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EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 28th July, 2026/Sravana 6, 1948 (Saka)

THE LAKSHADWEEP TOWN AND COUNTRY PLANNING AND
DEVELOPMENT REGULATION, 2026

No. 8 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to provide for the sustainable, orderly and progressive development of land, to preserve and improve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land and development of land for planning, so as to secure good governance, prevent ecological damage, promote tourism and provide proper sanitary conditions, and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep Town and Country Planning and Development Regulation, 2026.

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

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(1) “accommodation reservation” means the grant of permission by the Government to the owner of a land, that is required for public amenity specified in Master Plan or Regional Plan by the Planning and Development Authority or local authority, as the case may be, to use the potential of such land in the form of built-up space guided by permissible Floor Area Ratio, in addition to the built-up space required for such amenity, *in lieu* of payment of compensation for such land and amenity transferred in favour of such authority;

(2) “Administrator” means the Administrator of the Union territory of Lakshadweep appointed by the President under article 239 of the Constitution;

(3) “agriculture” includes—

(i) horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees;

(ii) any kind of cultivation of soil;

(iii) breeding and keeping of livestock including cattle, horses, fish, poultry and bees; and

(iv) the use of land which is ancillary to the farming of land or any other agricultural purposes,

but does not include the use of any land attached to a building for the purposes of garden to be used along with such building; and the expression “agricultural” shall be construed accordingly;

(4) “amenities” include the utilities such as roads, streets, open spaces, parks, recreational grounds, playgrounds, supply of water and electricity, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;

(5) “Board” means the Lakshadweep Planning and Development Board constituted under section 4;

(6) “building operation” includes—

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

(ii) roofing or re-roofing of a building or any part of a building, or an open space; or

(iii) any material alteration or enlargement of a building; or

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

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

(7) “Chief Town Planner” means the Chief Town Planner appointed under section 3;

(8) “commerce” means the carrying on of any trade, business or profession, sale or exchange of goods of any type, and includes the running of—

(i) hospitals or nursing homes exceeding twenty-five beds; and

(ii) hotels, restaurants and boarding houses not attached to educational institutions,

with a view to making profit, and the expression “commercial” shall be construed accordingly;

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

(10) “development” with its grammatical variations and cognate expressions, means the carrying out of building operation or engineering operation 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 the sub-division of any land;

(11) “engineering operation” includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

(12) “Government” means the Union territory Administration of Lakshadweep, headed by the Administrator;

(13) “industrial use” includes the use of any land or building or part thereof for the purposes of any industry;

(14) “industry” includes the carrying on of any manufacturing process as defined in the Occupational Safety, Health and Working Conditions Code, 2020, and the expression “industrial” shall be construed accordingly;

(15) “land” includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(16) “land pooling or readjustment” is a technique for managing the planned development of rural or urban lands, whereby a Government agency consolidates a selected group of land parcels and then designs, services and sub-divides them into a layout of streets, open spaces and serviced building plots, with the sale of some of the plots for cost recovery and the distribution of the remaining plots back to the land owners to develop or to sell for development;

(17) “land use” means the major use to which a plot of land is being used on any specified date;

(18) “local authority” means a Gram Panchayat constituted under the Lakshadweep Panchayat Regulation, 2022;

(19) “local newspaper” in relation to any planning area, means any newspaper published or circulated within that area;

(20) “Master Plan” means a Master Plan prepared in accordance with the provisions of Chapter VI;

(21) “notification” means a notification published in the Official Gazette of Lakshadweep and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly;

(22) “occupier” includes—

(i) a tenant; or

(ii) an owner in occupation of, or otherwise using his land or building or part thereof; or

(iii) a rent-free occupant of any land or building or part thereof; or

(iv) a licensee in occupation of any land or building or part thereof; or

37 of 2020.

Reg.5 of 2022.

(v) any person who is liable to pay damages to the owner for the use and occupation of any land or building or part thereof;

(23) “owner”, in relation to any property, includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager, or receiver for another person, or for any religious or charitable purpose, the rents or profits of such property;

(24) “Planning and Development Authority” means any Planning and Development Authority constituted under section 24;

(25) “planning area” means any area declared to be a planning area under section 22;

(26) “plot” means a continuous portion of land held in single or joint ownership, other than land used, allotted, earmarked or reserved for any street, pathway, public purpose or public utility;

(27) “prescribed” means prescribed by rules made under this Regulation;

(28) “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 fees or not;

(29) “reconstituted plot” means a plot which is altered either in ownership or in any other manner by a town planning scheme;

(30) “Regional Plan” means a plan prepared for the whole of the Union territory in accordance with the provisions of Chapter III;

(31) “relocation of population”, in relation to an area of land which is either eco-fragile area or needs to be conserved for preservation of natural ecosystem, means making available 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 so that the said area may be protected, without prejudice to the right to property;

(32) “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 the expression “residential” shall be construed accordingly;

(33) “town planning scheme” means a development or re-development scheme at the sub-city level and includes a design, plan or plans, together with description, if any, relating to such scheme, prepared in accordance with the provisions of Chapter VIII;

(34) “transferable development right” means a right to transfer the potential of a land required for public purpose by the Planning and Development Authority or a local authority, as the case may be, expressed in terms of total permissible built-up area, for utilisation by the owner himself or transfer by him to any other person, from the present location to a specified area, as additional built-up space over and above the permissible limit in that area *in lieu* of the payment of compensation for such land;

(35) “transferable development right for posterity” means the right to sell, transfer or surrender the development right or potential of land zoned as agricultural land or land in other areas, such as, heritage site, water body, farm land falling under the Coastal Regulation Zone to alternate sites as identified in the Master Plan or Regional Plan; and

(36) “Union territory” means the Union territory of Lakshadweep.

CHAPTER II

CHIEF TOWN PLANNER AND LAKSHADWEEP PLANNING AND DEVELOPMENT BOARD

3. The Administrator shall, by notification, appoint a Chief Town Planner possessing such qualifications in town and country planning, as may be prescribed.

Appointment of
Chief Town
Planner.

4. (1) The Government shall, by notification, constitute for the Union territory, a Board to be called the Lakshadweep Planning and Development Board.

Constitution of
Lakshadweep
Planning and
Development
Board.

(2) The Board shall consist of the following members, namely:—

(a) Administrator of Union territory of Lakshadweep—Chairperson, *ex officio*;

(b) Advisor to the Administrator—Vice-chairperson, *ex officio*;

(c) Secretary to the Department of Town and Country Planning—Member, *ex officio*;

(d) Secretary to the Department of Panchayat—Member, *ex officio*;

(e) Secretary to the Department of Planning and Statistics—Member, *ex officio*;

(f) Secretary to the Department of Industry—Member, *ex officio*;

(g) Secretary, Public Works Department—Member, *ex officio*;

(h) Secretary, Forests Department—Member, *ex officio*;

(i) Director, Department of Agriculture—Member, *ex officio*;

(j) Director, Department of Tourism—Member, *ex officio*;

(k) Director, Department of Transport—Member, *ex officio*;

(l) Director, Department of Health Services—Member, *ex officio*;

(m) Director, Department of Planning and Statistics—Member, *ex officio*;

(n) Director, Department of Fisheries—Member, *ex officio*;

(o) one person of the District Panchayat to be elected by the Members thereof—Member;

(p) three officers, not below the rank of Deputy Secretary, to be nominated by the Central Government to represent the Ministry of Defence, the Ministry of Environment, Forests and Climate Change and the Ministry of Housing and Urban Affairs—Members, *ex officio*;

(q) two experts having special knowledge and practical experience in any field relevant to planning and development to be co-opted by the Members specified in clauses (a) to (p)—Members; and

(r) the Chief Town Planner—Member Secretary, *ex officio*.

5. The term of office of the Members of the Board referred to in clauses (o) and (q) of sub-section (2) of section 4, the manner of filling casual vacancies among them and the allowances payable to them for attending the meetings of the Board shall be such, as may be prescribed.

Term of office,
allowances, etc.,
of Members of
Board.

Resignation by
Member.

6. Any Member of the Board referred to in clauses (o) and (q) of sub-section (2) of section 4 may resign his office by giving one month notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a Member.

Meetings of
Board.

7. The Board shall meet at such times and places as it may think fit and observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

Functions and
powers of
Board.

8. (1) Subject to the provisions of this Regulation and the rules made thereunder, the functions of the Board shall be to guide and direct the Planning and Development Authorities, to advise the Government in matters relating to the planning, development and use of land in the Union territory, and to perform such other functions as the Government may, from time to time, assign to the Board.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Board may, and shall if required by the Government so to do,—

(a) direct the preparation of Master Plans by the Planning and Development Authorities;

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

(c) co-ordinate and advise on the planning and implementation of physical development programmes within the Union territory;

(d) prepare and furnish reports relating to the working of this Regulation;

(e) direct preparation of Regional Plan, Master Plan, town planning schemes and land pooling schemes for green field area and local area plans for redevelopment of brown field areas;

(f) ensure that the economic vision exercise is undertaken at the Regional Plan level and at the Master Plan level;

(g) ensure that the economic visioning and Regional Plan are consistent with one another and compatible in terms of time and planning horizon;

(h) ensure spatial budgeting on a Geographic Information System (GIS) platform is undertaken by the planning and development authorities to monitor implementation of plans on half yearly and annual basis;

(i) ensure synchronisation of the fiscal budget with all levels of spatial planning over plan implementation period;

(j) ensure that the Master Plan, town planning scheme or local area plan does not exceed the carrying capacities of the said area in the horizon period and such carrying capacity studies may be directed to be undertaken by institutions of national or international repute;

(k) ensure appropriate planning of infrastructure and waste management suitable for islands are undertaken;

(l) annually review the impacts and results of the Regional Plan and Master Plan through a list of key performance indicators as may be identified during the planning phase, which may include—

(i) land use compliance;

(ii) completion of transportation, utility and public facility developments;

(iii) implementation of environmental conservation measures; and

(iv) budget performance and optimum utilisation of resources; and

(m) perform such other functions, as may be prescribed, which are incidental, supplemental or consequential to any of the aforementioned functions.

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

CHAPTER III

REGIONAL PLANS

9. (1) The Government may, by order, direct the Chief Town Planner to prepare Regional Plans for whole or part of the Union territory and the period within which such Regional Plans may be prepared shall be specified in such order.

Power to direct preparation of Regional Plans.

(2) The Government may, by order, also withdraw, amend or modify a Regional Plan.

10. (1) Subject to the provisions of this Regulation and rules made thereunder, the Chief Town Planner shall, after carrying out such surveys as may be necessary on the physical, social and economic conditions and potentialities of an area in respect of which a Regional Plan referred to in section 9 is to be prepared, prepare a Regional Plan for such area, together with a report explaining the various aspects of development proposed in such plan.

Preparation of Regional Plans.

(2) The Regional Plan may be prepared for a horizon period of twenty years, and may be reviewed every ten years, and revised if required.

11. (1) Subject to the provisions of this Regulation and the rules made thereunder, the objective of a Regional Plan shall be to indicate—

Contents of Regional Plan.

(a) the stages by which development may be carried out;

(b) the network of transport and communication lines;

(c) the proposals for conservation and development of natural resources; and

(d) such other matters as may have an influence on the development of the concerned area.

(2) In particular, and without prejudice to the generality of the foregoing provisions, a Regional Plan may provide for all or any of the following matters, namely:—

(a) integrated planning for rural and urban areas, earmarking areas for low and high density development and indication of urbanisable areas, if any;

(b) economic vision including the existing and potential growth drivers of the Union territory or part thereof, their competitiveness for future and enabling conditions for growth;

(c) regional transport and logistics plan including island with mainland and intra-islands;

(d) access of goods and people to major tourist destinations and beaches, tourism circuits and their surrounding with their annual footfalls;

(e) the plan shall be based upon a detailed study on corals undertaken by an institute of national or international repute so that any transportation channel that leads to destruction of corals is avoided;

(f) broad demarcation and listing of permitted and non-permitted activities—

(i) in protected or sensitive areas like coastal regulation zones, environmentally sensitive areas, Protected Areas including national parks, wildlife sanctuaries, important birding sites, etc.; and

(ii) in key tourism endowments that are essential to sustain long term tourism, such as, beaches, lagoons, reefs, creeks, etc.;

(g) measures and strategies for rejuvenation and prevention of further decay of coral reefs experiencing bleaching events and prevent the exploitation of coral reefs for construction or other anthropogenic purposes;

(h) measures and strategies for prevention of polluted areas and beach stretches that need retrofitting and rejuvenation; and

(i) fishing sites and proposals pertaining to future fishing zones that do not harm the coral reefs.

Board to
consider
Regional Plan.

12. The Chief Town Planner shall refer the Regional Plan prepared under section 10 to the Board for its consideration and may make such modifications in the Regional Plan as may be necessary on the basis of such recommendations as may be made by the Board.

Public notice of
Regional Plan.

13. (1) The Chief Town Planner shall notify the Regional Plan as modified under section 12, in the Official Gazette, on the website of the Lakshadweep Planning and Development Board and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing from the public on it within such period as may be specified in the notification:

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

(2) After the expiry of the period mentioned in sub-section (1), the Chief Town Planner shall refer the comments received from the public to the Board for its consideration.

(3) The Chief Town Planner may, if necessary, revise the Regional Plan and the report in the light of any modifications suggested by the Board and submit them to the Government together with the comments received from the public on such Regional Plan for approval.

Approval by
Government.

14. (1) The Government may, within such period as may be prescribed, either approve the Regional Plan as submitted to it under sub-section (3) of section 13, or may approve the said plan with such modifications as it may consider necessary, or may return the said plan to the Chief Town Planner with instructions either to modify the plan or to prepare a fresh Regional Plan in accordance with such directions as the Government may issue in this behalf.

(2) Where a fresh Regional Plan is required to be prepared under sub-section (1), the provisions of sections 10 to 14 shall, as far as may be, apply to the preparation and approval of such plan.

Publication of
Regional Plan.

15. The Chief Town Planner shall notify the Regional Plan as approved by the Government in the Official Gazette, on the website of the Lakshadweep Planning and Development Board and also publish in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected.

16. On and from the date of publication of the Regional Plan under section 15 for an area, all development programmes undertaken within that area by any private institution or by any other person shall conform to the provisions of such Regional Plan:

Effect of
Regional Plan.

Provided that any public projects or schemes or development works, undertaken by the Central Government or the Government, shall be in conformity with the applicable rules made or procedures laid down by the Central Government or the Government for such projects, schemes or development works.

17. (1) No person shall undertake any work or development in contravention of any of the provisions of the Regional Plan in force, except in case of any project or scheme or development work undertaken by the Central Government or the Government, either by itself or through its servant or agent or any other person.

Development to
conform to
Regional Plan.

(2) Whoever contravenes the provisions of sub-section (1), shall be liable to a penalty which may extend to fifty thousand rupees.

18. The Chief Town Planner may, after the Regional Plan comes into operation, with the prior approval of the Government, by notification, make such changes in such Regional Plan as may be necessary for correcting any typographical or cartographical errors.

Making of minor
changes in
Regional Plan.

19. (1) A Regional Plan shall be reviewed after every ten years and shall be revised at least every twenty years.

Revision of
Regional Plan.

(2) If the Government, at any time after notification of a Regional Plan under section 15, is of the opinion that a revision of such Regional Plan is necessary, it may direct the Chief Town Planner to undertake the revision of that Regional Plan and thereupon the provisions of this Chapter relating to the preparation of Regional Plan shall, as far as may be, apply to the revision of the Regional Plan under this section.

20. (1) No person shall—

(a) mine corals for use as construction material; or

(b) dump any solid or liquid waste on beaches or in their vicinity.

(2) Whoever contravenes the provisions of sub-section (1) or abets such contravention, and—

(a) where such contravention relates to the mining of corals for use as construction material, he shall be dealt with in accordance with the provisions of the Wild Life (Protection) Act, 1972; and

(b) where such contravention relates to the dumping of any solid or liquid waste on beaches or in their vicinity, he shall be liable to a penalty which may extend to five thousand rupees.

Prohibition of
mining of corals
for use as
construction
material and
dumping of solid
and liquid waste
on beaches and
in their vicinity.

