning Regulations to be applicable to such areas as may be specified in the notification to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Bye-laws and Zoning Regulations may provide for all or any of the following matters, namely: -

(i) the plot size, area to be covered, floor area ratio, height of the buildings, size of yards and building lines;

(ii) the use of zones such as residential, commercial, industrial, recreational, agricultural and other purposes;

(iii) any other matter which is to be or may be prescribed.

(3) No building operations shall be undertaken in a Planning area contrary to the building Bye-laws and Zoning Regulations made under sub-section (1) above without permission in writing from the Planning Authority.

CHAPTER –IX

ACQUISITION AND DISPOSAL OF LAND

Acquisition of land for purposes of Development Plan to be deemed for a public purpose

48.Land needed for purposes of Development Plan whether contemplated, notified or sanctioned shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

Acquisition of land for Development Plan

49. The Planning Authority may, at any time, and for the purposes of a Development Plan acquire any land with the sanction of the Government.

Power of Government to acquire land included in the Development Plan

50. (1) If, at any time, the Government is of opinion that any land included in the Development Plan is needed for a public purpose other than that for which it is included in the development plan, it may make a declaration to that effect in the Official Gazette in the manner provided in section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894). The declaration so published shall, notwithstanding anything contained in the said Act, deemed to be a declaration duly made under the said section.

(2) On the publication of a declaration under sub-section (1) the Government shall proceed to acquire the land and the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) as amended by section 51 of this Act, shall so far as may be, apply to the acquisition of the said land.

(3) In the proceedings under the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Planning Authority shall be deemed to be a person interested in the land acquired and in determining the amount of compensation to be awarded to the Planning Authority, the Government or the Court, as the case may be, may take into consideration the value, if any, paid by the Planning Authority for the acquisition of the said land under section 48 or otherwise and proportionate cost of the development plan, if any, incurred by the Planning Authority and rendered abortive by reason of the variation of the Development Plan on account of such acquisition.

(4) On the land vesting in the Government under section 16 or section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), as the case may be, the Development Plan shall be deemed to have been suitably varied by reason of the acquisition of the land.

Amendment of the Land Acquisition Act, 1894 for the purposes of acquisition

[1][51. Where any land is compulsorily acquired by the Planning Authority for the purposes of development under this Act, the provisions of the Land Acquisition Act, 1894, (Central Act 1 of 1894) shall apply subject to the modifications specified in the Schedule.

Compensation for damage suffered in consequence of delay in making award

51A. (1) Where the Collector has not made an award under section 11 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), in respect of any land within a period of three years from the date of the publication of the declaration under section 6 of that Act or the issue of notification under section 33, as the case may be, the owner of the land shall, unless he has been responsible for the delay to a material extent, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

---

1. Substituted by Act, 15 of 1971, section 5. w.e.f 15-7-1972.

(2) the provisions of Part-Ill of the Land Acquisition Act, 1894 (Central Act 1 of 1894), shall apply, so far as may be, to the determination of the compensation payable under this section].

Disposal of land

52. The immovable property acquired under section 49 for the execution of any development plan shall be disposed of to any person or body (including a department of the Government or the local authority or the Central Government) intending to carry out such development on such land in the manner prescribed by the rules.

CHAPTER --- X

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

Levy of Development Charge

53. (1) Where permission for a change in the use or development of any land or building is granted under Chapter-Vill of this Act in the whole or any part of the planning area, and such change or development is capable of yielding a better income to the owner, the Planning Authority may levy a charge (hereinafter called the Development Charge) not exceeding one-third of the estimated increase in the value of the land or building in the prescribed manner for permitting such change in use or development.

(2) The Development Charge shall be leviable on any person who undertakes or carries out any such development or institutes or changes any such use.

(3) Notwithstanding anything contained in sub-section (1), no Development Charge shall be levied on development or institution of, or change of use of any land vested in or under the control or possession of the Central
Government or the Government.

(4) The Government may, by rules, provide for the exemption from the levy of Development Charge any development or institution or change of any use of any land specified in the rules.

(5) The Development Charge shall not exceed the limit prescribed under the rules from time to time.

