

आवास एवं शहरी नियोजन विभाग, उ.प्र. शासन
प्रेस-नोट

‘उत्तर प्रदेश नगर एवं ग्राम नियोजन विधेयक-2024 (प्रारूप) पर
जनसामान्य/हित धारको से आपत्ति एवं सुझाव आमंत्रण।

आवास एवं शहरी नियोजन विभाग द्वारा डायरेक्टोरेट ऑफ टाउन एण्ड कन्ट्री प्लानिंग के गठन, टाउन प्लानिंग स्कीम तथा लोकल एरिया प्लान तैयार किये जाने हेतु ‘उत्तर प्रदेश नगर एवं ग्राम नियोजन विधेयक-2024’ (प्रारूप) तैयार किया गया है।

यह ड्राफ्ट पर जनसामान्य/हित धारको से आपत्ति एवं सुझाव आमंत्रित किये जाने हेतु आवास एवं शहरी नियोजन विभाग की वेबसाइट <https://awas.upsdc.gov.in> तथा आवास बन्धु <https://www.awasbandhu.in> की वेबसाइट पर दिनांक 14.03.2024 से उपलब्ध होगा।

केवल उन्हीं आपत्ति एवं सुझावों पर विचार किया जायेगा, जो कि दिनांक 31.03.2024 तक मुख्य नगर एवं ग्राम नियोजक, उ.प्र. को उनके ई-मेल ctcpup@gmail.com पर प्रेषित किये जायेंगे।

आवास बन्धु, उ0प्र0

उत्तर प्रदेश नगर एवं ग्राम नियोजन विधेयक-2024 (प्रारूप)

प्रस्तावित विधेयक के उद्देश्य एवं आवश्यकता

1. टाउन एंड कन्ट्री प्लानिंग निदेशालय का गठन।
2. नगर पालिकाओं, नगर पंचायतों, जिला पंचायतों में सुनियोजित विकास हेतु महायोजना तैयार किये जाने हेतु वैधानिक आवरण।
3. टाउन प्लानिंग स्कीम, लोकल एरिया प्लान तैयार किये जाने हेतु वैधानिक आवरण।
 - लोकल प्लानिंग एरिया एवं लोकल प्लानिंग अथॉरिटी का गठन
 - टाउन प्लानिंग स्कीम्स तथा लोकल एरिया प्लान तैयार करना
4. गुजरात टाउन प्लानिंग एंड अर्बन डेवलपमेंट अधिनियम 1976 के आधार पर प्रस्तावित विधेयक।

प्रमुख विशेषतायें

1. प्रस्तावित अधिनियम उत्तर प्रदेश नगर नियोजन और विकास अधिनियम 1973 का अनुपूरक अधिनियम होगा।
2. मास्टर प्लान, लोकल एरिया प्लान, तथा टाउन प्लानिंग स्कीम्स के पर्यवेक्षण तथा अनुश्रवण, नगर एवं ग्राम नियोजन सम्बन्धी नीतियों के निर्धारण आदि में शासन को सहयोग देने हेतु टाउन एण्ड कन्ट्री प्लानिंग निदेशालय का गठन।
3. टाउन प्लानिंग स्कीम्स तथा लोकल एरिया प्लान तैयार करने सम्बन्धी प्राविधान।

लोकल प्लानिंग एरिया एवं लोकल प्लानिंग अथॉरिटी का गठन

1. स्थानीय निकायों (जो विकास प्राधिकरण से बाहर हैं) के नियोजित विकास हेतु लोकल प्लानिंग एरिया एवं लोकल प्लानिंग अथॉरिटी के रूप में अधिसूचित करने का प्राविधान।
2. लोकल प्लानिंग अथॉरिटी को विकास प्राधिकरणों के समकक्ष दायित्व एवं अधिकार।
3. एक से अधिक स्थानीय निकायों को सम्मिलित कर एक लोकल प्लानिंग एरिया, लोकल प्लानिंग अथॉरिटी के गठन का प्राविधान तथा ऐसी स्थिति में बृहद क्षेत्रफल वाले स्थानीय निकाय को लोकल प्लानिंग अथॉरिटी घोषित किया जाना।
4. आवास विकास परिषद की योजनाओं हेतु आवास एवं विकास परिषद को लोकल प्लानिंग अथॉरिटी बनाना तथा इसे अन्य प्लानिंग अथॉरिटी, विकास प्राधिकरण के नियंत्रण से बाहर रखा जाना।