21. (1) Notwithstanding anything contained in section 19, if, at any time after a revised Regional Plan is notified (herein referred to as the revised Regional Plan), the Government is of the opinion that such revised Regional Plan is required to be withdrawn, the Government may direct the Chief Town Planner to withdraw the operation of the revised Regional Plan in its entirety or in part, as the case may be, from such date, as the Government appoints, and undertake the revision of the Regional Plan as existing immediately before the revised Regional Plan (herein referred to as the existing Regional Plan), in its entirety or in part, as the case may be, and thereupon the provisions of this Chapter relating to preparation of the Regional Plan shall, as far as may be, apply to the revision of the existing Regional Plan under this section.

Withdrawal of
revised Regional
Plan.

(2) For the purposes of sub-section (1), any land use as per the existing Regional Plan shall be accepted and any future modification shall conform to the Regional Plan as may be revised.

(3) The Chief Town Planner shall withdraw the operation of the revised Regional Plan in entirety or in part, as the case may be, by notification, from such date as may be appointed by the Government under sub-section (1), and publish the said notification in two local newspapers.

(4) On and from the date of withdrawal of the revised Regional Plan under sub-section (3), all development programmes undertaken by any Department of the Government, or by any public or private institutions, or by any other person, shall conform to the provisions of the existing Regional Plan.

CHAPTER IV

DECLARATION OF PLANNING AREAS AND CONSTITUTION OF PLANNING AND DEVELOPMENT AUTHORITIES

Declaration of planning areas, their amalgamation, sub-division, etc.

22. (1) The Government may, by notification, declare any area to be a planning area for the purposes of this Regulation, and on such declaration, this Regulation shall apply to such area:

Provided that no defence area (cantonment area) or part thereof shall be included in such planning area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which the notification relates.

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

(4) The Government may, by notification, direct that all or any of the rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred and in force in any planning area at the time of amalgamation, sub-division or inclusion under sub-section (3), shall apply to the planning area or areas as so amalgamated or sub-divided or included, with such exceptions, adaptation or modifications as may be specified in the notification, and thereupon such rules, regulations, bye-laws, notifications, orders, directions and powers shall apply to such planning area or areas without further publication.

(5) Where planning areas are amalgamated or sub-divided, or such sub-divided areas are included in any other planning area, the Government shall, after consulting the Board and the Planning and Development Authorities concerned, frame a scheme determining the portion or portions of the balance of the fund of the Planning and Development Authorities, which shall vest in the Planning and Development Authorities concerned and specify the manner in which the properties and liabilities of the Planning and Development Authorities shall be apportioned amongst them; and on the scheme being notified, the fund, property and liabilities shall vest and be apportioned accordingly.

Power to withdraw planning area from operation of Regulation.

23. (1) The Government may, if it is of opinion that it is necessary so to do in the public interest, by notification, withdraw from the operation of this Regulation the whole or part of any planning area.

(2) Where a notification is issued under sub-section (1) in respect of any planning area or part thereof,—

(a) the provisions of this Regulation and all rules, bye-laws, notifications, orders, directions and powers made, issued or conferred under it, shall cease to apply to the said area or part and the Planning and Development Authority, if any, constituted under this Regulation, shall cease to have jurisdiction in respect of the said area or part, as the case may be; but where any Planning and Development Authority has been constituted exclusively for such area or part, such Authority shall, on the date of such notification stand dissolved; and

(b) the Government shall, after consulting the Board, the Planning and Development Authority and the local authority or authorities concerned, frame a scheme determining the portion or portions of the balance of the fund of the Planning and Development Authority concerned which shall vest in the Government and in the local authority or authorities concerned, and specify the manner in which the properties and liabilities of the Planning and Development Authority shall be apportioned between the Government and such local authority or authorities, and on the scheme being notified, the fund, property and liabilities of the Planning and Development Authority shall vest and be apportioned accordingly.

24. (1) As soon as may be, after the declaration of the planning area, the Government may, in consultation with the Board, by notification, constitute in respect of that area a Planning and Development Authority for the purpose of performing the functions assigned to the Planning and Development Authorities under this Regulation.

Constitution of
Planning and
Development
Authority.

(2) Every Planning and Development Authority constituted under sub-section (1) 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.

(3) Every Planning and Development Authority constituted under sub-section (1) shall consist of the following, namely:—

(a) a chairperson to be appointed by the Administrator;

(b) one member, who shall be the Chief Executive Officer of District Panchayat representing a planning area, *ex officio*;

(c) one member secretary, who shall be the Town Planning Officer to be appointed by the Administrator, in consultation with the Chief Town Planner;

(d) the following members, who shall be representatives of local authorities, namely:—

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

(ii) in the case of a planning area in which two or more local authorities have jurisdiction, representatives of such local authorities, as the Administrator may consider necessary to be represented; and

(e) two members, who shall be experts having special knowledge and practical experience in matters relating to town and country planning and related fields who shall be co-opted by the chairperson and members referred to in clauses (a), (b) and (d).

(4) The Government may, if it thinks fit, appoint one of the members of the Planning and Development Authority as its Vice-chairperson.

(5) The Government may, in consultation with the Board, appoint any local authority as the Planning and Development Authority for the area comprised within the local limits of the jurisdiction of such local authority and for such other contiguous or adjacent area or areas as the Government may declare as a planning area under section 22.

(6) Where a local authority is appointed as a Planning and Development Authority under sub-section (5), the provisions of sub-section (3) and sections 25, 27 and 28 shall not apply, and the provisions of the Regulation by which such local authority is constituted shall continue to apply to it in respect of matters covered by the said sections.

(7) A local authority appointed as a Planning and Development Authority under sub-section (5) shall, for the purpose of performing the functions of a Planning and Development Authority under this Regulation, constitute a Planning Committee consisting of the following members, namely:—

(a) a chairperson to be appointed by the Administrator;

(b) five members, two of whom shall be the members of the local authorities functioning in the development area, having such qualifications as may be prescribed, to be nominated by the Government in consultation with the Board; and

(c) the Town Planning Officer, who shall be the member secretary to the Committee.

(8) Every Planning Committee constituted by a local authority under sub-section (7) shall have the same status and powers of a Standing Committee appointed by the local authority by the Regulation under which such local authority is constituted and the terms and conditions of the members of the Committee shall be such as may be prescribed.

25. (1) The term of office and the conditions of service of the chairperson and members of a Planning and Development Authority (other than the Town Planning Officer) shall be such as may be prescribed.

(2) The chairperson or any member of a Planning and Development Authority (other than the Town Planning Officer) may resign his office by giving one month notice in writing to the Government and on such resignation being accepted, he shall cease to be such chairperson or member.

(3) Any vacancy in the membership of a Planning and Development Authority shall be filled by fresh appointment by the Government, or by nomination by the local authority concerned, as the case may be, provided that the member appointed or nominated shall hold office only for so long as the member in whose place he is appointed or nominated would have held office if the vacancy had not occurred.

26. (1) The functions of every Planning and Development Authority shall, subject to the provisions of this Regulation, the rules made thereunder and any direction which the Government may issue, shall be—

(a) to prepare an existing Land Use Map;

(b) to prepare a Master Plan for an island or islands;

(c) to prepare Town Planning Schemes or Local Area Plans;

(d) to prepare and specify the uses of land within its area;

(e) to prepare schemes of development and undertake their implementation;

Term of office and conditions of service of chairperson and members of Planning and Development Authority.

Functions and powers of Planning and Development Authorities.

(f) to prepare comprehensive mobility plan;

(g) to prepare basis of Coastal Management Plan, which shall detail local area plans of beaches or economic activities along the beaches and may be projected and proposed under the Master Plan;

(h) to ensure community participation in the process of plan formulation and implementation through conducting focused group discussions with local citizens, and business enterprises by publishing reports in local languages so that community can understand and participate in development pro-actively;

(i) to undertake carrying capacity studies based on which resident and floating population including tourist population and make an estimate of the infrastructure required for the same;

(j) to monitor unauthorised constructions through drone surveys and map the same in Geographic Information System (GIS) platform of the island, and for these purposes, it may carry out or cause to be carried out, surveys of the planning area and prepare report or reports of such surveys, and to perform such other functions, as may be prescribed.

(2) The Planning and Development Authority shall have the power to adjudicate and impose penalties with respect to this Regulation, except clause (a) of sub-section (1) of section 20.

27. (1) Every Planning and Development Authority shall meet at such times and at such places, and shall subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure, as may be prescribed, in regard to the regulation of business at its meetings.

Meetings of
Planning and
Development
Authority.

(2) The chairperson, or in his absence, the vice-chairperson, if any, or in the absence of the chairperson and vice-chairperson, any member chosen by the members present from amongst themselves, shall preside at a meeting of the Planning and Development Authority.

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

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

28. (1) Subject to such control and restrictions, as may be prescribed, every Planning and Development Authority may appoint such number of officers and staff as may be necessary for the efficient performance of its functions and may determine their designation and grades with the approval of the Administrator.

Staff of Planning
and
Development
Authority.

(2) The officers and staff of every Planning and Development Authority shall be entitled to receive such salaries and allowances and shall be governed by such terms and conditions of service, as may be prescribed.

CHAPTER V

PRESENT LAND USE

29. (1) Every Planning and Development Authority shall, as soon as may be, and not later than six months from the date of its constitution, or within such further period as the Government may from time to time extend, prepare a land use map (hereafter in this Chapter referred to as the map) and a land use register (hereafter in this Chapter referred to as the register) in such form as may be prescribed, indicating the present use of every piece of land in the planning area:

Preparation of
map and register
showing present
land use.

Provided that where a local authority has been appointed as Planning and Development Authority for any planning area and such local authority has prepared a map or a register, or both, in respect of the said area before such constitution, the map or the register so prepared shall be deemed to be a map or register, respectively, for the purposes of this section.

(2) The monitoring and updation of land use shall be undertaken at least every five years or even more frequently in case of rapidly developing areas.

(3) The Planning and Development Authority shall update the existing land use maps, preferably using appropriate latest technology, such as, Geographic Information System (GIS), remote sensing and drone surveys to monitor the land use.

30. (1) After the preparation of the map and register under section 29, the Planning and Development Authority shall publish a public notice stating that such map and register has been prepared, and indicating therein the place or places where copies of that map or register, or both may be inspected, and inviting objections in writing from any person with respect to the map and the register.

(2) Objections, if any, with reference to any map or register shall be communicated to the Planning and Development Authority within thirty days from the date of publication of the notice referred to in sub-section (1).

(3) After the expiry of the period mentioned in sub-section (2), the Town Planning Officer of the Planning and Development Authority or a Committee appointed by it for the purpose shall, after giving a reasonable opportunity of being heard to all the persons who have sent in their objections, make a report to the Planning and Development Authority.

(4) The Planning and Development Authority shall consider the report made under sub-section (3) and may make such modifications in the map or register, or both, as it considers proper and adopt the map and the register by means of a resolution.

(5) As soon as may be, after the adoption of the map and the register under sub-section (4), the Planning and Development Authority shall publish the notice of the adoption of the map and the register and of the place or places where copies of the same may be inspected and shall submit copies of such map and the register to the Board and the Government.

(6) A copy of the public notice referred to in sub-section (5) shall also be published in the Official Gazette and such publication shall be the conclusive proof that the map and register have been duly prepared and adopted.

31. (1) Where a map and a register are to be prepared under this Regulation, then,—

(a) if within the period specified in sub-section (1) of section 29 or within such further period as the Government may specify, no map or register has been prepared; or

(b) if at any time, the Government is satisfied that the Planning and Development Authority is not taking necessary steps to prepare the map or register within that period, or if the Government is of the opinion that such a map or register is needed to be prepared by the Chief Town Planner,

the Government may direct the Chief Town Planner to prepare the map and register.

(2) The Chief Town Planner shall, after the preparation of the map and register, submit the same to the Board, and the Board shall, for the purpose of adopting the map and register so prepared, follow the procedure and exercise the powers of a Planning and Development Authority specified in section 30.

Notice of
preparation of
map and
register.

Power of
Government to
prepare map and
register.

(3) Any expenses incurred under this section in connection with the preparation and publication of a map and register in respect of a planning area shall be met by the concerned Planning and Development Authority.

CHAPTER VI

PREPARATION OF MASTER PLANS

32. Every Planning and Development Authority shall, as soon as may be, and not later than one year from the date of its constitution, as the case may be, prepare after consultation with the local authority or authorities concerned, if any, a Master Plan for the planning area within its jurisdiction and submit it to the Government through the Board for provisional approval:

Preparation of Master Plan.

Provided that on an application made by the Planning and Development Authority, the Government may, by order, extend the said period by such further period or periods as it thinks fit.

33. (1) A Master Plan shall—

Contents of Master Plan.

(a) indicate, define and provide for—

(i) areas to be reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens, and other recreational uses, green belts and natural reserves and reserves and area for redevelopment, area for Town Planning Scheme, Land Pooling Scheme and Local Area Plan;

(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) areas reserved for public buildings and institutions and for new civic development;

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

(vii) amenities, services and utilities;

(viii) Economic Visioning Plan delineating strategies to promote economic growth and identification of areas for commercial, industrial and mixed-use development;

(ix) detailed Coastal Zone Management Plan or Integrated Island Management Plan prepared under the Island Protection Zone or Island Coastal Regulation Zone notifications issued by the Ministry of Environment, Forest and Climate Change from time to time;

(x) urban and rural sanitation plan;

(xi) intra and inter-island logistics plan;

(xii) comprehensive mobility plan for the Union territory highlighting the intra and inter-island transportation network requirements;

(xiii) Sustainable Tourism Plan balancing economic benefits and environmental and cultural preservation following the National Strategy for Sustainable Tourism, 2022 by the Ministry of Tourism in the Government of India;

(xiv) the blue-green spaces and water management plan; and

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

(b) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, size of yards, courts and other open spaces and the use of buildings, structures and land (which shall meet the criteria of the Union territory characterised by low elevations, with maximum elevation ranging from four to six metres above Mean Sea Level), atolls, reefs, etc., and detailed soil and geo-technical investigations shall be undertaken by the Planning and Development Authorities to avoid adhocism in zoning regulations and to ensure safety;

(c) indicate the stages by which the proposals are intended to be carried out, together with the financial implications of each stage;

(d) obtain all statutory clearances, wherever applicable, under the respective enactments and the rules, regulations, notifications or orders made thereunder, including the Wild Life (Protection) Act, 1972, the *Van (Sanrakshan Evam Samvardhan) Adhiniyam*, 1980, the Environment (Protection) Act, 1986, and the coastal regulation or island protection notifications issued thereunder from time to time, and ensure that any development in the Lakshadweep Islands is carried out in accordance with the approved Integrated Island Management Plan applicable to the respective island.

53 of 1972.
69 of 1980.
29 of 1986.

(2) The Master Plan may—

(a) indicate, define and provide for—

(i) all such matters including planning standards, gross and new density and such guiding principles as the Planning and Development Authority may consider expedient to be indicated, defined and provided for in the Master Plan;

(ii) detailed development of specific areas for housing, shopping centers, industrial areas, civic centers, educational and cultural institutions;

(iii) control of architectural features, elevation and frontage of buildings and structures; and

(iv) a five year development programme within the stages indicated in clause (d) of sub-section (1);

(b) designate, any land as a land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for any of the following purposes, namely:—

(i) the Union territory or the Government, or for any local authority or other authority established by law and public utility concerns; or

(ii) dealing satisfactorily with slum areas and for re-location of population; or

(iii) providing for open spaces, parks and playgrounds; or

(iv) securing the use of the land in the manner specified in the Master Plan; or

(v) any of the matters referred to in clause (a); and

(c) indicate and provide proposal for transferable development right, transferable development right for posterity, accommodation reservation, land pooling scheme (LPS) or any other similar technique for promoting planned development.

(3) Subject to such rules as may be made for regulating the form and contents of a Master Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals included in that plan.

34. (1) If a Master Plan is not prepared, published and submitted to the Government by a Planning and Development Authority within the period specified in section 32, as the case may be, or within the period extended under the proviso to the said section, or if the Government is of the opinion that such a plan is needed to be prepared by the Chief Town Planner, the Government may authorise the Chief Town Planner to prepare such plan and direct the cost thereof to be recovered from the Planning and Development Authority concerned out of its funds.