Assessment of Development Charge

54. (1) Any person who intends to carry out any development or institute or change any use of any land or building for which permission under the provision of Chapter-VIII of this Act is necessary whether he has applied for such permission or not or who has commenced carrying out any such development or has carried out such development or instituted or changed any such use shall apply to the Planning Authority in the manner prescribed for the assessment of Development Charge payable in respect thereof.

(2) The Planning Authority shall, on such application being made or if no such application is made after serving a notice on the person liable for Development Charge, refer it to the Senior Town Planner for a report.

(3) The Senior Town Planner shall, after making such enquiries as he may deem necessary and after giving a reasonable opportunity of being heard to the person who made an application under sub-section (1), make a report to the Planning Authority.

(4) After taking into consideration the aforesaid report, the Planning Authority shall assess the Development Charge by an order:

Provided that ---

(a) where permission under Chapter-VIII of this Act has not been granted for carrying out the said development, the Planning Authority may postpone the assessment of the Development Charge;

(b) where the application relates to the carrying out of any development, the Planning Authority may refuse to assess the Development Charge payable in respect thereof unless it is satisfied that the applicant has an interest in the land or building sufficient to enable him to carry out such development or that the applicant is able to obtain such interest and that the applicant will carry out the development within such period as the Planning Authority considers appropriate;

(c) where the application relates to the institution or change of any use, the Planning Authority may refuse to assess the amount of Development Charge in respect thereof unless it is satisfied that the use will be instituted within such period as it considers appropriate.

(5) The Planning Authority shall deliver or serve a copy of such order on the applicant or the person liable for the Development Charge.

(6) Such order of assessment subject to provisions of section 55 shall be final and shall not be questioned in any Court.

Appeals against assessment

55. (1) If any person liable for such Development Charge is dissatisfied with the order of assessment, he may, within such time and in such manner as may be prescribed, appeal to the Board.

(2) On an appeal made to the Board under sub-section (1), the Board shall pass such order as it deems fit.

Development Charge to be a charge on land and to be recovered as an arrear of land revenue

56. (1) If any development of land is commenced or carried out or any use is instituted changed without payment of the amount of the Development Charge assessed under the provisions of this Chapter, the amount of Development Charge shall, subject to prior payment of land revenue, if any, be a first charge upon the interest of the person so liable in the land on which development has been commenced or carried out or use has been instituted or changed and also in any other land in which such person has any interest.

(2) The Development Charge or any amount due and recoverable under this Act shall be recoverable as arrears of land revenue.

CHAPTER – XI

FINANCE, ACCOUNTS AND AUDIT

Funds of Planning Authority

57. (1) The Planning Authority shall have and maintain its own fund to which shall be credited, --

(a) all moneys received by the Planning Authority from the Government by way of grants, loans, advances, or otherwise:

(b) all Development Charge or other charges or fees received by the Planning Authority under this Act or rules or regulations thereunder;

(c) all moneys received by the Planning Authority from any other source.

(2) The funds shall be applied towards meeting –

(a) the expenditure incurred in the administration of this Act;

(b) the cost of acquisition of land in the Planning area for the purposes of development;

(c) the expenditure for any development of land in the planning area; and (d) the expenditure for such other purposes as the Government may direct.

(3) The Planning Authority may keep in current account of the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its funds as may

be prescribed by the rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(4) The Government may make such grants, advances and loans to the Planning Authority as it may deem necessary for the performance of the functions under this Act, and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

Budget of the Planning Authority

58. Every Planning Authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Planning Authority in respect of the administration of this Act and shall forward to the Government and the Board, such number of copies thereof as may be prescribed.

Accounts and Audit

59. (1) Every Planning Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts of every Planning Authority shall be subject to audit annually by the Accountant General or any officer authorised by him in this behalf.

(3) The Accountant-General or any person appointed by him in connection with the audit of accounts of the Planning Authority shall have the same right, privilege and authority in connection with such audit as the Accountant-General has in connection with the Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers to inspect the office of the Planning Authority.

(4) The accounts of the Planning Authority as certified by the Accountant- General or any person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Government and the Board.

Annual reports

60. Every Planning Authority shall prepare every year a report of its activities under this Act during that year and submit the report to the Government and the Board in such form on or before such date as may be prescribed.