टाउन प्लानिंग स्कीम्स

1. टाउन प्लानिंग स्कीम का तात्पर्य—किसानों, भूस्वामियों की सहभागिता से बिना लाभ—बिना हानि के आधार पर भूमि का विकास।
2. सड़क, पार्क, अन्य जन सुविधाओं की भूमि को घटाते हुए योजना के विकास के उपरान्त किसानों को विकसित भूमि उपलब्ध कराया जाना।

लोकल एरिया प्लान

1. नगर के सघन क्षेत्रों में एप्रोप्रियेट अथॉरिटी द्वारा मास्टर प्लान अथवा जोनल डेवलपमेंट प्लान के प्राविधानों के आलोक में लोकल एरिया प्लान तैयार करना।
2. लोकल एरिया प्लान की विषय वस्तु।
3. लोकल एरिया प्लान तैयार करने की प्रक्रिया एवं एप्रोप्रियेट अथॉरिटी द्वारा अनुमोदन।

DRAFT**THE UTTAR PRADESH TOWN AND COUNTRY PLANNING ACT, 2024**

(Act No of 2024)

An Act to provide for establishment of Directorate of Town and Country Planning, preparation and implementation of Town Planning Schemes, Local Area Plans, and establishment of local planning authorities in the State of Uttar Pradesh and for purposes connected therewith and ancillary thereto:

Preamble----Whereas it is expedient in the public interest to provide for establishment of Directorate of Town and Country Planning, preparation and implementation of Town Planning Schemes, Local Area Plans, and establishment of local planning authorities in the State of Uttar Pradesh and for purposes connected therewith and ancillary thereto:

It is hereby enacted in the Seventy Fourth Year of the Republic of India as follows:-

CHAPTER I**Preliminary**

1. **Short title, extent and commencement**----(1) This Act may be called the Uttar Pradesh Town and Country Planning Act, 2024.
 - (2) It shall extend to the whole of Uttar Pradesh.
 - (3) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint and different dates may be appointed for different provisions of this Act.
2. **Definitions** (1) words and phrase not defined in this act but defined in the Uttar Pradesh Urban Planning and Development Act, 1973, Special Area Development Authorities Act, 1986 and the Uttar Pradesh (Regulations of Building Operations) Act ,1958 shall have same meaning as assigned to them in that Act
 - (2) In this Act, unless there is anything repugnant in the subject or the context, -
 - (i) 'Agriculture' includes horticulture, poultry farming, the raising of crops, fruits, vegetables, flowers, grass or trees of any kind, breeding of livestock including cattle, horses, donkeys, mules, pigs, breeding of fish and keeping of bees, the use of land for grazing cattle and for any purpose which is ancillary to its cultivation or other agricultural purpose; but does not include the use of land as a garden which is an appendage to a building and the expression "agricultural" shall be construed accordingly;
 - (ii) "Appropriate Authority", in relation to a development area means development authority, in relation to a local planning area means local planning authority, in relation to schemes of Avas Evam Vikas Parishad means Avas Evam Vikas Parishad, as the case may be, or any other authority notified by the State Government;
 - (iii) 'Chief Town and Country Planner' shall mean the Chief Town and Country Planner of Town and Country Planning Department, Government of Uttar Pradesh;
 - (iv) 'Conservation' means the process of managing change to a heritage site in its setting in ways that will best sustain its heritage values, while recognizing opportunities to reinforce those values for present and future generations. It includes maintenance and preservation, restoration, re-construction or adaptation;
 - (v) 'Designated Officer' shall mean the officer appointed for the time being to be the designated officer for all or any of the provisions of this Act;
 - (vi) 'Development Right' means a right to carry out development or to develop the