Power of Government to prepare Master Plan.

(2) The Chief Town Planner shall, if so authorised under sub-section (1), prepare the Master Plan and submit it to the Board and the Board shall follow in respect of the plan so prepared such procedure and exercise such powers as a Planning and Development Authority would follow or exercise in respect of a Master Plan prepared by it.

35. (1) As soon as may be, after a Master Plan has been submitted to the Government, but not later than the time specified in this behalf, the Government may direct the Planning and Development Authority to make such modifications in the Master Plan as it thinks fit and thereupon the Planning and Development Authority shall make such modifications.

Approval of Government to publication of notice of preparation of Master Plan.

(2) The Government shall, after the modifications, as directed by it have been made, give its approval to the publication of the notice of preparation of a Master Plan under section 36.

36. (1) As soon as may be, after the approval of the Government is obtained under section 35, the Planning and Development Authority shall notify the Master Plan and also publish it in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected, and inviting objections in writing to the Master Plan within such period as may be specified in the notice:

Public notice of preparation of Master Plan.

Provided that such period shall not be less than two months from the date of publication of such notification.

(2) After the expiry of the period specified in the notification issued under sub-section (1), the Planning and Development Authority shall appoint a Committee consisting of the Town Planning Officer and not more than two of its other members, to consider the objections received under sub-section (1) and to report within such time as the Planning and Development Authority may fix in this behalf, with regard to the merits or otherwise of the objections.

(3) The Committee appointed under sub-section (2) shall have the power to co-opt any other person and any person so co-opted shall have a right to take part in the meetings of the Committee, but shall not have a right to vote.

(4) The Committee so appointed shall afford a reasonable opportunity of being heard to any person, including representatives of Government Departments or local authorities, who have submitted any objection and who have made requests for being so heard.

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

Approval by
Government.

37. As soon as may be, after the submission of the Master Plan under sub-section (5) of section 36, but not later than the time prescribed therein, the Government may, after consulting the Board, either approve the Master Plan, or approve it with such alterations or modifications as it may consider necessary, or may return the Master Plan to the Planning and Development Authority to alter or 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
Master Plan.

38. (1) The Planning and Development Authority shall, immediately after the Master Plan has been approved by the Government, publish by notification, and also in one or more local newspapers, of the approval of the Master Plan, indicating therein the place or places where copies of the Master Plan may be inspected.

(2) The Master Plan shall come into operation from the date of publication of the notification under sub-section (1).

Appeal.

39. (1) Any person aggrieved by any provisions contained in the Master Plan may make an application within one month of the coming into operation of such Master Plan, to the District Court questioning the validity of the Master Plan, or any of its provisions on the following grounds, namely:—

(a) that it is not within the powers conferred by this Regulation; or

(b) that any requirement of this Regulation or of any rules made thereunder had not been complied with in relation to the making of such Master Plan.

(2) The District Court, after giving an opportunity of being heard to the applicant, Planning and Development Authority concerned, Board and Government may—

(a) stay, until the final determination of the proceedings, the operation of the Master Plan or the provisions contained therein, in so far as it affects any property of the applicant; and

(b) quash the Master Plan or any provisions contained therein generally or in so far as they affect the property of the applicant, if it is satisfied that the Master Plan or any provisions contained therein are not within the powers conferred by this Regulation, or the rules made thereunder, or that the interests of the applicant have been substantially prejudiced by failure to comply with any requirement of this Regulation or of the rules made thereunder.

(3) Subject to the provisions of sub-sections (1) and (2), a Master Plan shall not, either before or after it has been approved, be questioned in any manner, in any legal proceedings whatsoever.

Alteration of
Master Plan and
making of minor
changes.

40. (1) The period for the operation of the Master Plan shall be ten years.

(2) At any time after the date on which a Master Plan for an area comes into operation, and at least once in every ten years after that date, the Planning and Development Authority shall, after carrying out such fresh surveys, as may be considered necessary or as may be directed by the Board or the Government, prepare after consultation with the local authorities concerned, if any, and submit to the Board and the Government, a Master Plan for any alterations or additions considered necessary to the Master Plan in operation.

(3) The provisions of sections 35 to 39 shall, as far as may be, apply to a Master Plan submitted under sub-section (2).

(4) At any time after the date on which the Master Plan for an area comes into operation, the Planning and Development Authority may, in public interest, with the prior approval of the Government, by notification, make such minor changes in such Master Plan as may be necessary for correcting any typographical or cartographical errors and omissions or details of proposals not fully indicated in the Plan or changes arising out of the implementation of the proposals in the Master Plan.

41. If the Government is satisfied that any emergency exists which necessitates the suspension of any Master Plan or part thereof, it may, by notification, suspend such Master Plan or part, for such period as it thinks fit.

Suspension of Master Plan in emergency by Government.

42. Any land required, reserved or designated in a Master Plan, Town Planning Scheme or any other plan prepared under this Regulation, for a public purpose or for securing planned development, shall be deemed to be land needed for a public purpose and may be acquired in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Power to acquire land under Act 30 of 2013.

43. (1) The Planning and Development Authority or a local authority may, with the prior approval of the Government and the consent of the owner, acquire his land for public purpose and the Government may accord the owner a transferable development right, *in lieu* of the payment of compensation towards such acquisition, by issuing a Development Right Certificate in such form and in such manner, as may be prescribed.

Acquisition of land by according transferable development right.

(2) The transferable development right may be utilised as additional built-up space in such manner, as may be prescribed, by the owner who may utilise it himself or transfer it to any other person in full or in part, to use in areas earmarked for the purpose in the Regional Plan or Master Plan.

44. (1) The Planning and Development Authority or a local authority may, with the consent of the owner, get transferred his land and amenity in its favour for public purpose as specified in the Regional Plan or Master Plan, by way of accommodation reservation and in such manner as may be prescribed.

Acquisition by way of accommodation reservation.

(2) The owner of such land shall develop such amenity and hand it over to the Planning and Development Authority or a local authority, free of cost and thereafter the owner shall himself utilise the developmental right equivalent to full permissible Floor Area Ratio.

45. A Planning and Development Authority, or a local authority may, with the prior approval of the Government and the consent of the owner, withdraw or sever the development right or potential in respect of land identified for conservation or preservation in the Regional Plan or Master Plan and the Government may allot the development right, thus removed, or severed to other area more suitable for development by way of transferable development right for posterity in such manner as may be prescribed.

Preservation of natural reserves and resources for posterity.

CHAPTER VII

CONTROL OF DEVELOPMENT AND USE OF LAND

46. On and from the date on which a public notice of the preparation of a Master Plan is published under sub-section (1) of section 36, every land use, every change in land use and every development in the area covered by the Master Plan shall conform to the provisions of this Regulation and the Master Plan as finally approved by the Government under section 37:

Land use to conform to Master Plan.

Provided that the Planning and Development Authority may allow the continuance of the use for a period not exceeding ten years, subject to such terms and conditions, as may be prescribed, of any land to the extent to which it was used on the date on which such public notice is published.

47. Subject to the other provisions of this Regulation, no development, in respect of, or change of use of, any land shall be undertaken or carried out, in an area after the application of this Regulation to such area—

Prohibition of development without payment of development charge or permission.

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

(b) without obtaining a permission under section 48:

Provided that no such permission shall be necessary for carrying out any work—

(a) for the maintenance, improvement or other alteration of any building which affects only its interior or which do not materially affect the external appearance of the building;

(b) by the Central Government or the Government or any local authority, subject to the provisions of sub-section (2) of section 48, any work—

(i) required for the maintenance or improvement of a road or public street, being a work carried out on land within the boundaries of such road or public street; or

(ii) 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; or

(iii) relating to excavations (including wells) made in the ordinary course of agricultural operations; or

(iv) for the construction of unmetalled roads intended to give access to land solely for agricultural purposes; or

(v) relating to normal use of the land which may be used temporarily for other purposes; or

(vi) in the case of land normally used for one purpose and occasionally used for any other purpose, for the use of the land for such other purpose on occasions; or

(vii) for the use, or for any purpose incidental to the use, of a building for human habitation, or any other building or land attached to such building.

Grant of
permission.

48. (1) Any person intending to carry out any development in respect of, or change of use of, any land, shall make an application in writing or through online mode to the Planning and Development Authority for permission in such form and containing such particulars and accompanied by such documents and plans, as may be prescribed.

(2) In the case of a Department of the Central Government or Government or local authority intending to carry out any development in respect of, or change of use of any land, such Department or authority concerned shall inform in writing to the Planning and Development Authority of its intention to do so, giving full particulars thereof accompanied by such documents and plans, as may be prescribed, and shall obtain permission in respect thereof.

(3) Where the Planning and Development Authority has raised any objection in respect of the conformity of the proposed development or change of use either to any Master Plan under preparation or to any of the Regulations in force at the time, or due to any other material consideration, the Department or authority concerned referred to in sub-section (2), shall, either make the necessary modifications in the proposals for such development or change of use to meet the objections raised by the Planning and Development Authority, or submit the proposal for such development or change of use together with the objections raised by the Planning and Development Authority to the decision of the Government.

(4) The Government on receipt of any proposal referred to in sub-section (3) together with the objections of the Planning and Development Authority shall, in consultation with the Chief 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.

(5) On an application having been duly made under sub-section (1), and on payment of the development charges, if any, as may be assessed under Chapter X, the Planning and Development Authority may—

(a) pass an order—

(i) granting permission unconditionally; or

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

(iii) refusing permission; or

(b) without prejudice to the generality of clause (a), impose conditions—

(i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued; or

(ii) for regulating the development or use of any land under the control of the applicant or for the carrying out of works on any such land as may appear to the Planning and Development Authority expedient for the purpose of the permitted development.

(6) The Planning and Development Authority, in dealing with the applications for permission under this section, shall have regard to—

(a) the provisions of any Master Plan which has come into operation;

(b) the proposals or provisions which it thinks are likely to be made in any Master Plan under preparation, or to be prepared;

(c) to the relevant bye-laws or regulations of the local authority concerned; and

(d) any other material consideration.

(7) When permission is granted subject to conditions, or is refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.

(8) The Planning and Development Authority shall dispose of every application for permission under this section within a period of three months.

49. (1) An applicant may, within two months from the date of receipt of the order passed under section 48, by which he is aggrieved, prefer an appeal to the Board.

Appeal against
orders passed
under section 48.

(2) An appeal under sub-section (1) shall be preferred in such manner and accompanied with such fees, not exceeding ten thousand rupees, as may be prescribed.

(3) The Board may, after giving a reasonable opportunity of being heard to the appellant and the concerned Planning and Development Authority, pass an order—

- (a) granting permission unconditionally; or
- (b) granting permission subject to such conditions as it may think fit; or
- (c) removing the conditions subject to which permission has been granted and imposing such other conditions, if any, as it may think fit; or
- (d) refusing permission:

Provided that the Board shall, within a period of three months from the date of filing the same, dispose of every appeal and if not so disposed, it shall be deemed that the prayer of the appellant is granted.

Validity of permission.

50. Every permission granted under this Regulation shall remain in force for a period of three years from the date of such permission:

Provided that the Planning and Development Authority may, on an application made to it in this behalf before the expiry of the said period, extend such period, by such period or periods as it may think proper; so, however, that the total period extended shall in no case exceed three years:

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

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

51. (1) Where any person, aggrieved by an order in appeal under section 49 refusing to grant permission or granting permission subject to conditions, claims—

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

(b) in a case where permission was granted subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by carrying out the development in accordance with such conditions,

he may, within three months from the date of passing of such order and in such manner, as may be prescribed, serve on the Government, a notice requiring the Government to acquire his interest in such land (herein and in section 58, referred to as an acquisition notice).

(2) A copy of the acquisition notice shall also be served on the Board and the Planning and Development Authority concerned.

(3) After receiving the notice under sub-section (1), the Government shall appoint a person who shall, after giving a reasonable opportunity of being heard to the person serving the acquisition notice, the concerned Planning and Development Authority and the Board, submit a report thereon to the Government.

(4) After receiving the report under sub-section (3), the Government shall—

(a)(i) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is not fulfilled; or

(ii) if the order appealed against was passed on the ground that any of the provisions of this Regulation or the rules made thereunder had not been complied with, pass an order refusing to confirm the notice; or

(b) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is fulfilled, pass an order—

(i) confirming the notice; or

(ii) directing the Planning and Development Authority to grant such permission or to alter the conditions in such a way as will keep the land or part thereof capable of being reasonably beneficial used.

(5) Where, the Government had not passed any order under sub-section (4) within the period of one year from the date on which an acquisition notice is served under sub-section (1), the acquisition notice shall be deemed to have been confirmed on the expiration of such period.

(6) On an acquisition notice being confirmed under sub-section (4) or deemed to have been confirmed under sub-section (5), the Government shall proceed to acquire the land or part thereof in respect of which the notice has been confirmed, within one year of such confirmation.

52. (1) Where an order in appeal under section 49 refusing to grant permission to develop the land or granting of such permission subject to conditions, relates to—

(a) the re-erection of a building which has been destroyed or demolished and such re-erection does not exceed the cubic content of the original building by more than one-tenth; or

(b) the enlargement, improvement or other alteration of any building which was in existence on the date of coming into operation of the Master Plan for the first time, and such enlargement or improvement or alteration does not exceed the cubic content of that building by more than one-tenth; or

(c) the carrying out on any 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 a building used for the purpose of marketing the produce of land; or

(d) any part of any building or other land, which on the date of coming into operation of the Master Plan for the first time, is used for a particular purpose, the use for 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 used for that purpose on that date or, as the case may be, one-tenth of the area of the land so used on that date,

the owner may, if he had not served an acquisition notice under section 51, or if he had served such notice and the same had not been conformed under that section, within such time and in such manner, as may be prescribed, claim compensation with the Planning and Development Authority for the refusal of such permission or for the grant thereof subject to conditions:

Provided that no such compensation shall be claimed if such refusal or grant of permission subject to conditions was by reason of any provision in the Master Plan.

(2) The compensation, if any, payable under sub-section (1) shall be equal to—

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

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

(3) When a claim under sub-section (1) is received by the Planning and Development Authority, it shall, after giving an opportunity of being heard to the claimant, assess the amount of compensation payable and offer it to the claimant.

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

Sanction for sub-division of plot or layout of private street and restriction on registration of purchase, sale or transfer of immovable property.

(4) If the claimant does not accept the compensation offered under sub-section (3) and gives notice, within such time as may be prescribed, of such refusal, the Planning and Development Authority shall refer the matter for the adjudication of the District Court and the decision of that Court shall be final and binding on the owner and the Planning and Development Authority.

53. (1) Any person intending to sub-divide his plot, or make or layout a private street, on or after the date on which a public notice of the preparation of a Master Plan is published under sub-section (1) of section 36, shall submit the layout plan together with such particulars, as may be prescribed, to the Planning and Development Authority, for sanction.

(2) The Planning and Development Authority may within the period referred to in sub-section (1), sanction such plan either with or without modifications and conditions as it considers expedient, or may refuse to give sanction, if it is of the opinion that such sub-division, making or layout is not in conformity with the proposals contained in a Master Plan.

(3) Where the sanction is granted subject to conditions or refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in such manner as may be prescribed.

(4) If any person does any work in contravention of the provisions of sub-section (1), or in contravention of the modifications and conditions of the sanction granted under sub-section (2), or in spite of the refusal of sanction under the said sub-section, the Planning and Development Authority may direct such person by notice in writing to stop such work in progress, and after making an inquiry in such manner as may be prescribed, remove or pull down any work or restore the land to its original condition.

(5) Any expenses incurred by the Planning and Development Authority under sub-section (4) shall be a sum due to the Planning and Development Authority under this Regulation from the person in default.

(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, in respect of plots which are not as per Survey Plan issued by the Survey Department or plots which have no development permissions for such sub-division—

16 of 1908.