CHAPTER – XII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Power of entry

61. (1) The Senior Town Planner or any person authorised by the Board or any Planning Authority in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of –

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) setting out boundaries and intended lines of work;

(c) marking such levels, boundaries and lines by placing marks and cutting trenches;

(d) examining works under construction and ascertaining the course of sewers and drains;

(e) digging or boring into the sub-soil;

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations thereunder;

(g)doing any other acts necessary for the efficient administration of this Act:

Provided that ---

(i) in the case of any building used as a dwelling house or upon any enclosed part or garden attached to such a building no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least twenty-four hours notice in writing of the intention to enter;

(ii) sufficient opportunity shall, in every instance, be given to enable women, if any, to withdraw from such land or building;

(iii) due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious feelings of the occupants of the land or building entered.

(2) The power of Senior Town Planner or the Board under sub-section (1) shall extend to the whole of the Union territory and the power of the Planning Authority under sub-section (1) shall extend only to its planning area and such other area which the Government may be directed to be included in a development Plan.

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Service of notices, etc.

62. (1) All documents including notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or rule or regulation, be deemed to be duly served

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government Department, Secretary or the Principal Officer of the local authority, statutory authority, company, corporation, society or any other body at its principal, branch, local or registered office, as the case may be, and is, either

(i) sent by registered post to such office; or (ii) delivered at such office;

(b) where the person to be served with such notice is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either ---

(i) sent by registered post; or

(ii) delivered at the said place of business.

(c) in any other case, if the document is addressed to the person to be served and

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed “the owner” or “the occupier”, as the case may be, of that land or building (naming or describing that land or building) without further name or description and shall be deemed to be duly served

(a) if the document so addressed is sent or delivered in accordance with clause (c) of sub-section (i); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the Secretary to the Board or the Planning Authority or any other officer authorised by the Board or any Planning Authority, in this behalf, may, by notice in writing, require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where a person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known

63. Every public notice given under this Act or rules or regulations made thereunder shall be in writing over the signature of the Secretary to the Board of any Planning Authority or such other officer who may be authorised in this behalf by the Board or any Planning Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper and by any other means which the Secretary of the Board or the Planning Authority thinks fit.

Notice, etc., to fix reasonable time

64. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents of the Board and the Planning Authority

65. All permissions, orders, decisions, notices and other documents of the Board and Planning Authority shall be authenticated by the signature of the Secretary to the Board or the Planning Authority or such other officer as may be authorised by the Board or the Planning Authority in this behalf.

Mode of proof of records of the Board and Planning Authority

66. A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or the Planning Authority, if duly certified by the Secretary to the Board or Planning Authority or any other person authorised by the Board or the Planning Authority in this behalf, shall be received as prima facie evidence of the existence of the entry of document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent as the original entry or document would, if produced, have been admissible to prove such matters.

Restrictions on the summoning of officers and servants of the Board or Planning Authority

67. No Chairman, Secretary, Member, officer or servant of the Board or Planning Authority, shall, in any legal proceedings to which the Board or the Planning Authority is not a party, be required to produce any register or document the contents of which can be proved under section 66 by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless, by order of the court, made for special cause.

Penalty for obstructing contractor or removing mark

68. If any person, ---

(a) obstructs or molests any person engaged or employed by the Board or Planning Authority or any person with whom the Board or Planning Authority has entered into a contract, in the performance or execution by such person of his duty or of anything of which he is empowered or required to do under this Act, or (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

Sanction of prosecution

69. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board of the Planning Authority or any officer authorised by the Board or the Planning Authority in this behalf.

Composition of offences

70. (1) The Board or the Planning Authority or any person authorised in this behalf by general or special order may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded:

Jurisdiction of Courts

71. No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

Fine when realised to be paid to the Planning Authority

72. All fines realised in connection with prosecution under this Act shall be paid to the Planning Authority concerned.

Members and Officers to be public servants

73. Every member and every officer of the Board and Planning Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Protection of action taken in good faith

74. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulations made thereunder.

Finality of orders

75. Save as otherwise expressly provided in this Act, every order passed or direction issued by the Government or Board or notice issued by Planning Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

Validation of acts and proceedings

76. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of, -

(a) the existence of any vacancy in, or any defect in the constitution of, the Board or Planning Authority;

(b) any person having ceased to be a member;

(c) any person associated with Planning Authority under section 15 having voted in contravention of the said section; or

(d) the failure to serve notice on any person where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board and Planning Authority the minutes of the proceedings of which have been duly signed as prescribed in sub-section (4) of section 6 and sub-section (4) of section 14 shall be taken to have been duly convened and to be free from all defects and irregularities.