- land or building or both;
- (vii) 'Directorate' means Directorate of Town and Country Planning established under Section 3;
- (viii) 'Existing land use map' means a map indicating the use to which lands in any specified area are put at the time of preparing the map;
- (ix) 'Final plot' means a plot allotted in a final town planning scheme;
- (x) 'Floor Area Ratio' hereinafter referred to as FAR, means the quotient obtained by dividing the total covered area (plinth area) on all floors by the area of the plot;
- (xi) 'Government' means Government of Uttar Pradesh;
- (xii) 'Heritage buildings' means buildings, artifacts, structures of historical or archaeological or aesthetic or architectural or cultural or environmental significance which are included in a list(s) published by a notification in the official Gazette by the Government from time to time;
- (xiii) 'Heritage precinct' means an area comprising heritage building or buildings and precincts thereof or related places;
- (xiv) 'Heritage Sites' means those buildings, artefacts, structures, streets, areas and precincts of historic or archaeological or aesthetic or architectural or cultural or environmental significance and those natural features of environmental significance and sites of scenic beauty including, but not restricted to, sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths which are listed in a notification issued by the State Government or Central Government under any Act;
- (xv) 'Land' includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (xvi) 'Lay out plan' means a sub-division plan approved by the competent authority showing division of any land or portion thereof into more than one plot or parcel for the purpose of sale or otherwise;
- (xvii) 'Local area plan' means a plan prepared under section 81 of the Act;
- (xviii) 'Local planning area ' means any area declared to be local planning area under section 4 of the Act;
- (xix) 'Local planning authority ' means an authority constituted under section 4 of the Act;
- (xx) 'Local authority' means-
- a) A Municipal Corporation constituted under the Uttar Pradesh Municipal Corporation Act, 1959
 - b) A Nagar Palika Parishad or Nagar Panchayat constituted under the Uttar Pradesh Municipalities Act, 1916;
 - c) A Kshetra Panchayat or Zila Panchayat constituted under the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961, or
 - d) any local authority constituted under any law by State Government
- (xxi) 'Master Plan' means a plan for the development of land within the jurisdiction of the Authority prepared in accordance with the provisions of this Act.
- (xxii) 'Mutation' means transfer or change of title in the records of the Authority when a property is sold or transferred by way of sale, mortgage, lease, gift, exchange or inheritance or in any other manner from one person to another;
- (xxiii) 'Occupier' includes: –
- a) any person who for the time being is paying or is liable to pay to the owner

the rent of the land or building in respect of which such rent is paid or is payable

- b) an owner living in or otherwise using his land or building,
 - c) a rent-free tenant,
 - d) a licensee in occupation of any land or building,
 - e) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land;
- (xxiv) 'Owner' includes any person whose name is recorded as owner of the land or building or part thereof in the records of the authority concerned;
- (xxv) 'Plot' means a portion of land held in one's ownership and numbered and shown as one plot in a town planning scheme;
- (xxvi) 'Preliminary scheme' means a preliminary scheme relating to a town planning scheme prepared by the Designated Officer under section 19 of the Act;
- (xxvii) 'Reconstituted plot' means a plot which is altered in ownership or in any other way by the making of a town planning scheme;
- (xxviii) 'Regulation' means a regulation made under this Act by the Authority;
- (xxix) 'Rule' means a rule made under this Act by the State Government; 'Scheme' includes a plan relating to a town planning scheme;
- (xxx) 'Town Planning Scheme' means a town planning scheme prepared under this Act, and includes a plan or plans, together with the descriptive matter, if any, relating to such scheme;

CHAPTER II

Directorate of Town and Country Planning

3. Establishment of Directorate of Town and Country Planning.- (1) The Government shall establish a Directorate of Town and Country Planning headed by a Director to be appointed by Government in the manner as prescribed. Government shall appoint such number of other officers and staff to assist the director as may be prescribed.

(2) Functions of directorate shall be as under:

- (a) To assist the Government in supervision and monitoring of preparation of Plans, local area plans, and town planning schemes under this Act;
- (b) To assist Government in supervision and monitoring and preparation of master plans and zonal development plans;
- (c) To assist Government in formulation of policies related to town and country planning;
- (d) Build training facilities for officials and staff related to town and country planning in development authorities and local planning authorities;
- (e) Any other functions as may be prescribed.