(a) from the Planning and Development Authority within a planning area; or

(b) from the Town and Country Planning Department, within an area other than planning area,

no registering officer appointed under the Regulation, shall register any document, unless the owner of such plot produces a certificate of sanction or a certificate of no objection from the Planning and Development Authority exercising jurisdiction in respect of the planning area or from the Chief Town Planner or such other officer as may be authorised in this behalf:

Provided that no such certificate of sanction or no objection shall be required to be produced, if the sub-division of land, or the making or layout of any property, results from the right of inheritance within a family:

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institution notified by the Government, for the purposes of this Regulation.

54. (1) If it appears to the Planning and Development Authority that, having regard to the Master Plan prepared or under preparation or to be prepared and any other material consideration, it is necessary and expedient that any permission to develop land granted under this Regulation or any other law, ought to be revoked or modified, it may, by order, revoke or modify such permission to such extent as appears to it to be necessary:

Power to revoke or modify permission to develop.

Provided that—

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

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

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

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

(2) When a permission is revoked or modified by an order made under sub-section (1), the owner may, within such time and in such manner, as may be prescribed, claim compensation for the expenditure incurred in carrying out any work in accordance with such permission and which has been rendered abortive by the revocation or modification of such permission.

(3) Where a claim under sub-section (2) is received by the Planning and Development Authority, it shall, after giving an opportunity of being heard to the claimant, assess the amount of compensation payable and offer it to the claimant.

(4) If the claimant does not accept the compensation offered under sub-section (3) and gives notice, within such time, as may be prescribed, of such refusal, the Planning and Development Authority shall refer the matter for the adjudication of the District Court and the decision of that Court shall be final and binding on the claimant and the Planning and Development Authority.

55. (1) Any person who, either by himself or at the instance of any other person, commences, undertakes or carries out development of, or changes the use of any land—

Penalty for unauthorised development, etc.

(a) in contravention of any Master Plan; or

(b) without obtaining a certificate regarding development charge under section 47; or

(c) without the permission as required under this Regulation; or

(d) in contravention of any condition subject to which such permission has been granted; or

(e) after the permission for development has been revoked under section 54; or

(f) in contravention of the permission which has been modified under section 54,

shall be liable to a penalty, which may extend to two lakh rupees and in the case of a continuing contravention, with a further penalty which may extend to twenty thousand rupees for every day during which such contravention is continued after the first such contravention.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Master Plan without having been allowed under section 46, 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 liable to a penalty which may extend to fifty thousand rupees, and in the case of a continuing contravention, with a further penalty which may extend to five thousand rupees for every day during which such contravention is continued after the first such contravention.

Power to require removal of unauthorised development.

56. (1) Where any development or change of use of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 55, the Planning and Development Authority may, within four years of such development or change, serve on the owner a notice requiring him, within such period, being not less than one month from the date of service of such notice as may be specified therein, to take any of the following steps as may be specified in the notice, namely:—

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

(b) in the cases specified in clause (d) or clause (f) of the said sub-section, to secure compliance with the conditions subject to which the permission was granted or with the permission as so modified;

(c) in the cases specified in clause (b), to pay the development charge and such penalty, if any, as may be prescribed,

and in particular, such notice may, for any of the said purposes require—

(i) the demolition or alteration of any building or work; or

(ii) the carrying out on land, of any building or other operations; or

(iii) the discontinuance of any use of land:

Provided that in case the notice required the discontinuance of the use of any land, the Planning and Development Authority shall serve a notice on the occupier also.

(2) Any person aggrieved by a notice served under sub-section (1) may within such period and in such manner, as may be prescribed—

(a) apply for permission under section 48 for the retention on the land, of any building, or work, or for the continuance of any use of the land, to which the notice relates; or

(b) appeal to the Board.

(3) Where an application for permission has been made under clause (a), or an appeal has been preferred under clause (b), of sub-section (2), the notice served under sub-section (1) shall have no effect until the final determination or withdrawal of the application or the appeal, as the case may be.

(4) Where permission is granted on an application referred to in clause (a) of sub-section (2), the notice issued under sub-section (1) shall not have effect and where such permission is granted for the retention of only some building, or work, or for the continuance of use of only a part of the land, such notice shall not have effect regarding such building or work or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.

(5) Where an appeal has been preferred under clause (b) of sub-section (2), the Board may, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, and after recording reasons therefor, allow or dismiss the appeal, either by quashing or varying the notice, as it may think fit.

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

(a) penalise the owner for not complying with the notice with a penalty which may extend to ten thousand rupees and in case the notice required the discontinuance of any use of land, also penalise any other person who uses the land or causes or permits the land to be used in contravention of the notice and in the case of a continuing contravention, with an additional penalty which may extend to five hundred rupees for every day during which such contravention continues after service of notice; and

(b) in the case of a notice requiring the demolition or alteration of any building or work 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 modified by taking such steps as the Planning and Development Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations and may recover the cost of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(7) Whoever contravenes the provisions of clause (a) of sub-section (6) shall be liable to a penalty which may extend to ten thousand rupees, and in the case of a continuing contravention with a further penalty which may extend to five hundred rupees for every day during which such contravention continues after the first such contravention.

57. (1) Where any development or change of use of land is being carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 55, but has not been completed, the Planning and Development Authority may serve on the owner and the person carrying out the development or change, a notice requiring such development or change of use of land to be discontinued from the date of service of such notice.

Power to stop
unauthorised
development.

(2) Where a notice has been served under sub-section (1), the person aggrieved by such notice may appeal to the Board and the provisions of sub-sections (5) and (6) of section 56 shall apply with such modifications as may be necessary.

(3) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, even after a notice has been served under sub-section (1), shall be liable to a penalty which may extend to ten thousand rupees and when the non-compliance is a continuing one, with a further penalty which may extend to five hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

(4) If a notice under sub-section (1) is not complied with forthwith, the Planning and Development Authority or such officer of the said Authority as may be authorised by it in this behalf, may require any police officer to remove such person and all assistants and workmen from the land and such police officer shall comply with such requisition.

(5) Where action had been taken by a police officer under sub-section (4), the Planning and Development Authority or the officer referred to in that sub-section shall take necessary steps to ensure that such development is not continued.

(6) Any expenses incurred by the Planning and Development Authority under sub-sections (4) and (5) 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 person as an arrear of land revenue.

Power to require removal of authorised development or use.

58. (1) If it appears to a Planning and Development Authority that it is expedient in the interests of the proper planning of its area (including the interests of amenities) or having regard to the Master Plan prepared, or to be prepared and on any other material consideration—

- (a) that any use of land should be discontinued; or
- (b) that any condition is to be imposed on the continuance of use of any land; or
- (c) that any building or work is to be altered or removed,

it 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 of the use of the land; or
- (iii) require such steps, as may be specified in the notice to be taken, for the alteration or removal of any building or work, as the case may be,

within such period, being not less than one month from the date of service of such notice, as may be specified therein.

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

(3) If an appeal is filed under sub-section (2), the provisions of sub-sections (5) and (6) of section 56 shall apply, with such modifications as may be necessary.

(4) If any person,—

(a) 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

(b) who has carried out any work in compliance with the notice, claims from the Planning and Development Authority, within such time and in such manner, as may be prescribed, compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice,

the provisions of sub-sections (3) and (4) of section 54 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, claims that by reason of compliance with the notice, the land will become incapable of being reasonably beneficial used, 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 such manner, as may be prescribed, serve on the Government, an acquisition notice requiring his interest in the land to be acquired.

(b) When a notice is served under clause (a), the provisions of sub-sections (2) to (6) of section 51 shall apply with such modifications as may be necessary.

59. Where a Planning and Development Authority, in the exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a Master Plan before such Master Plan has become operative, the Planning and Development Authority shall have regard to the provisions, which in its opinion is required to be included in such plan for securing the proper planning of the concerned area.

Interim provision pending preparation of Master Plan.

CHAPTER VIII

TOWN PLANNING SCHEMES

60. (1) Subject to the provisions of this Regulation, a Planning and Development Authority may for the purpose of implementing the proposals contained in the Master Plan, make one or more town planning schemes for the area within its jurisdiction or any part thereof, and shall submit such schemes in their draft form to the Government along with a plan showing the area proposed to be included.

Making of town planning scheme and its contents.

(2) Every town planning scheme shall consist of the following stages, namely:—

(a) the draft town planning scheme prepared and published in accordance with section 62;

(b) the preliminary town planning scheme to be sanctioned under sub-section (2) of section 73; and

(c) the final town planning scheme to be sanctioned under sub-section (3) of section 73.

(3) A town planning scheme may be made in accordance with the provisions of this Regulation in respect of any land, which is—

(i) in the course of development; or

(ii) likely to be used for residential, commercial, industrial or building purposes; or

(iii) already built upon.

Explanation.—For the purposes of this sub-section, the expression “land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work, or not.

(4) A town planning scheme may make provision for any of the following matters, namely:—

(a) the laying out or re-laying out of land, either vacant or already built upon, without prejudice to the right to property;

(b) the filling up or reclamation of low-lying, swampy or unhealthy areas, or levelling up of land;

(c) lay-out of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;

(d) the construction, alteration and removal of buildings, bridges and other structures, without prejudice to the right to property;

(e) the allotment or earmarked of land for roads, open spaces, gardens, recreation grounds, schools, markets, green-belts, dairies, transport facilities or any other public purpose;

(f) drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(g) lighting;

(h) water supply;

(i) the preservation of objects of historical or national interest or natural beauty, and of buildings actually used for religious purposes;

(j) the reservation of land to the extent of ten per cent., or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of socially and economically backward classes of people and of such other class of people as may be determined by the Government;

(k)(i) the allotment of land from the total area covered under the scheme, to the extent of—

(A) fifteen per cent. for roads;

(B) five per cent. for parks, play grounds, gardens and open space;

(C) five per cent. for social infrastructure such as school, dispensary, fire brigade, public utility place as earmarked in the draft town planning scheme and also for industrial development; and

(D) fifteen per cent. for sale by appropriate authority for residential, commercial or industrial use, depending upon the nature of development:

Provided that the percentage of the allotment of land specified in items (A) to (C) may be altered depending upon the nature of development and for the reasons to be recorded in writing;

(ii) the proceeds from the sale of land referred to in item (D) of sub-clause (i) shall be used for the purpose of providing infrastructural facilities; and

(iii) the land allotted for the purposes referred to in items (B) and (C) of sub-clause (i) shall not be changed by variation of schemes for any purpose other than public purpose;

(l) the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of building allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking spaces and loading and unloading space for any building and the sizes or locations of projections and advertisement signs;

(m) the suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued by the Government:

Provided that any suspension under this clause shall cease to operate in the event of the Government refusing to sanction the preliminary scheme, or in the event of the withdrawal of the scheme under section 87, or on the coming into force of the final scheme; and

(n) such other matters not inconsistent with the objects of this Regulation, as may be prescribed.

61. (1) As soon as may be, after a draft town planning scheme has been submitted to the Government under section 60, but not later than such period, as may be prescribed, the Government may, either give its consent to the publication of such draft scheme or direct the Planning and Development Authority to make such modifications in that draft scheme as it thinks fit and thereupon the Planning and Development Authority shall make those modifications.

Consent of Government to publication of draft scheme.

(2) Where the Government gives any direction to make modifications in the draft town planning scheme under sub-section (1), it shall, after such modifications have been made by the Planning and Development Authority, give its consent for publication of such draft scheme.

62. As soon as may be, after the consent of the Government to the publication of the draft town planning scheme was given under section 61, the Planning and Development Authority shall notify the said draft scheme and also publish it in one or more local newspapers the said draft scheme indicating therein the place or places where copies of the same may be inspected, and inviting objections in writing from any person with respect to that draft scheme within such period as may be specified in the said notification:

Publication of draft town planning scheme.

Provided that no such period shall be less than two months from the date on which the draft town planning scheme is notified:

Provided further that no such notification under this section in respect of the draft scheme shall be required where land covered by the draft town planning scheme had already been acquired and the execution of the scheme does not affect the interests of any person.

63. (1) Notwithstanding anything contained in sections 61 and 62, the Government may, after making such inquiry as it deems necessary, by notification, require any Planning and Development Authority functioning within a planning area, to make and publish in such manner, as may be prescribed, and submit for its sanction a draft scheme in respect of any area in regard to which a town planning scheme is required to be made.

Power of Government to require Planning and Development Authority to make scheme.

(2) If the Planning and Development Authority fails to submit a draft town planning scheme to the Government within three months from the date of notification under sub-section (1), the Government may, by notification, appoint an officer to make and submit a draft town planning scheme to it, and thereupon the provisions of this Regulation shall, so far as may be, apply to the making of such scheme.

64. A draft town planning scheme shall contain the following particulars, namely:—

Contents of draft town planning scheme.

(a) the area, ownership and tenure of each original plot;

(b) the particulars of land allotted or reserved under clause (e) of sub-section (4) of section 60 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(c) the extent to which it is proposed to alter the boundaries of original plots;

(d) an estimate of the net cost of the scheme to be borne by the Planning and Development Authority;

(e) a full description of all the details of the scheme under sub-section (4) of section 60 as may be applicable;

(f) the laying out or re-laying out of land either vacant or already built upon;

(g) the filling up or reclamation of low-lying, swampy or unhealthy areas or levelling up of land; and

(h) such other particulars, as may be prescribed.

Reconstitution
of plots.

65. (1) In the draft town planning scheme referred to in section 64, the size and shape of every plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building, as far as possible, complies with the provisions of such scheme as regards open spaces.

(2) For the purposes of sub-section (1), the draft town planning scheme may contain proposals—

(a) to form a final plot by the reconstitution of an original plot by the alteration of its boundaries, if necessary;

(b) to form a final plot from an original plot by the transfer of any adjoining lands;

(c) to provide with the consent of the owners that two or more original plots which are owned by several persons or owned by persons jointly be held in ownership in common as a final plot, with or without alteration of boundaries;

(d) to allot a final plot to any owner dispossessed of land in furtherance of such scheme; and

(e) to transfer the ownership of a plot from one person to another.

(3) Where under clause (1) of sub-section (4) of section 60, the purpose for which buildings or specified areas may not be appropriated have been specified, the buildings shall cease to be used for a purpose other than the purposes specified in the draft town planning scheme within such time as may be specified in the final scheme and the person affected by the provision shall be entitled to compensation from the Planning and Development Authority in such manner and method, as may be prescribed:

Provided that in ascertaining such compensation, the period within which the person affected was permitted to change the use shall be taken into consideration.

Disputed
ownership.

66. (1) Where there is a disputed claim to the ownership of any place of land included in an area in respect of which, the Planning and Development Authority has published a draft town planning scheme under section 62 and any entry in the record of rights or mutation relevant to such disputed claim is inaccurate or inconclusive, on an application being made by the Planning and Development Authority or the Town Planning Officer at any time prior to the date on which the Town Planning Officer draws up the preliminary scheme under section 72, an inquiry may be held by such officer as the Government may appoint for the purpose of deciding as to who shall be deemed to be the owner of such land for the purposes of this Regulation.

(2) A decision referred to in sub-section (1) shall not be subject to appeal but shall be subject to a civil suit in a Court of competent jurisdiction.

(3) A decision referred to in sub-section (1) shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable.

Objections to
draft town
planning scheme
to be considered.

67. Where any person affected by a draft town planning scheme communicates in writing, within one month from the date of publication of that draft scheme, any objections relating to such draft scheme to the Planning and Development Authority, the said Authority shall consider such objections and may at any time before submitting the said draft scheme to the Government, modify such scheme as it thinks fit:

Provided that the Planning and Development Authority may, in such circumstances as may be prescribed, and with the previous sanction of the Government, reduce the said period of one month to fifteen days for inviting objections to the draft scheme.

68. (1) The Planning and Development Authority shall, within three months from the date of notification of the draft town planning scheme, submit such draft scheme with any modifications that may have been made therein under section 67 together with the objections which may have been communicated to it, to the Government for sanction.

Power of Government to sanction draft town planning scheme.

(2) After receiving the draft town planning scheme and after making such enquiry as it thinks fit, the Government may, within three months from the date of its receipt, by notification, sanction such scheme with or without modifications, or subject to such conditions as it may think fit, to impose or refuse to sanction it:

Provided that the Government may, if deemed fit, by notification, return the scheme to the Planning and Development Authority with direction to carry out such modifications as may be necessary, including the direction to include or exclude any land in question in the draft scheme and the Planning and Development Authority shall comply with such directions of the Government and shall, after following the procedure as laid down under section 63, submit the draft scheme, as modified, within the specified time limit to the Government.