Returns and informations

77. (1) The Board and Planning Authority shall furnish to the Government such reports, returns and other information as the Government may from time to time, require.

(2) The Planning Authority shall furnish to the Board such reports, returns, and other information as the Board may from time to time, require.

Effect of other laws

78. (1) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(2) Notwithstanding anything contained in any such other law,

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such law for such development has not been obtained.

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the, fact that permission, approval or sanction required under such other law for such development has been obtained.

Power to delegate

79. The Senior Town Planner may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations to any officer of the Government or local authority in such case and subject to such conditions, if any, as may be specified therein.

Control by the Government and the Board

80. (1) The Board and the Planning Authority shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Act and the Planning Authority shall carry out also such directions as may be issued from time to time by the Board for the purpose.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Planning Authority under this Act, any dispute arises between the Planning Authority under this Act, any dispute arises between the Planning Authority, the local authority the Board and the Government, the decision of the Government on such disputes shall be final.

Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the functions and powers of the Board and the Planning Authority;

(b) the term of office and conditions of service of the Chairman, Vice-Chairman, Secretary and other members of the Board and Planning Authority;

(c) the qualification and disqualification for being chosen as, and for being, members of the Board or Planning Authority;

(d) the time and place of holding the meetings of the Planning Authorities and the procedure to be followed;

(e) the functions, powers and duties of the Senior Town Planner;

(f) the manner in which and the purposes for which the Planning Authority may associate with itself any person;

(g) the time within which the Government is to direct modifications in, or to give its consent for the publication of notice of preparation of and approval to, any Development Plan;

(h) the form and content of the Interim Development Plan and the Comprehensive Development Plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form and the manner of publication of the notice relating to such plan;

(i) the periodical amendment of development plans, the period on the expiration of which such an amendment may be taken up, the procedure to be followed in making such amendment;

(j) the form in which any application for permission for development shall be made, the particulars to be furnished in such application and documents and plans which shall accompany such application;

(k) the form of registration of application and the particulars to be contained in such registers;

(1) the manner of filing, and the fees to be paid for and the procedure to be followed in appeals;

(m) the manner in which an acquisition notice is to be served, and claim for compensation to be made, the time within which such claim is to be made and the procedure to be followed for assessment of compensation;

(n) the procedure for the levy of Development Charge and exemption from it on any development or institution or change of any use of any land;

(o) the manner in which the application for the assessment of Development Charge is to be made;

(p) the form of the budget of the Planning Authority, the number of copies that have to be sent to the Board and the Government;

(q) the form of the annual report of the Planning Authority and the date on or before which it shall be submitted to the Board and the Government:

(r) any other matter which has to be or may be prescribed by rules.

(3) All rules made under this Act, shall, as soon as may be after they are made be laid before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and, if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides, that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations

82. The Planning Authority may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

Repeals and savings

83. The corresponding provisions of any law in force in the Union territory of Puducherry or in any area thereof relating to matters covered by this Act shall be deemed to have been repealed with effect from the date on which this Act comes into force, except as respects things done or omitted to be done thereunder before such repeal.

[1][SCHEDULE

(See Section 51)

Modifications to the Land Acquisition Act, 1894

1. In the Land Acquisition Act, 1894 (hereinafter referred to in this Schedule as the said Act), in section 3, after clause (ee), the following clause shall be inserted, namely : -

"(eee) the expression 'local authority' includes the Planning Authority constituted under section 11 of the Puducherry Town and Country Planning Act, 1969".

2. After section 17 of the said Act, the following section shall be inserted, namely: -

"17 A. Transfer of land to Planning Authority. –

In every case referred to in section 16 or in section 17, the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Planning Authority constituted under section 11 of the Puducherry Town and Country Planning Act, 1969; and the land shall thereupon vest in the said Authority subject to the liability to pay any further cost which may be incurred on account of its acquisition".