CHAPTER III

Local Planning Area and Local Planning Authority

4. Declaration of Local Planning Areas and Local Planning Authorities----(1) The Government may, for the purpose of securing planned development of any area falling within the jurisdiction of one or more local authority, declare by notification in the Gazette, such area (excluding a development area or a special development area) to be a local planning area.

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

(3) The Government may, by notification in the Gazette, amalgamate two or more local

planning areas into one local planning area, sub-divide any local planning area into different local planning areas and include such sub-divided areas in any other local planning area.

- (4) As soon as may be, after the declaration of a local planning area under sub section (1), the Government may by notification in the Gazette, declare or constitute local planning authority or special local planning authority for a local planning area as under:-
- (a) If local planning area consists of area under jurisdiction of a single local authority, such local authority may be declared local planning authority for that area;
 - (b) If local planning area consists of area under jurisdiction of more than one local authority, one of such local authorities having larger jurisdiction may be declared local planning authority for that area;
- (5) Government may in its discretion in consultation with the director, constitute special local planning authority for any local planning area and such special local planning authority shall consist of:-
- (a) District Magistrate of the district in which headquarter of the local planning area is situated as Chairman;
 - (b) not more than four representatives of concerned local authorities who are members of local authorities functioning in the whole or part of the local planning area, appointed by the Government;
 - (c) a representative of director who shall be a qualified town planner;
 - (d) a Member-Secretary to be appointed by the Government;
- (6) Avas Evam Vikas Parishad shall be the local planning authority in their schemes and area falling under such schemes shall be excluded from the jurisdiction of other local planning authorities or development authorities

- 5. Functions and Powers of Local Planning Authority**----The Local Planning Authority shall perform such functions and exercise such powers within a local planning area as have been assigned to a development authority in a development area under Uttar Pradesh Urban Planning and Development Act, 1973 and provisions of that Act shall apply mutatis mutandis in such case.

CHAPTER-IV

Town Planning Scheme

- 6. Making and contents of a Town Planning Scheme** (1) Subject to the provisions of this Act or any other law for the time being in force, the appropriate authority may prepare one or more town planning schemes for the area within its jurisdiction or any part thereof for implementing the proposals of the master plan or for any project related to housing and urban development;
- Provided that the Government may in this behalf direct by specific or general order to the concerned appropriate authority to prepare town planning scheme:
- Provided further that where any town planning scheme is not made for any specific area, adjacent to any town planning scheme, the owners of the lands of such area may make a request to the concerned appropriate authority to prepare a town planning scheme.
- (2) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is:
- (a) in the course of development;
 - (b) likely to be used for residential or commercial or industrial or any other use earmarked in the master plan or the zonal development plan or for development

purposes; or

(c) already built upon.

Explanation:-For the purpose of this sub-section the expression "land likely to be used for development purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, recreation grounds, parking spaces or for the purpose of executing any work upon or under the land incidental to a town planning scheme.

- (3) A town planning scheme may make provision for any of the following matters, namely:
- (a) the laying out or relaying out of land, either vacant or already built upon;
 - (b) the filling up or reclamation of low-lying, swampy or unhealthy areas, or leveling 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;
 - (e) the allotment or earmarking of land for roads, parks and open spaces, recreation grounds, schools, green-belts, transport facilities, public purposes of all kinds;
 - (f) drainage and sewage disposal;
 - (g) lighting;
 - (h) water supply;
 - (i) the preservation of objects of historical or archaeological or national interest or natural beauty;
 - (j) provision of land for various uses in accordance with the applicable building bye-laws.
 - (k) appropriation of cost-equivalent land from each original plot included in the scheme for sale by Authority for residential, commercial, mixed or industrial use depending upon the nature of scheme to provide for various components of development.
 - (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 space 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 under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend:

Provided that any suspension under this clause shall cease to operate in the event of the refusal to sanction the preliminary scheme, or in the event of the withdrawal of the scheme under section 33, or on the coming into force of the final scheme;
 - (n) such other matters not inconsistent with the objects of this Act as may be prescribed.