(3) If the Government sanctions such draft scheme, it shall in such notification state at what place and time the draft scheme shall be open for the inspection of the public.

69. (1) Where a draft town planning scheme has been sanctioned by the Government under sub-section (3) of section 68 (herein referred to as the sanctioned draft scheme), all lands required by the Planning and Development Authority for the purposes specified in clause (c), (f), (g) or (h) of sub-section (4) of section 60 shall vest absolutely in the Planning and Development Authority free from all encumbrances.

Vesting of land in Planning and Development Authority.

(2) Nothing in sub-section (1) shall affect any right of the owner of the land vesting in the Planning and Development Authority under that sub-section.

(3) The provisions of sections 91 and 92 shall, *mutatis mutandis*, apply to the sanctioned draft town planning scheme as if it was a preliminary town planning scheme.

70. (1) On or after the date on which a draft town planning scheme is published under section 62, no person shall, within the area included in the scheme, carry out any development unless such person has applied for and obtained the necessary permission for doing so from the Planning and Development Authority in such form and on payment of such scrutiny fees, as may be prescribed.

Restrictions on use and development of land after declaration of town planning scheme.

(2) Where an application for permission under sub-section (1) is received by the Planning and Development Authority, it shall send to the applicant a written acknowledgment of its receipt and after making such inquiry as it deems fit and in consultation with the Town Planning Officer, if any, may either grant, or refuse to grant such permission, or grant permission subject to such conditions as it may think fit to impose:

Provided that any such permission or condition thereto shall be in accordance with the draft town planning scheme sanctioned under sub-section (2) of section 68 and in line with the notification of the Government while according such sanction.

(3) If the Planning and Development Authority does not communicate its decision to the applicant within three months from the date of acknowledgment of its receipt, such permission shall be deemed to have been granted to the applicant.

(4) If any person contravenes the provisions of sub-section (1) or of any condition imposed under sub-section (2), the Planning and Development Authority may direct such person by notice in writing to stop any development in progress, and after making an inquiry in such manner, as may be prescribed, remove, pull down, or alter any building or other development, or restore the land or building in respect of which such contravention is made to its original condition.

(5) Any expenses incurred by the Planning and Development Authority under sub-section (4) shall be a sum due to it under this Regulation from the person in default.

(6) The provisions of section 55 shall so far as may be, apply in relation to the unauthorised development or use of land included in a town planning scheme.

(7) The restrictions imposed by this section shall cease to operate in the event of the Government refusing to sanction the draft town planning scheme or the preliminary town planning scheme, or in the event of the withdrawal of the scheme under section 87.

(8) Any diminution in the value of an original plot occasioned by any contravention of the provisions of sub-section (1) or of any condition imposed under sub-section (2) shall, notwithstanding anything contained in sections 101, 102 and 103, be taken into account in fixing the market value of such plot.

(9) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Planning and Development Authority under sub-section (1) of section 92 except in respect of a building or work begun or contract entered into before the publication of the draft town planning scheme by the Planning and Development Authority under section 62:

Provided that where any person is entitled to any compensation in respect of any building or work under this sub-section, he shall be so entitled only in so far as such building or work has proceeded at the time of the publication of the draft town planning scheme by the Planning and Development Authority under section 62, subject to the conditions of agreement, if any, entered into between such person and the Planning and Development Authority.

(10) On and after the date referred to in sub-section (1), the Planning and Development Authority intending to carry out development of land, within the area included in the draft town planning scheme, for its own purpose in exercise of its powers under any law for the time being in force, shall carry out such development in conformity with the provisions of such scheme, and of the bye-laws and regulations relating to construction of buildings.

(11) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or the Government.

71. (1) Within one month from the date on which the sanction of the Government to a draft town planning scheme is notified, the Government shall appoint a Town Planning Officer possessing such qualification, as may be prescribed, for the purpose of such scheme and provide him with such number of officers and staff as may be considered necessary:

Provided that the Government may, on the request made by the Planning and Development Authority, appoint a Town Planning Officer within one month from the date of publication of the draft town planning scheme by the Planning and Development Authority under section 62.

Appointment of
Town Planning
Officer.

(2) The Government may, if it thinks fit, at any time, remove, on the ground of incompetence or misconduct or any other good and sufficient reason, a Town Planning Officer appointed under this section and shall forthwith appoint another person in his place and any proceeding pending before the Town Planning Officer immediately before the date of his removal shall be continued and disposed of by the new Town Planning Officer appointed in his place:

Provided that no Town Planning Officer shall be removed under this sub-section except after an inquiry in which he shall be informed of the charges against him and a reasonable opportunity of being heard in respect of those charges is given to him.

(3) Subject to the provisions of sub-section (2), a Town Planning Officer appointed under sub-section (1) for the purpose of any town planning scheme shall cease to hold office with effect from the date on which the final town planning scheme is sanctioned under section 86.

72. The Town Planning Officer shall, within a period of twelve months from the date of his appointment, after following such procedure as may be prescribed, sub-divide the town planning scheme into a preliminary scheme and a final scheme:

Duties of Town Planning Officer.

Provided that the Government may, from time to time, by order in writing, extend the said period by such further period or periods, not exceeding six months at a time, as may be specified in the said order, and any such order may be given retrospective effect from the date on which the said period or the extended period, as the case may be, expired.

73. (1) In a preliminary town planning scheme, the Town Planning Officer shall,—

Contents of preliminary and final town planning schemes.

(a) after giving notice to the persons affected by such scheme in such manner and form, as may be prescribed, define and demarcate the areas allotted to, or reserved for, any public purpose, or for a purpose of the Planning and Development Authority and the final plots;

(b) after giving notice referred to in clause (a), determine in a case in which a final plot is to be allotted to persons in ownership in common, the respective shares of such persons;

(c) provide for the total or partial transfer of any right in an original plot to a final plot or provide for the transfer of any right in an original plot in accordance with the provisions of section 104; and

(d) determine the period within which the works provided in such scheme shall be completed by the Planning and Development Authority.

(2) The Town Planning Officer shall submit the preliminary scheme so prepared to the Government for sanction and shall, after sanction by the Government, prepare and submit to the Government the final scheme in accordance with the provisions of sub-section (3) for sanction.

(3) In the final town planning scheme, the Town Planning Officer shall—

(a) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the final scheme in accordance with the provisions of clause (f) of sub-section (1) of section 100;

(b) determine whether the areas used, allotted or reserved for a public purpose or purposes of the Planning and Development Authority are beneficial wholly or partly to the owners or residents within the area of the final scheme;

(c) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or for the purpose of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the final scheme and partly to the general public, which shall be included in the costs of such scheme;

(d) calculate the contribution to be levied under sub-section (1) of section 102, on each plot used, allotted or reserved for a public purpose or for the purpose of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the final scheme and partly to the general public;

(e) determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes;

(f) estimate the increment to accrue in respect of each plot included in the final scheme in accordance with the provisions of section 101;

(g) calculate the proportion of the contribution to be levied on each plot in the final scheme to the increment estimated to accrue in respect of such plot under sub-section (1) of section 102;

(h) calculate the contribution to be levied on each plot included in the final scheme;

(i) determine the amount to be deducted from, or added to, as the case may be, the contribution leviable from a person in accordance with the provisions of section 103;

(j) estimate with reference to claims made before him, after notice has been given by him in such form and manner, as may be prescribed, and the compensation to be paid to the owner, whose property or right is injuriously affected by the making of the town planning scheme in accordance with the provisions of section 105; and

(k) draw in such form and manner, as may be prescribed, the preliminary and the final town planning schemes, in accordance with the draft town planning scheme:

Provided that the Town Planning Officer may make variation from the draft town planning scheme, but no such variation, if it is of a substantial nature, shall be made except with the previous sanction of the Government, and except after hearing the appropriate authority and any owners who may raise objections in respect of such variation.

Explanation 1.—For the purpose of this proviso “variation of a substantial nature” means a variation which is estimated by the Town Planning Officer to involve an increase of ten per cent. in the costs of the scheme as is described in section 100, on account of the provisions of new works or the allotment of additional sites for public purposes included in the preliminary scheme drawn up by the Town Planning Officer.

Explanation 2.—Where there is any difference of opinion between the Town Planning Officer and the Planning and Development Authority as to whether a variation made by the Town Planning Officer is of substantial nature or not, the matter shall be referred by the Planning and Development Authority to the Government for its decision, which shall be conclusive and enforceable.

74. Except in matters arising out of clauses (c), (d), (f), (g), (h) and (j) of sub-section (3) of section 73, every decision of the Town Planning Officer shall be conclusive and binding on all persons.

Certain
decisions of
Town Planning
Officer to be
enforceable.

75. Any decision of the Town Planning Officer under clauses (c), (d), (f), (g), (h) and (j) of sub-section (3) of section 73 shall forthwith be communicated to the party concerned in such form, as may be prescribed and any party aggrieved by such decision may within one month from the date of receipt of such decision, prefer an appeal to the Board of Appeal constituted under section 76.

Appeal against decision of Town Planning Officer.

76. (1) The Government shall, from time to time, by notification, constitute a Board of Appeal for hearing and deciding appeals under section 75.

Board of Appeal.

(2) The Board of Appeal shall consist of three Members, one of whom shall be its President and two Members, who shall be assessors possessing such qualifications and experience, as may be prescribed.

(3) The President shall be a person who is or has been a District Judge.

(4) The terms of appointment of the President of the Board of Appeal and conditions of service shall be such, as may be prescribed.

(5) The Board of Appeal constituted under sub-section (1) shall stand dissolved as soon as a copy of its decision in appeal is sent to the Town Planning Officer under sub-section (2) of section 83.

(6) The Government may, if it thinks fit, remove for incompetence or misconduct or for any other good or sufficient reason, any assessor appointed as a Member under sub-section (2).

(7) If any Member is removed, or dies, or refuses, or neglects to act, or becomes incapable of acting, the concerned authority who appointed such assessor shall appoint forthwith an assessor in his place.

77. (1) The Town Planning Officer shall be present at the proceedings before the Board of Appeal.

Town Planning Officer to assist Board in advisory capacity and his remuneration.

(2) The Town Planning Officer shall not be required to give evidence in such proceedings but the President may require him to assist the Board of Appeal in an advisory capacity.

(3) When the Town Planning Officer is required under sub-section (2) to assist the Board of Appeal, and if he is not a salaried officer of the Government, he shall be entitled to such fees as the Government may, from time to time, determine.

78. The Board of Appeal may sit either at the headquarters of the President or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before it.

Place where Board of Appeal may sit.

79. All questions of law and procedure shall be decided by the President of the Board of Appeal and all other questions shall be decided by the President and its two Members or by a majority of them.

Decision of questions of law and other questions.

80. (1) After making such inquiry as it may think fit, the Board of Appeal may either direct the Town Planning Officer to reconsider its proposals, or accept, modify, vary or reject the proposals of the Town Planning Officer.

Powers of Board of Appeal to decide matter.

(2) Every decision of the Board of Appeal shall be conclusive and binding on all persons.

81. Nothing contained in this Regulation shall be deemed to constitute the Board of Appeal to be a Court.

Board of Appeal not to be Court.

82. (1) The Members of the Board of Appeal, who are assessors and not salaried officers of the Government, shall be entitled to such remuneration either by way of monthly salary or by way of fees or partly by way of salary and partly by way of fees, as the Government may, from time to time, determine.

Remuneration of assessors and payment of incidental expenses of Board of Appeal to be added to costs of town planning scheme.

(2) The salary of the President of the Board of Appeal or its Member, who is an assessor, who is a salaried Government officer and any remuneration payable under sub-section (1) and the fees payable to a Town Planning Officer under sub-section (3) of section 77 and all expenses incidental to the working of the Board of Appeal shall, unless the Government otherwise determines, be defrayed out of the funds of the Planning and Development Authority and shall be added to the costs of the town planning scheme.

Decision of Town Planning Officer to be conclusive in certain matters and variation of scheme in view of decision in appeal.

83. (1) Where no appeal has been preferred under section 75 in respect of a matter arising out of clause (c), clause (d), clause (f), clause (g), clause (h) or clause (j) of sub-section (3) of section 73, the decision of the Town Planning Officer shall be conclusive and binding on the parties.

(2) The Board of Appeal shall send a copy of its decision in appeal to the Town Planning Officer, who shall, if necessary, make any variation in the town planning scheme in accordance with such decision and shall forward the final town planning scheme together with a copy of his decision under section 74 and a copy of the decision of the Board of Appeal in appeal to the Government for the sanction of the final town planning scheme.

Power of Town Planning Officer to split up draft town planning scheme into separate sections.

84. (1) After a Town Planning Officer has been appointed under section 71, the Planning and Development Authority may apply to him to split up the draft town planning scheme into different sections and to deal with each section separately as if such section were a separate draft town planning scheme.

(2) On receipt of an application under sub-section (1), the Town Planning Officer may, after making such inquiry as he thinks fit, split up the draft town planning scheme into sections.

(3) The provisions of this Regulation and the rules made thereunder shall, so far as may be, apply to each of such sections as it were a separate draft town planning scheme.

Submission of preliminary and final town planning schemes to Government.

85. The Town Planning Officer shall submit the preliminary town planning scheme to the Government for sanction before the final town planning scheme is submitted to the Government under sub-section (2) of section 73, together with a copy of his decision under section 74.

Power of Government to sanction or refuse to sanction scheme and effect of sanction.

86. (1) On receipt of the preliminary town planning scheme or, as the case may be, the final town planning scheme, the Government may—

(a) in the case of preliminary town planning scheme, within a period of two months from the date of its receipt; and

(b) in the case of a final town planning scheme, within a period of three months from the date of its receipt,

by notification, sanction the preliminary town planning scheme or the final town planning scheme or refuse to give sanction, provided that in sanctioning any such scheme, the Government may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality.

(2) Where the Government sanctions the preliminary town planning scheme or the final town planning scheme, it shall state in the notification—

(a) the place at which the said scheme shall be kept open for inspection by the public; and

(b) a date on which all the liabilities created by the said scheme shall come into force:

Provided that the Government may, from time to time, extend such date, by notification, by such period, not exceeding three months at a time, as it thinks fit.

(3) On and after the date fixed in such notification, the preliminary town planning scheme or the final town planning scheme, as the case may be, shall have effect as if it were promulgated under this Regulation.

(4) The Planning and Development Authority shall, after the preliminary town planning scheme is sanctioned by the Government under sub-section (1), complete the execution of such scheme within a period of two years from the date of the sanction of that scheme, failing which the Government may take such action against Planning and Development Authority as it deems fit.

87. (1) If at any time before the preliminary town planning scheme is forwarded by the Town Planning Officer to the Government, a representation is made to the Town Planning Officer by the Planning and Development Authority and a majority of the owners in the area, that the said scheme be withdrawn, the Town Planning Officer shall, after inviting objections to such representation from all persons interested in the said scheme, forward such representation together with the objections, if any, to the Government.

Withdrawal of town planning scheme.

(2) The Government, after making such inquiry as it may deem fit, may, if it is of the opinion that it is necessary or expedient so to do, by notification, direct that the preliminary town planning scheme shall be withdrawn and upon such withdrawal no further proceeding shall be taken in regard to such scheme.

88. On and after the day on which the preliminary scheme comes into force—

Effect of preliminary town planning scheme.

(a) all lands required by the Planning and Development Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Planning and Development Authority free from all encumbrances;

(b) all rights in the original plots which have been re-constituted into final plots shall determine and the final plots shall become subject to the rights settled by the Town Planning Officer.

89. (1) Where the final plot is allotted in joint ownership in the sanctioned preliminary town planning scheme or final town planning scheme, then on an application being made to the committee by any of the joint owners, the committee constituted under sub-section (2) shall give a notice to all the concerned and after giving them an opportunity of being heard, shall, with respect to such final plot, define the share of the joint holders and demarcate the area that may be allotted to each of them.

Manner of resolution of grievances after sanctioning preliminary or final town planning scheme.