3. In the said Act, for sections 23 and 24, the following sections shall respectively be substituted, namely:---

"23. Matters to be considered in determining compensation. —

(1) In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the Court shall take into consideration –

first, the market value of the land as on the date of the declaration of the area as a planning area under section 8 of the Puducherry Town and Country Planning Act, 1969;

secondly, the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him;

thirdly, the damage, it any, sustained by the person interested at the time of the possession being taken from him, by reason of severing such land from his other land;

---

1. Schedule inserted by Act, 15 of 1971, section 6, w.e.f 15-7-1972.

---

fourthly, the damage, if any, sustained by the person interested at the time of the possession being taken from him of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings; and

fifthly, if in consequence of the acquisition of the land the person interested is compelled to change his residence or place of business the reasonable expenses, if any, incidental to such change.

(2) In addition to the market value of the land as provided in sub-section (1), the Court shall in every case award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation: -- The Court shall not take into consideration –

first, the degree of urgency which led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of publication of the notice under section 33 of the Puducherry Town and Country Planning Act, 1969 by or in consequence of the use to which it will be put; fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected with the sanction of the local authority after the date of the declaration of the area as a planning area under section 8 of the Puducherry Town and Country Planning Act, 1969;

eighthly, the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the local authority.

ninthly, any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health.].

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 13 OF 1970

Under The French law viz. the Decree of 12th March, 1880, the Mayors are empowered with the approval of the local Government to issue orders regarding building lines, public streets, thoroughfares etc. But these powers are not adequate and in conformity with the present requirements. The Puducherry town and its environs are having a non-planned growth and buildings, factories and workshops have been coming up without any regard for ventilation, sanitary facilities, causing also a problem for public safety and health. Slums have been also developing like mushrooms. At present, there is no local enactment for regulating town planning or for enforcing Zoning or building regulations. Therefore, the present Bill has been prepared on the model Bill sent by the Government of India to provide for planned development and use of rural and urban land in the Union territory of Puducherry.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 15 OF 1971

The Puducherry Town and Country Planning Act, 1969 (No. 13 of 1969) was assented to by the President on 20th May 1970. While communicating the assent, the Government of India pointed out that the section in the Act with respect to the acquisition of the property for the purposes of development plan should be amended in such a way to dispense with notification under section 4 and declaration under section 6 of the Land Acquisition Act, 1894 and to achieve these objects by making suitable references in the provisions of the Act itself. It was also suggested that while determining the amount of compensation, the market value could be fixed as on the date of notification of the Planning area under section 8 of the Act, especially in view of the decision of the Supreme Court (in State of Gujarat Vs. Shanthilal AIR 1969 S.C. 634). Accordingly amendments have been made to sections 8, 18,33 and 51 of the Act. The other provisions of the Land Acquisition Act are also made applicable with such modifications referred to in the Schedule to the Act.

The Bill thus seeks to achieve the objects stated above.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 10 OF 1981

The Puducherry Town and Country Planning Act, 1969 (No. 13 of 1970) in sub-section (2) of section 11, as originally enacted specified the members to be appointed on every Planning Authority constituted under sub-section (1) of the said section. The said sub-section (2) was amended by section 132 of the Puducherry Housing Board Act, 1973 (No. 7 of 1974) which states that the Chairman and members of the Housing Board constituited under section 3 of the said Act will be the Chairman and members of every Planning Authority. As this provision is not found to be helpful to achieve the objects of the Puducherry Town and Country Planning Act, it is felt necessary to further amend sub-section (2) of section 11 of the said Act enabling appointment of Chairman and members of every Planning Authority independent of the Chairman and members of the Puducherry Housing Board.

The Bill seeks to achieve the above object.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 3 OF 2009

Section 4 of the Act provides for the term of office and conditions of service of the Chairman and members of the Board. Sub-section (2) of section 4 provides that the Chairman and the other members of the Board shall be entitled to receive travelling allowances as may be fixed by the Government. Now, in view of the specific provision of sub-section (2) of section 4

and in view of the fact that the Minister in-charge of Town and Country Planning has been statutorily nominated as the Chairman of the Board, it has become necessary to declare by law that no person shall be disqualified for being chosen as or for being a member of the Legislative Assembly by virtue only of the fact that he is a Chairman or a member of the Board.

For the said purpose, a new section 4A is proposed to be incorporated in the Act to meet the above-mentioned requirements.

The Bill seeks to achieve the above objects.

———