

Government Of U.P.
Housing Section-1
No.-4411/9-Aa-1-1998-109 D.A/98
Lucknow: Dated: November 30, 1998

NOTIFICATION

The Governor Of Uttar Pradesh, in exercise of powers under section-55 of Uttar Pradesh Urban Planning and Development act, 1973(Presidential Act No. 11 of 1973) as re-enacted with modifications by Uttar Pradesh Act of State (Re-Enactment with modifications)Act, 1974 (U.P. Act No.30 of 1974), frame the following Rules:-

U.P. Development Authorities (Method of sealing of Unauthorized Development) Rules, 1998

Short Title & Commencement 1. (1) These Rules shall be called U.P. Development Authorities (Method of sealing of Unauthorized Development) Rules.1998.

(2) These shall apply to all Development Authorities in U.P.

(3) These will come into force from the date of publication in the gazette.

Definition 2. In these Rules, unless otherwise required in the context, "Act" means Uttar Pradesh Urban Planning &Development Act, 1973

Conformity of Development 3. Vice- Chairman or any officer, of not less than the level of Group 'A' officer, of the Development Authority Empowered by him for this purpose shall ensure the development works in the development area are being carried out in accordance with the approved scheme.

Order for Sealing Unauthorized development 4. (1)Vice-Chairman or any officer empowered by him in this behalf, on being satisfied by the report that unauthorized development is being carried out in contravention of Act,Rules , Regulation Cluases of Bye-Laws, Permit Granted under Section 15 of the act , Direction issued under section 28 of the Act or the directions issued by the state government shall pass a order in writing for sealing of the development.

(2)The report mentioned in sub- rule(1) shall be prepared by Junior Engineer or any officer of the equivalent level after preliminary enquiry on the spot, which shall be carefully reviewed by Asstt. Engineer or any officer of the equivalent level.

(3) The order passed under Sub-Rule (1) shall be served on the owner, occupant or the person engaged in implementation or supervision of the said development, in accordance with the procedure given in Section-43 of the Act.

Methods of Sealing 5.The Development found unauthorized or against the scheme or permit or specified land-use, shall be sealed by the method specified under:-

1. The measurement and recording of total development and construction carried out shall be done in the presence such officer who has been ordered to seal the development.
2. The measurement so recorded shall be attested by the owner of the development or the person engaged in implementation or supervision of the development and in the event of absence or unwillingness of the above mentioned persons, the same shall be got witnessed by two persons.
3. The entire development, as far as practicable, shall be sealed with one or several seals by such method that the development work may not be approached without breaking the seal.
4. If it is expedient to prevent approach to the development work, the entry to the area of development work may also be sealed.
5. The sealed development may be given in safe custody of the occupant or in the event of his absence or unwillingness, may be given in safe custody of any responsible person of the locality.

6. (1) After the sealing of the development, the owner or person engaged in the implementation or supervision of the development, may within fifteen days, by way of representation before the officer ordering sealing of the development, show that the said development is authorized.
 - (2) The representation shall be decided by the officer ordering the sealing or any other officer authorized by the Vice-Chairman for the purpose within ten working days and the person making the representation shall be intimated about the decision within the above period.
 - (3) In case the representation is not disposed of within the prescribed period, the person making the representation, after giving seven days written notice to this effect to officer ordering sealing of the development, and vice-Chairman, shall be free to continue the development in accordance with approved legal permission under section Section-15 of the Act. However, the Vice-Chairman shall not be prevented from taking any action under any other provision of the Act in regard to said development owing to this.
 - (4) In case the representation is rejected by the Chairman under any order passed under Section 28-ka(4) of the Act, the unauthorized development shall remain sealed till the same being regularized under section -15 of the Act and grant of permission for development or mitigation of offence in accordance with the law.
7. Vice-Chairman or any officer authorized by him for the purpose, may, on the representation of the owner, order mitigation of the offence, in case of it being permissible under the law, and thereafter Vice-Chairman, consequent to mitigation of the offence, may order removal of the seal and after that the development may be restarted in accordance with the permission as granted for development under Section 15 of the Act.
 8. Whosoever, who has been assigned duty of inquiring or presenting report in respect of the unauthorized construction under these Rules or Bye- laws, knowing or having knowledge of ignores the same and the development is sealed on his report and thereafter order is given for breaking the seal, because the construction is found in accordance with permission granted under Section-15 of the Act, shall be approximately punished as per the rules in force in the same.

By order,
(Atul Kumar Gupta)
Secretary

No.4411(1)/9-Aa-1-1998 of even date

Copy of the Rules alongwith English Version forwarded to Addl. Director, Printing and Stationary, Lucknow for publication in Section (Kha) Part-4 of Legal Appendix of U.P. Gazette Extraordinary dated 30 November, 1998 and making available 100 copies.

By order,
(Rambriksha Prasad)
Joint Secretary

No. 4411(2)/9-Aa-1-1998 of even date

Copy forwarded to Chairman/Vice Chairman of all Development Authorities for necessary action.

By order,
(Rambriksha Prasad)
Joint Secretary