(2) The committee referred to in sub-section (1) shall consist of the following members, namely:—

(a) the Secretary, Urban Development—Chairperson, *ex officio*;

(b) the Chief Town Planner—Member Secretary, *ex officio*; and

(c) any other Member, appointed by the chairperson.

(3) The decision of the committee in defining the share of the joint holders and demarcating the area that may be allotted to each of them shall be deemed to be the part of the town planning scheme sanctioned under section 86.

90. On and after the date on which a preliminary town planning scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the preliminary scheme shall, in accordance with such procedure, as may be prescribed, be summarily evicted by the Planning and Development Authority.

Power of Planning and Development Authority to evict summarily.

91. (1) On and after the date on which the preliminary town planning scheme comes into force, the Planning and Development Authority shall, after giving such notice, as may be prescribed, and in accordance with the provisions of such scheme,—

Power to enforce town planning scheme.

(a) remove, pull down, or alter any building or other work in the area included in the said scheme, which contravenes the scheme, or in the erection of which or carrying out any of the provisions of the scheme has not been complied with; or

(b) execute any work, even if it is the duty of any person to execute under the said scheme, and if it appears to the Planning and Development Authority that the delay in the execution of such work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the Planning and Development Authority under this section shall be recovered from the person in default or from the owner of the plot in the manner provided for the recovery of sums due to the Planning and Development Authority under the provisions of this Regulation.

(3) If any question arises as to whether any building or work contravenes a town planning scheme or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the Government and the decision of the Government shall be final and binding on all persons.

(4) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Planning and Development Authority under the provisions of this section except in respect of the building or work begun before the date referred to in sub-section (1) and only in so far as such building or work has proceeded until that date:

Provided that any claim to compensation, which is not barred by this sub-section shall be subject to the condition of any agreement entered into between the claimant and the Planning and Development Authority.

(5) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or the Government.

92. (1) If after the preliminary town planning scheme or the final town planning scheme has come into force, the Planning and Development Authority considers that the scheme is defective on account of an error, irregularity or informality, the Planning and Development Authority may apply in writing to the Government for the variation of such scheme.

(2) If, on receiving such application or otherwise, the Government is satisfied that the variation required is not substantial, the Government shall publish a draft of such variation in such manner as may be prescribed.

(3) The draft variation published under sub-section (2) shall state that every variation proposed to be made in the preliminary town planning scheme or the final town planning scheme and if any such variation relates to a matter specified in any of the clauses (a) to (h) of sub-section (4) of section 60, the draft variation shall also contain such other particulars, as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the head office of the appropriate authority during office hours.

(5) Within one month from the date of publication of the draft variation under sub-section (2), any person affected thereby may communicate in writing his objections to such variation to the Government through the Collector and send a copy thereof to the Planning and Development Authority.

(6) After receiving the objections under sub-section (5), the Government may, after consulting the Planning and Development Authority and after making such inquiry as it may think fit, by notification,—

Power to vary town planning scheme on ground of error, irregularity or informality.

(a) appoint a Town Planning Officer and thereupon the provisions of this Chapter shall, so far as may be, apply to such draft variation as if it were a draft town planning scheme sanctioned by the Government; or

(b) make the variation with or without modification; or

(c) refuse to make the variation.

(7) From the date of the notification making the variation, with or without modification, such variation shall take effect as it were incorporated in the preliminary town planning scheme or the final town planning scheme.

93. If at any time after the final town planning scheme comes into force, the Planning and Development Authority is of the opinion that the purpose for which any land is allotted in such scheme under item (B) or (C) of sub-clause (i) of clause (k) of sub-section (4) of section 60 requires to be changed to any other purpose specified in any of the said items, the Planning and Development Authority may make such change after following the procedure specified in section 95.

Variation of town planning scheme for land allotted for public purpose.

94. Notwithstanding anything contained in section 92, a town planning scheme may at any time be varied by a subsequent town planning scheme made, published and sanctioned in accordance with the provisions of this Regulation.

Variation of town planning scheme by another scheme.

95. (1) For any change of purpose required in the final town planning scheme under section 93, the Planning and Development Authority may publish the requisite draft amendments in such manner, as may be prescribed, and invite suggestions or objections thereto from any person.

Procedure for variation under section 93.

(2) If any person communicates in writing any suggestions or objections relating to the draft amendments, to the Planning and Development Authority within one month from the date of publication of such draft amendments under sub-section (1), the Planning and Development Authority shall consider such suggestions or objections and may, at any time before submitting the draft amendments to the Government as hereinafter provided, carry out such amendments in the final town planning scheme as it thinks fit.

(3) The Planning and Development Authority shall, within a period of two months from the date of its publication, submit the draft amendments along with the suggestions or objections and the amendments made thereto in the final town planning scheme to the Government for its sanction.

(4) On receipt of the draft amendment along with the particulars referred to in sub-section (3), the Government may, after making such inquiry as it may think fit, sanction the amendment submitted with or without modifications as it deems necessary or refuse to sanction the amendment.

(5) If the amendment is sanctioned by the Government, the final town planning scheme, shall be deemed to have been varied in accordance with such amendments.

96. Where a final town planning scheme, at any time after the date on which it comes into force, is varied, any person who has incurred any expenditure for the purpose of complying with such scheme shall be entitled to be compensated by the Planning and Development Authority for the expenditure, if such expenditure is rendered abortive by reason of the variation of such scheme.

Compensation when final town planning scheme is varied.

97. In the event of a town planning scheme being withdrawn or the sanction to a preliminary scheme is refused by the Government, the Government may direct that the costs of such scheme shall be borne by the Planning and Development Authority or be paid to the Planning and Development Authority by the owners concerned in such proportion as the Government may, in each case, determine.

Apportionment of costs of scheme withdrawn or not sanctioned.

Right to appear
by recognised
agent.

Powers of Civil
Courts in respect
of certain
matters.

Costs of town
planning
scheme.

98. Every party to any proceeding before the Town Planning Officer or the Board of Appeal shall be entitled to appear either in person or by his recognised agent.

99. For the purposes of this Regulation, an officer appointed under sub-section (1) of section 66 or the Town Planning Officer or the Board of Appeal shall have the same powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits; and

(d) issuing commissions for the examination of witnesses or documents.

100. (1) The costs of a town planning scheme shall include—

(a) all sums payable by the Planning and Development Authority under the provisions of this Regulation, which are not specifically excluded from the costs of the scheme;

(b) all sums spent or estimated to be spent by the Planning and Development Authority in the making and in the execution of the scheme:

Provided that the estimates shall be with reference to the period during which the preliminary town planning scheme is to be implemented after it is sanctioned under section 86;

(c) all sums payable as compensation for the land reserved or designated for a public purpose or purposes of the Planning and Development Authority, which is solely beneficial to the owners of the land or residents within the area of the scheme;

(d) such portion of the sums payable as compensation for the land reserved or designated for any public purpose or for the purposes of the Planning and Development Authority, which is beneficial, partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners of land or residents within the area of the scheme from such reservation or designation;

(e) all legal expenses incurred by the Planning and Development Authority in the making and in the execution of the scheme;

(f) any amount by which the total of the values of the original plots exceeds the total amount of the values of the plots included in the final town planning scheme, each of such plots being estimated at its market value at the date of the publication of draft town planning scheme by Planning and Development Authority under section 62, with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme, other than improvements due to alteration of its boundaries; and

(g) twenty per cent. of the amount of the cost of infrastructure provided in the area adjacent to the area of the scheme as is necessary for the purpose of and incidental to the scheme.

(2) If, in any case, the total of the values of the plots included in the final town planning scheme exceeds the total of values of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme, as specified in sub-section (1).

101. For the purposes of this Regulation, “increment” means the amount by which the market value of a plot included in a final town planning scheme, as estimated on the date of publication of the draft town planning scheme under section 62 on the assumption that the scheme has been completed, exceeds the market value of the same plot on that date estimated without taking into account the improvements contemplated under the scheme:

Calculation of increment.

Provided that in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

102. (1) The costs of a town planning scheme shall be met wholly or in part by contributions to be levied by the Planning and Development Authority on each plot included in the final town planning scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer:

Contribution towards costs of town planning scheme.

Provided that—

(a)(i) where the cost of such scheme does not exceed half the increment, the cost shall be met wholly by a contribution; and

(ii) where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the appropriate authority;

(b) where a plot is subject to a mortgage with possession or to a lease, the Planning and Development Authority shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other, shall pay such contribution;

(c) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purposes of the Planning and Development Authority which is solely for the benefit of the owners of plots, or residents within the area of such scheme; and

(d) the contribution levied on a plot used, allotted or reserved for a public purpose, or purposes of the Planning and Development Authority, which is beneficial, partly to the owners or residents within the area of the scheme and partly to the general public, shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(2) The owner of each plot included in the final town planning scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

103. The amount by which the total value of the plots included in the final town planning scheme, with all the buildings and works thereon allotted to any person, falls short of, or exceeds, the total value of the original plots with all the buildings and works thereon of such person, shall, as the case may be, be deducted from or added to the contribution leviable from such person, by estimating each of such plots at its market value on the date of the publication of draft town planning scheme by the Planning and Development Authority under section 62 and without reference to the improvements contemplated in such scheme other than the improvements due to the alteration of its boundaries.

Certain amount to be added or deducted from contribution leviable from a person.

104. Any right in an original plot, which in the opinion of the Town Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a town planning scheme, to a final plot, shall be so transferred and any right in an original plot, which in the opinion of the Town Planning Officer is not capable of being so transferred shall be extinguished:

Transfer of right from original to final plot or extinction of such right.

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

Compensation in respect of property or right injuriously affected by scheme.

105. The owner, whose property or right is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Town Planning Officer within such time, as may be prescribed, be entitled to be compensated in respect thereof by the Planning and Development Authority or by any person benefited, or partly by the Planning and Development Authority and partly by such person as the Town Planning Officer may in each case determine:

Provided that the value of such property or rights shall be deemed to be its market value on the date of publication of the draft town planning scheme by the Planning and Development Authority under section 62 without reference to the improvements contemplated in such scheme.

Exclusion of compensation in certain cases.

106. (1) Where compensation is payable in respect of any property or private right under any other law for the time being in force applicable to the area for which the town planning scheme is made, such property or private right which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme shall not be eligible for compensation under this Regulation.

(2) Any property or private right shall not be deemed to be injuriously affected under this section by reason merely of any provision included in a town planning scheme, which, for the purpose of providing amenities in the area included in such scheme or part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (1) of sub-section (4) of section 60.

Provision for cases in which amount payable to owner exceeds amount due from him.

107. If the owner of an original plot is not provided with a plot in the preliminary town planning scheme, or if the contribution to be levied from him under section 102 is less than the total amount to be deducted therefrom under any of the provisions of this Regulation, the net amount of his loss shall be payable to him by the Planning and Development Authority in such manner as may be agreed upon by the parties.

Provisions for cases in which value of developed plots is less than amount payable by owner.

108. (1) Where, for any reason the total amount which would be due to the Planning and Development Authority under the provisions of this Regulation from the owner of a plot to be included in the final town planning scheme exceeds the value of such plot, estimated on the assumption that the said scheme has been completed, the Town Planning Officer shall at the request of the Planning and Development Authority direct the owner of such plot to make payment of such excess amount to the Planning and Development Authority.

(2) If the owner of the plot referred to in sub-section (1) fails to make payment within such period, as may be prescribed, the Town Planning Officer shall, if the Planning and Development Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot, on payment by the Planning and Development Authority of the value of such plot estimated at its market value on the date of publication of draft town planning scheme by the Planning and Development Authority under section 62 and without reference to the improvements contemplated in the said scheme; and thereupon the plot included in the final town planning scheme shall vest absolutely in the Planning and Development Authority free from all encumbrances but subject to the provisions of this Regulation:

Provided that the payment made by the Planning and Development Authority on account of the value of the original plot shall not be included in the costs of the said scheme.

109. All payments due to be made to any person by the Planning and Development Authority under this Regulation, shall, as far as possible, be made by adjustment in the account of such person with the Planning and Development Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in such manner as may be agreed upon by the parties.

Payment by adjustment of accounts.

110. (1) The net amount payable under the provisions of this Regulation by the owner of a plot included in the final town planning scheme may, at the option of the contributor, be paid in lump-sum or in annual instalments not exceeding ten.

Payment of net amount due to Planning and Development Authority.

(2) If the owner elects to pay the amount by instalments, interest at such rate as is arrived at by adding two per cent. to the bank rate published under section 49 of the Reserve Bank of India Act, 1934, from time to time, shall be charged per annum on the net amount payable.

(3) If the owner of a plot fails to exercise the option on or before the date specified in a notice issued to him in that behalf by the Planning and Development Authority, he shall be deemed to have exercised the option of paying contribution in instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to exercise the option.

(4) Where two or more plots included in the final town planning scheme are of the same ownership, the net amount payable by such owner under the provisions of this Regulation shall be distributed over his several plots in proportion to the increments which is estimated to accrue in respect of each plot, unless the owner and the Planning and Development Authority agree to a different method of distribution.

111. (1) The Planning and Development Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme, subject to the power of the Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town planning scheme comes into force.

Power of Planning and Development Authority to make agreements.

(2) The agreement referred to in sub-section (1) shall not in any way affect the duties of the Town Planning Officer as described in section 73 or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Town Planning Officer:

Provided that if the agreement is modified by the Government, either party shall have the option of avoiding it, if it so elects.

112. (1) Any sum due to the Planning and Development Authority under this Regulation or any rule made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon.

Recovery of arrears.

(2) Any sum due to the Planning and Development Authority under this Regulation or any rule made thereunder which is not paid on demand on the day on which it becomes due, or on the day fixed by the Planning and Development Authority, shall be recoverable by the said Authority by distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter:

Provided that *in lieu* of the recovery of the dues of the Planning and Development Authority, the sum due or the balance of any sum due, as the case may be, by a defaulter referred to in sub-section (2), may be recovered from him by filing a suit in any Civil Court of competent jurisdiction.

Power to borrow money for making or execution of Master Plan or town planning scheme.

113. (1) A Planning and Development Authority may borrow money at such rate of interest and for such period and upon such terms, as the Government may approve, subject to the applicable financial rules, instructions and guidelines of the Government of India for the purpose of making or execution of a Master Plan or a town planning scheme.

(2) Any expense incurred by a Planning and Development Authority or the Government under this Regulation in connection with the making and execution of a Master Plan or a town planning scheme shall be defrayed out of the funds of the Planning and Development Authority.

CHAPTER IX

SPECIAL PROVISIONS FOR LOCAL AREA PLAN

Preparation, sanction, etc., of local area plan.

114. (1) Subject to the provisions of this Regulation or any other law for the time being in force, the Planning and Development Authority may, having regard to the proposals in the final Master Plan, if any, make one or more local area plan for the planning area or any part thereof.

(2) The local area plans may be made in respect of any land, whether or not it forms part of the sanctioned preliminary town planning scheme:

Provided that before making the local area plan, the Planning and Development Authority shall notify, the boundaries of area for which such local area plan is to be made and publish the same in the local newspapers:

Provided further that for making the local area plan in respect of any land which is not a part of the sanctioned preliminary town planning scheme, the prior permission of the Government shall be necessary.

(3) The local area plan may make provisions for all or any of the following matters, namely:—

(a) define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation; or

(b) lay down in detail the projected road and street furniture; or

(c) access, make projection for the future requirements of amenities, services and utilities, such as, transport, electricity, water, drainage, plantation and landscape; or

(d) specify in detail the footprint, height and building envelope, control over architectural features including elevation and frontage, number of stories, size of buildings, courtyard, pickup and drop off points, parking and such other requirements to integrate the building envelope in the vicinity; or

(e) indicate the phasing of the program of development, the cost of development, and the share to be paid by each owner or the beneficiary; or

(f) access the cost of works to be provided by the Planning and Development Authority and the contribution of fees to be paid by different owners; or

(g) make such provisions as are necessary which are enumerated in clause (1) of sub-section (4) of section 60,

and indicate in the plan and other document, the land which shall vest with the Planning and Development Authority.

(4) The Planning and Development Authority shall, after making the draft local area plan,—

(a) for the purpose of finalising it, call a meeting or meetings of the persons affected by such local area plan, by a public notice and notices to the individuals whose addresses are known, and explain the contents of the local area plan for inviting their objections and suggestions on the same;

(b) consider the objections and suggestions received under clause (a), and modify the said plan as it thinks fit and publish it in the Official Gazette, inviting objections and suggestions from the person affected by the local area plan within a period of thirty days.

(5) The appropriate authority may consider the objections and suggestions received under clause (b) of sub-section (4) and modify the plan, if necessary, and submit the same to the Government along with the objections and suggestions, and its conclusion thereon.

(6) On receipt of the draft local area plan under sub-section (5), the Government may, by notification,—

(a) sanction such local area plan with or without modifications or subject to such conditions as it may think fit to impose; or

(b) return the plan to the Planning and Development Authority with directions as it may think fit; or

(c) refuse to accord sanction.

(7) Where the Government sanctions the local area plan under clause (a) of sub-section (6), it shall state in the notification—

(a) the place at which the said local area plan shall be kept open for inspection by the public; and

(b) a date on which all the liabilities created by the local area plan shall come into force:

Provided that the Government may, from time to time, extend such period, by notification, not exceeding three months at a time, as it thinks fit.

(8) On and after the date on which a local area plan comes into force, any person continuing to occupy any land, which he is not entitled to occupy as per the local area plan, shall, within a period of three months, surrender the land to the Planning and Development Authority and if he fails to do so the Planning and Development Authority shall, give a notice in writing to evict the person from such land within a period specified in the notice:

Provided that if such person continues to occupy such land for which the said notice has been issued, the Planning and Development Authority shall take the following measures, namely:—

(a) remove, pull down, any building construction or any other work done in such land which contravenes the local area plan or where any erection or carrying out has not complied with any provision of the local area plan;

(b) any expenses incurred by the appropriate authority under this section shall be recovered from the person in default or the owner of the plot in such manner as provided for the recovery of the sums due to the appropriate authority under the provisions of this Regulation;

(c) no person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Appropriate Authority under the provisions of this section except in respect of the building or work begun before the date referred to in clause (b) of sub-section (7) and only in so far as such building or work has proceeded until that date:

Provided that any claim to the compensation which is not barred under this sub-section shall be subject to the condition of any agreement entered between the claimant and the appropriate authority.

CHAPTER X

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

Levy of
development
charge.

115. (1) Subject to the provisions of this Regulation and the rules made thereunder, and with the previous sanction of the Government, every Planning and Development Authority shall, by a notification, levy a development charge for carrying out any development or change to the use of land for which permission is required to be obtained under Chapter VII, in whole or any part of the planning area, at the rates specified from time to time:

Provided that different rates may be specified for different parts of the planning area.

(2) The development charge shall be leviable on the person who undertakes or carries out any such development or change in use of land as referred to in sub-section (1).

(3) The maximum and minimum development charges under this section and the classification based on which such charges are fixed shall be such as may be prescribed.

(4) Notwithstanding anything contained in sub-sections (1) and (2), no development charge shall be levied in the cases of development, or any change to the use of any land which is vested in, or is under the control or possession of, the Central Government, the Government or any local authority.

(5) The Government may provide for exemption from the levy of development charge on the development, or change of use of any land under this section, subject to such conditions as may be prescribed.

Levy of
processing fee
for change of
zone.

116. (1) The Government may, by notification, levy a fee to be charged for processing of applications filed with the Board, for change of zone in notified Master Plans and Zoning Plans.

(2) The Government may, by notification, levy a fee to be charged for change of Zone in Master Plans and Zoning Plans from the notified Zone to other Zone.

(3) The rate of processing fee or fees for change of zone leviable under this section shall be such as the Government may, by notification, specify.

Assessment of
development
charge.

117. (1) Any person, who intends to carry out any development, or to institute, or change the use of any land for which permission under Chapter VII is necessary, whether he has applied for such permission or not, or who has commenced the carrying out of any such development or has carried out such development or instituted or changed any such use, shall apply to the Planning and Development Authority in such manner, as may be prescribed, for assessment of development charge payable in respect thereof.

(2) The Planning and Development Authority shall, on such application being made, or if no such application is made, after serving a notice on the person liable for payment of development charge, determine in the manner specified in sub-sections (3) and (4), the development charge, as may be leviable in respect of that development or use.

(3) The Town Planning Officer shall, after giving a reasonable opportunity of being heard to the person who has made an application under sub-section (1), or who has been served with a notice under sub-section (2), make a report to the Planning and Development Authority.

(4) After taking into consideration the report of the Town Planning Officer made under sub-section (3), the Planning and Development Authority shall pass an order of assessment in writing, indicating the amount of development charge:

Provided that—

(a) where the permission under Chapter VII has not been granted for carrying out the said development, the Planning and Development Authority may postpone the assessment of the development charge; or

(b) where the application relates to the carrying out of any development in any land, the Planning and Development 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 sufficient to enable him to carry out such development, or that the applicant will carry out the development within such period as the Planning and Development Authority considers appropriate; or

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

(5) The Planning and Development Authority shall deliver or serve a copy of the order passed under sub-section (4) on the applicant or the person liable for payment of the development charge.

(6) An order of assessment made under this section shall, subject to the provisions of section 118, be conclusive and enforceable.

118. (1) Any person aggrieved by an order of assessment made under section 117 may, within such time and in such manner, as may be prescribed, appeal to the Board.

Appeals against assessment.

(2) On an appeal made to the Board under sub-section (1), the Chief Town Planner (Administration) shall, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, make a report to the Board.

(3) The Board may, after taking into consideration the report of the Chief Town Planner (Administration), and if it deems necessary, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, pass such order as it deems fit.

119. (1) If any development of land is commenced or carried out or use of land has been changed without payment of the development charge assessed under the provisions of section 117, the amount of the development charge shall, subject to prior payment of the land revenue, if any, be a first charge upon the interest of the person so liable on the land on which development has been commenced or carried out or use of land has been changed.

Development charge to be charge on land and to be recoverable as arrears of land revenue.

(2) The development charge under this Chapter shall be recoverable as if it were an arrear of land revenue.

CHAPTER XI

FINANCE, ACCOUNTS AND AUDIT

120. (1) Every Planning and Development Authority shall maintain a separate fund to which shall be credited—

Fund of Planning and Development Authority.

(a) all moneys received by the Planning and Development Authority from the Government by way of grants, loans, advances or otherwise for the purposes of this Regulation;

(b) all development charges or other charges received by the Planning and Development Authority under this Regulation or bye-laws made thereunder;

(c) contributions from the local authority or authorities of the area included in the planning area of the Planning and Development Authority, of such amount, not exceeding ten per cent. of the general fund of such local authority or authorities, as the Government may specify from time to time; and

(d) all moneys received by the Planning and Development Authority from any other source.

(2) The fund referred to in sub-section (1) shall be applied towards meeting—

(a) the administrative expenses of the Planning and Development Authority; or

(b) the cost of acquisition of land in the planning area for the purpose of development; or

(c) the expenditure for any development of land in the planning area; or

(d) the expenditure for such other purposes as the Government may direct.

(3) The Planning and Development Authority shall make separate allocation out of the said fund for regular training and capacity-building initiatives for its officers and staff, as well as, for the procurement of necessary tools and equipment, so as to ensure the availability of quality resources for effective planning and execution.

(4) Every Planning and Development Authority may keep in its current account with the State Bank of India or any other Bank as may be approved by the Government in this behalf, such sums of money out of its funds, as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

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

(6) The balances under the Planning and Development Authority shall be periodically reviewed by the Government, and a statement thereof may be submitted to the Central Government at the end of each financial year in such form and manner as may be prescribed.

Budget of
Planning
Authority.

121. Every Planning and Development Authority shall prepare in such form and at such time annually, as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Planning and Development Authority and shall forward it through the Chief Town Planner (Administration), to the Government and the Board, such number of copies thereof as may be prescribed.

Accounts and
audit.

122. (1) Every Planning and Development 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 and Development Authority shall be subject to audit annually by the Director of Accounts.

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

(4) The accounts of every Planning and Development Authority as certified by the Director of Accounts together with the audit report thereon shall be forwarded annually to the Government and the Board.

CHAPTER XII

MISCELLANEOUS

123. (1) The Board shall prepare for every year a report of its activities during the year and submit the report to the Government in such form, and on or before such date, as may be prescribed and the Government shall cause a copy of the report to be laid before the Administrator.

Annual reports.

(2) Every Planning and Development Authority shall prepare for every year a report of its activities under this Regulation during the year and submit the report to the Government and the Board in such form, and on or before such date, as may be prescribed.

124. (1) Every Planning and Development Authority shall, for the benefit of its officers and other employees, constitute such pension and provident funds as it may deem fit, in such manner and subject to such conditions, as may be prescribed.

Pension and provident funds.

(2) Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

125. (1) The Chief Town Planner, or Town Planning Officer of any Planning and Development Authority, or any person authorised by the Board or any Planning and Development Authority, may enter into, or upon, any land or building, with or without assistants or workmen, for the purpose of—

Power of entry.

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

(b) setting out boundaries and intended lines of works; or

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

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

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

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

(g) for any other purpose necessary for the efficient administration of this Regulation:

Provided that—

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

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

(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 usages of the occupants of the land or building entered.

(2) The powers of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the Union territory, and the powers of any Town Planning Officer or any Planning and Development Authority under sub-section (1) shall extend to the planning area within the jurisdiction of that Authority and such other area which the Government may have directed to be included in a Master 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 liable to a penalty which may extend to fifty thousand rupees.

126. (1) All documents, including notices and orders, required by this Regulation or the rules made thereunder, to be served upon any person shall, save as otherwise provided in any section or rule, be deemed to be duly served—

(a) where the document is to be served on a Government department, local authority, statutory authority, company, corporation, society, or other body, if the document is addressed to the Head of the Government Department, Secretary or principal officer of the local authority, statutory authority, corporation, society or body, to the principal, branch, local or registered office, as the case may be, of other body and is either—

(i) sent by registered post to such person or officer; or

(ii) delivered at such office;

(b) where the person to be served is a member of 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; and

(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.

Service of
notices, etc.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building, may be addressed as the owner or 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 delivered or sent in accordance with clause (c) of sub-section (1); 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 documents to be served on the owner of any property, the Secretary to the Board, or the Board, or the Planning and Development Authority, or any other officer authorised by the Board or the Planning and Development 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 the 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:

Provided that a servant of such person shall not be deemed to be a member of the family for the purposes of this sub-section.

127. Every public notice given under this Regulation or the rules made thereunder shall be in writing over the signature of the Secretary to the Board, or any Planning and Development Authority, or such other officer who may be authorised in this behalf by the Board or Planning and Development Authority, as the case may be, 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 such other means which the Secretary to the Board or the Planning and Development Authority thinks fit.

Public notice
how to be made
known.

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

Notices, etc., to
fix reasonable
time.

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

Authentication
of orders and
documents of
Board and
Planning and
Development
Authorities.

130. (1) Every Regional Plan, Master Plan, or town planning scheme which is finally sanctioned by the Government, shall be drawn up in duplicate and every such plan or scheme or every page thereof shall be authenticated under the seal and signature of the Secretary to the Government and one such plan or scheme shall be deposited with the Member Secretary of the Board and sealed with his seal and the second shall be deposited with the Planning and Development Authority concerned.

Authentication
of plans and
schemes and
custody thereof.

(2) The plan or scheme deposited with the Member Secretary of the Board under his seal shall be kept under his lock and key and custody and shall not be utilised unless it is required for production in any Court or any authority duly empowered in this behalf by the Government for verifying any entry made or alleged to be made in any such plan or scheme, and a certified copy of any plan or scheme or any part thereof may be given to any person on payment of such fee, as may be prescribed.

(3) Where a plan or scheme or any part thereof is produced for verification, such plan or scheme or part thereof shall, after the relevant entry or entries therein are duly verified (such verification being made in Court, or as the case may be, in the Board or any officer duly nominated by it in that behalf), be resealed with seal of Member Secretary of the Board and then deposited with him in the manner aforesaid.

(4) If any officer or person having custody of a plan or scheme makes or causes to be made any change in such plan or scheme or in any part thereof, which is not authorised by or under the provisions of this Regulation, he shall, be liable to a penalty which may extend to fifty thousand rupees.

Mode of proof of records of Board and Planning and Development Authority.

131. Notwithstanding anything contained in the Bharatiya Sakshya Adhiniyam, 2023, a copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or any Planning and Development Authority, if duly certified by the authorised keeper thereof, or other person authorised by the Board or Planning and Development Authority in this behalf, shall be received as *prima facie* evidence of the existence of such receipt, application, plan, notice, order, entry or 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 receipt, application, plan, notice, order, entry or document would, if produced, have been admissible.

47 of 2023.

Restriction on summoning of officers and servants of Board and Planning and Development Authority.

132. No Chairperson, Member or officer or employee of the Board or any Planning and Development Authority shall, in any legal proceedings to which the Board or Planning and Development Authority is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section 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.

Right to appear by recognised agent.

133. Every party to any proceeding before the Board, shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

Power to compel attendance of witness, etc.

134. For the purposes of this Regulation, an officer appointed under sub-section (1) of section 66 or the Board, may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

5 of 1908.

Protection of action taken in good faith.

135. No suit or other legal proceeding shall lie against the Government, Planning and Development Authority or any of its officers or persons duly appointed or authorised by it in respect of anything in good faith done or purporting to be done under the provisions of this Regulation or the rules made thereunder.

Contravention by companies.

136. (1) If the person who contravenes any of the provisions of this Regulation is a company, every person who at the time the contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to have contravened the provisions of this Regulation and shall be liable to penalty accordingly:

Provided that nothing contained in this sub-section shall render any such person liable for such contravention, if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Regulation has been committed by a company and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be liable to be proceeded against for such contravention accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

137. If any person—

(a) obstructs, or molests any person engaged or employed by the Board or any Planning and Development Authority or any person with whom the Board or Planning and Development Authority has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or required to do under this Regulation, or of any rule made thereunder or under the contract, as the case may be, he shall be liable to a penalty which may extend to twenty thousand rupees;

Penalty for obstructing contractor or removing mark.

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of work authorised under this Regulation, he shall be liable to a penalty which may extend to ten thousand rupees.

138. (1) For the purpose of adjudicating penalties for contraventions under this Regulation, the Government may appoint an officer not below the rank of Under Secretary to the Government of India or any officer equivalent in rank, as an adjudicating officer for holding an inquiry and imposing penalties.

Adjudication of penalties.

(2) The adjudicating officer referred to in sub-section (1) shall not impose any penalty on any person, unless such person—

(a) is given a notice informing him of the grounds on which it is proposed to impose a penalty;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the ground of imposition of penalty mentioned therein; and

(c) is given a reasonable opportunity of being heard in the matter.

(3) The adjudicating officer may, if sufficient cause is shown at any stage of proceeding, grant time, to the parties or any of them and adjourn the hearing for reasons to be recorded in writing:

Provided that no such adjournment shall be granted more than three times to a party during the proceeding.

139. (1) Any person, who is aggrieved by an order or decision of adjudicating officer, may, within a period of thirty days from the date of receipt of such order, prefer an appeal to the Secretary of the Department concerned, or before any officer equivalent in rank designated as such by the Government, as an appellate authority, in such form and manner, as may be prescribed.

Appeal against adjudication order.

(2) The appellate authority may entertain an appeal after the expiry of the period referred to in sub-section (1), if it is satisfied that the appellant was prevented from sufficient cause for filing the appeal within the said period.

(3) An appeal shall be disposed of, except for sufficient reasons to be recorded in writing, within a period of sixty days from the date of its filing.

(4) The amount of penalty imposed under the provisions of this Regulation, if not deposited, may be recovered as an arrear of land revenue.

Penalties when realised, to be paid to Planning and Development Authority.

140. All penalties realised in connection with any contravention under this Regulation shall be paid to the concerned Planning and Development Authority.

Members and officers to be public servants.

141. Every member, officer and other employee of the Board and of every Planning and Development Authority shall be deemed to be a public servant within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

Finality of orders.

142. Save as otherwise expressly provided in this Regulation, every order passed or direction issued by the Government or the Board, or order passed or notice issued by any Planning and Development Authority, under this Regulation shall be conclusive and enforceable.

Validation of act and proceedings.

143. (1) No act or proceeding taken under this Regulation 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 any Planning and Development Authority; or

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

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

(2) Every meeting of the Board and of any Planning and Development Authority, the minutes of the proceedings of which have been duly signed in such manner, as may be prescribed, shall be taken to have been duly convened and to be free from all defects and irregularities.

Power to delegate.

144. (1) The Board may, by a resolution and with the previous consent of the concerned Planning and Development Authority, local authority, or the Government, as the case may be, direct that any power exercisable by it under this Regulation may also be exercised by any other Planning and Development Authority, local authority, or any officer of the Board or the Government, as may be specified in such resolution, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The respective Chief Town Planner may, by an order in writing and with the previous approval of the Board, direct that any of power exercisable by him under this Regulation may also be exercised by any Planning and Development Authority, local authority, or any officer of the Board or the Government, as may be specified in such order, in such cases and subject to such conditions, if any, as may be specified therein.

(3) Any Planning and Development Authority may, by a resolution and with the previous approval of the local authority or the Government, as the case may be, direct that any power exercisable by it under this Regulation, except the power to prepare any Master Plan, may also be exercised by a local authority or any officer of the Government or Planning and Development Authority, as may be specified in such resolution, in such cases and subject to such conditions, if any, as may be specified therein.

(4) The Town Planning Officer of any Planning and Development Authority may, by order in writing, and with the previous approval of the Planning and Development Authority, direct that any power exercisable by him under this Regulation, may also be exercised by any officer of the Planning and Development Authority or local authority specified in such order, in such cases and subject to such conditions, if any, as may be specified therein.

145. (1) Every Planning and Development Authority shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Regulation.

Control by Government.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Planning and Development Authority under this Regulation, any dispute arises between the Planning and Development Authority and a local authority, it shall be referred to the decision of the Government, which shall be conclusive and enforceable.

146. Every Planning and Development Authority shall furnish to the Government such reports and other information as the Government may from time to time require.

Reports and information.

147. (1) Save as provided in this Regulation, the provisions of this Regulation shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Effect of other laws.

(2) Notwithstanding anything contained in any other law for the time being in force—

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

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

16 of 1908.

148. (1) Nothing in the Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned, in connection with a Master Plan or town planning scheme under this Regulation.

Registration of documents, plan or map in connection with Master Plan or town planning scheme not required.

16 of 1908.

(2) All the documents, plans and maps referred to in sub-section (1) shall, for the purposes of sections 48 and 49 of the Registration Act, 1908, be deemed to have been registered in accordance with the provisions of this Regulation:

Provided that copies of documents, plans and maps relating to a Master Plan or a sanctioned town planning scheme shall be sent to the office of the Sub-Registrar concerned, where such copies shall be kept and made accessible to the public in such manner as may be prescribed.

149. When a local authority, which is a Planning and Development Authority, ceases to exist or ceases to have jurisdiction over any area included in a town planning scheme, the property and rights vested in such Planning and Development Authority under this Regulation, shall, subject to all charges and liabilities affecting the same, vest in such other Planning and Development Authority or Authorities as the Government may, with the consent of such Authority or Authorities, by notification, direct; and the Planning and Development Authorities or each of such Authorities shall have all the powers under this Regulation in respect of such town planning scheme or part thereof, which the Planning and Development Authority had, immediately before it ceased to exist or ceased to have jurisdiction.

Vesting of property ceasing to have jurisdiction.

150. Where a local authority designated as a Planning and Development Authority under this Regulation is dissolved or superseded by any of the provisions of the Regulation under which it was constituted,—

Special provision in case of dissolution or supersession of a local authority.

(a) the person appointed under such Regulation to exercise the powers and perform the functions of the local authority shall be deemed to be the Planning and Development Authority under this Regulation, and he may exercise all the powers and perform all the duties of a Planning and Development Authority under this Regulation during the period of dissolution or supersession of such local authority;

(b) in the event of the person appointed as aforesaid exercising the powers and performing the duties of the Planning and Development Authority under this Regulation, any properties which, under the provisions of this Regulation, vest in the local authority as a Planning and Development Authority shall, during the period of the dissolution or supersession of the local authority, vest in the Government and such property shall, at the expiry of the said period vest in such authority as the Government may, by notification, direct.

Default in exercise of power or performance of duty by Planning and Development Authority.

151. (1) If, in the opinion of the Government, any Planning and Development Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Regulation, the Government or any person or persons appointed in this behalf by the Government may exercise such power or perform such duty.

(2) Any expenses incurred by the Government or any person in exercising such power or performing such duty as referred to in sub-section (1), shall be met from the funds of the Planning and Development Authority and the Government may make an order directing any person who, for the time being, has custody of any such funds to pay such expenses from the said funds and such person shall be bound to obey such order.

Dissolution of Planning and Development Authorities.

152. (1) Where the Government is satisfied that the purpose for which any Planning and Development Authority was established under this Regulation have been substantially achieved so as to render the continued existence of the Planning and Development Authority unnecessary, the Government may, by notification, declare that the Planning and Development Authority shall be dissolved with effect from such date as may be specified in such notification and such authority shall be deemed to be dissolved accordingly.

(2) With effect from the date of dissolution of a Planning and Development Authority under sub-section (1),—

(a) all properties, funds and dues which are vested, or realisable by the Planning and Development Authority shall vest in, or be realisable by the Government;

(b) all liabilities which are enforceable against such authority shall be enforceable against the Government; and

(c) for the purposes of carrying out any development in any area which has not been fully carried out by the authority before its dissolution and for the purpose of releasing properties, funds and dues referred to in clause (a), the functions of such authority shall be discharged by the Government.

Power to make rules.

153. (1) The Government may, by notification, make rules to carry out the provisions of this Regulation.

(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:—

(i) the qualifications of a Chief Town Planner in town and country planning under section 3;

(ii) term of office of the Members of the Board referred to in clauses (o) and (q) of sub-section (2) of section 4, the manner of filling casual vacancies among them and the allowances payable to them for attending the meetings of the Board under section 5;

(iii) rules of procedure in regard to the transaction of business in the meetings of the Board under section 7;

(iv) other functions under clause (m) of sub-section (2) of section 8;

(v) the period for approval or return of the Regional Plan under sub-section (1) of section 14;

(vi) the qualification of the members under clause (b) of sub-section (7) of section 24;

(vii) the terms and conditions of the members of the Planning Committee under sub-section (8) of section 24;

(viii) term of office and the conditions of service of the chairperson and members of a Planning and Development Authority (other than the Town Planning Officer) under sub-section (1) of section 25;

(ix) other functions under clause (j) of sub-section (1) of section 26;

(x) time and places, and rules of procedure in regard to the regulation of business at its meetings of Planning and Development Authority under sub-section (1) of section 27;

(xi) control and restrictions subject to which every Planning and Development Authority may appoint such number of officers and staff as may be necessary for the efficient performance of its functions and determination of their designation and grades under sub-section (1) of section 28;

(xii) salaries and allowances and terms and conditions of service of the officers and staff of every Planning and Development Authority under sub-section (2) of section 28;

(xiii) the form of land use map and land use register under sub-section (1) of section 29;

(xiv) such other matters under sub-clause (xv) of clause (a) of sub-section (1) of section 33;

(xv) time to consider the report of the Committee by the Planning and Development Authority under sub-section (5) of section 36;

(xvi) time to approve or return the Master Plan by the Government under section 37;

(xvii) the form and manner of issuance of a Development Right Certificate under sub-section (1) of section 43;

(xviii) the manner of utilisation of transferable development right as additional built-up space by the owner under sub-section (2) of section 43;

(xix) the manner of transfer of land and amenity in favour of the Planning and Development Authority or local authority for public purpose as specified in the Regional Plan or Master Plan by way of accommodation reservation under sub-section (1) of section 44;

(xx) the manner of allotment of development right by way of transferable development right for posterity under section 45;

(xxi) terms and conditions subject to which the Planning and Development Authority may allow the continuance of the use for a period not exceeding ten years of any land to the extent to which it was used on the date of publication of public notice under section 46;

(xxii) the form of application, the particulars, and documents and plans accompanied thereto under sub-section (1) of section 48;

(xxiii) the documents and plans to be accompanied with the information of the Department of the Central Government or Government or local authority, to the Planning and Development Authority, to carry out any development in respect of, or change of use of any land under sub-section (2) of section 48;

(xxiv) the manner of communication of the order to the applicant under sub-section (7) of section 48;

(xxv) the manner and fees for preferring an appeal under sub-section (2) of section 49;

(xxvi) the manner of serving a notice requiring the Government to acquire his interest in land under sub-section (1) of section 51;

(xxvii) the time and manner of claiming compensation for the refusal of such permission or for the grant thereof from the Planning and Development Authority under sub-section (1) of section 52;

(xxviii) the time within which the claimant shall give the notice of refusal to accept compensation under sub-section (4) of section 52;

(xxix) the particulars to be submitted together with the layout plan under sub-section (1) of section 53;

(xxx) the manner of communicating the order to the applicant under sub-section (3) of section 53;

(xxxi) the manner of inquiry by the Planning and Development Authority under sub-section (4) of section 53;

(xxxii) the time and manner of claiming compensation for the expenditure incurred in carrying out any work in accordance with permission and which has been rendered abortive by the revocation or modification of such permission under sub-section (2) of section 54;

(xxxiii) the time within which the claimant shall give the notice of refusal to accept compensation under sub-section (4) of section 54;

(xxxiv) the development charge and penalty under clause (c) of sub-section (1) of section 56;

(xxxv) the period and manner of applying for permission for retention or appeal to the Board under clauses (a) and (b) of sub-section (2) of section 56;

(xxxvi) the period after the disposal or withdrawal of an application for permission or an appeal under sub-section (6) of section 56;

(xxxvii) the period and manner of appeal to the Board under sub-section (2) of section 58;

(xxxviii) the time and manner of claiming compensation in respect of the damage, or of any expenses reasonably incurred for complying with the notice under clause (b) of sub-section (4) of section 58;

(xxxix) the period and manner of serving notice on the Government under clause (a) of sub-section (5) of section 58;

(xl) the other matters not inconsistent with the objects of this Regulation under clause (n) of sub-section (4) of section 60;

(xli) the period within which the Government may, either give its consent to the publication of the draft scheme or direct the Planning and Development Authority to make such modifications in that draft scheme as it thinks fit under sub-section (1) of section 61;

(*xl*ii) the manner of publication of draft scheme under sub-section (*1*) of section 63;

(*xl*iii) the other particulars under clause (*h*) of section 64;

(*xl*iv) the manner and method of entitlement to compensation from the Planning and Development Authority under sub-section (*3*) of section 65;

(*xl*v) circumstances in which the period of one month to be reduced to fifteen days for inviting objections to the draft scheme under section 67;

(*xl*vi) the form of application and scrutiny fees thereto to obtain the permission from the Planning and Development Authority under sub-section (*1*) of section 70;

(*xl*vii) the manner of inquiry to be made by the Planning and Development Authority under sub-section (*4*) of section 70;

(*xl*viii) the qualification of a Town Planning Officer under sub-section (*1*) of section 71;

(*xl*ix) the procedure to be followed by the Town Planning Officer to sub-divide the town planning scheme into a preliminary scheme and a final scheme under section 72;

(*l*) the manner and form of notice to be given to the persons affected by preliminary town planning scheme under clause (*a*) of sub-section (*1*) of section 73;

(*li*) the form and manner of notice to be given by the Town Planning Officer before estimation of claims and payment of compensation to the owner, whose property or right is injuriously affected by the making of the town planning scheme under clause (*j*) of sub-section (*3*) of section 73;

(*li*i) the form and manner of drawing preliminary and the final town planning schemes under clause (*k*) of sub-section (*3*) of section 73;

(*li*ii) the form of communication of decision of the Town Planning Officer to the party concerned under section 75;

(*li*v) the qualifications and experience of the Members of the Board of Appeal under sub-section (*2*) of section 76;

(*li*v) the terms of appointment and conditions of service of the President of the Board of Appeal under sub-section (*4*) of section 76;

(*li*vi) the procedure to be followed by the Planning and Development Authority for eviction of any person continuing to occupy any land which he is not entitled to occupy under the preliminary scheme under section 90;

(*li*vii) the form of notice to be given by the Planning and Development Authority under sub-section (*1*) of section 91;

(*li*viii) the manner of publishing a draft of any variation under sub-section (*2*) of section 92;

(*li*x) the other particulars which the draft variation shall also contain under sub-section (*3*) of section 92;

(*l*x) the manner of publishing the requisite draft amendments in the final town planning scheme inviting suggestions or objections thereto under sub-section (*1*) of section 95;

(*l*xi) the time to make a claim before the Town Planning Officer by the owner, whose property or right is injuriously affected by the making of a town planning scheme under section 105;

(*lxii*) the period within which the owner of a plot is required to make payment of the excess amount as and when directed by the Town Planning Officer under sub-section (2) of section 108;

(*lxiii*) the classification on the basis of which the maximum and minimum development charges are fixed under sub-section (3) of section 115;

(*lxiv*) the conditions for exemption from the levy of development charge on the development or change of use of any land under sub-section (5) of section 115;

(*lxv*) the manner of applying to the Planning and Development Authority by any person, who intends to carry out any development, or to institute, or change the use of any land for which permission under Chapter VII is necessary under sub-section (1) of section 117;

(*lxvi*) the time and the manner of filing appeal to the Board under sub-section (1) of section 118;

(*lxvii*) the sums of money out of its funds which may be kept in the current account with the State Bank of India or any other bank as may be approved by the Government by every Planning and Development Authority under sub-section (4) of section 120;

(*lxviii*) the form and manner of submission of statement of periodical review of balances to the Central Government under sub-section (6) of section 120;

(*lxix*) the form and time annually for preparation of a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Planning and Development Authority, and number of copies thereof to be forwarded through the Chief Town Planner (Administration), to the Government and the Board under section 121;

(*lxx*) the form of annual statement of accounts including the balance sheet under sub-section (1) of section 122;

(*lxxi*) the form of report and the date on or before which the Board shall prepare and submit it to the Government under sub-section (1) of section 123;

(*lxxii*) the form of report and the date on or before which the Planning and Development Authority shall prepare and submit it to the Government under sub-section (2) of section 123;

(*lxxiii*) the manner of and conditions subject to which every Planning and Development Authority shall, for the benefit of its officers and other employees, constitute such pension and provident funds as it may deem fit under sub-section (1) of section 124;

(*lxxiv*) the fee on payment of which a certified copy of any plan or scheme or any part thereof may be given to any person under sub-section (2) of section 130;

(*lxxv*) the form and manner of preferring an appeal to the Secretary of the Department concerned, or before any officer equivalent in rank designated as such by the Government, as an appellate authority, under sub-section (1) of section 139;

(*lxxvi*) the manner of signing the minutes of the proceedings of every meeting of the Board and of any Planning and Development Authority under sub-section (2) of section 143;

(*lxxvii*) the manner of making accessible the copies of documents, plans and maps relating to a Master Plan or a sanctioned town planning scheme in the office of the Sub-Registrar concerned under sub-section (2) of section 148;

(*lxxviii*) any other matter which has to be, or may be, prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with a penalty which may extend to five hundred rupees and in the case of a continuing contravention, with an additional penalty which may extend to twenty-five rupees for every day during which such contravention continues after the first such contravention.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree 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.

(5) A Planning and Development Authority may, with the previous sanction of the Government, make regulations consistent with the provisions of this Regulation and the rules made thereunder to carry out the matters included in a Master Plan.

(6) A regulation made under sub-section (5) may provide that a contravention thereof shall be liable to a penalty which may extend to one hundred and fifty rupees, and in the case of a continuing contravention, with an additional penalty which may extend to ten rupees for every day during which such contravention continued after the first such contravention.

(7) The power to make rules or regulations under this section shall be subject to the condition of previous publication and such publication shall be made in the Official Gazette and in such other manner as may be directed by the Government.

154. (1) On the commencement of this Regulation, any other law in force in its application to the Union territory of Lakshadweep corresponding to any of the provisions of this Regulation, shall stand repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of such other law, shall be deemed to have been done or taken under the corresponding provisions of this Regulation.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.