7. Power of Appropriate Authority to resolve on declaration of intention to make Scheme-

---(1) Before making any town planning scheme under the provision of this Act in respect of any area, the appropriate authority in consultation with the director may, by resolution, declare its intention to make such a scheme in respect of such area.

(2) Within twenty-one days from the date of such declaration (hereinafter referred to as the

declaration of intention to make a scheme), the appropriate authority shall publish it in the prescribed manner and shall dispatch a copy thereof along with a plan showing the area which it proposes to include in the town planning scheme to the Government.

(3) A copy of the plan dispatched to the Government under sub-section (2) shall be open to the inspection of the public during office hours at the office of the appropriate authority.

- 8. Making and publication of Draft Scheme** (1) Within nine months from the date of the declaration of intention to make a scheme under section 7 the appropriate authority shall make a draft scheme of the area in respect of which the said declaration has been made and publish the same in at least two local newspapers having wide circulation in the area, along with the draft regulations for carrying out the provision of the scheme:

Provided that on application by the appropriate authority in that behalf, the Government may, from time to time, by notification extend the aforesaid period by such period or periods, as may be specified, therein so however, that the period or periods so extended shall not in any case exceed - three months in the aggregate.

(2) If the draft scheme is not prepared within the period specified in sub section (1), the declaration of intention to make a scheme shall lapse and for a period of two years from the date of such declaration, it shall not be competent for the appropriate authority to declare its intention to make any town planning scheme for the said area or for any part thereof.

- 9. Power of Government to require Appropriate Authority to make scheme---**
 -(1) Notwithstanding anything contained in sections 30 and 31, the Government may, after making such inquiry as it deems necessary, by notification, require any Appropriate Authority to make and publish in the prescribed manner and submit for its sanction a draft scheme in respect of any area in regard to which a town planning scheme may be made;
 (2) For the purposes of this Act and the rules made thereunder, the requisition under sub-section (1) by the Government shall be deemed to be the declaration of intention to make a scheme under section 7.

- 10. Contents of Draft Scheme----**The draft scheme shall contain the following particulars, namely:-

- a. the area, ownership and tenure of each original plot;
- b. the particulars of land earmarked under clause (b) of sub section (2) of section 6 for 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 appropriate Authority;
- e. a full description of all the details of the scheme under sub-section (3) of section 6 as may be applicable;
- f. the laying out or relaying out of land either vacant or already built upon;
- g. the filling up or reclamation of low-lying, swampy or unhealthy areas or leveling up of land; and
- h. any other prescribed particulars.

- 11. Reconstitution of Plots** (1) In the draft scheme referred to in section 10, 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 the scheme as regards open spaces.

(2) For the purposes of sub-section (1), the draft 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 the scheme; and
- (e) to transfer the ownership of a plot from one person to another.

- (3) Where under clause (k) of sub-section (3) of section 6, the purpose to which buildings or specified areas may not be appropriated have been specified, the buildings shall cease to be used for a purposes other than the purposes specified in the 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 appropriate authority in the manner and according to the method prescribed:

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

- 12. Disputed Ownership** (1) Where there is a disputed claim to the ownership of any piece of land included in an area in respect of which a declaration of intention to make a scheme has been made and any entry in the record of rights or mutation relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the appropriate authority or the Designated Officer at any time prior to date on which the Designated Officer draws up the preliminary scheme under section 19 by such officer as the Government may appoint for the purpose of deciding as to who shall be deemed to be the owner for the purposes of this Act.

(2) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit in a court of competent jurisdiction.

(3) Such decision 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 after such decree has been brought to the notice of the appropriate authority by the person affected by such decree.

- 13. Objections to Draft Scheme to be considered**----If within one month from the date of publication of a draft scheme, any person affected by such scheme communicates in writing to the appropriate authority, any objections relating to such scheme, the appropriate authority shall consider such objections and may at any time before submitting the draft scheme to the Government as hereinafter provided modify such scheme as it thinks fit:

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

- 14. Power of State Government to sanction Draft Scheme**----(1) The appropriate authority shall, within three months from the date of the publication of the draft scheme, submit the draft scheme with any modifications that may have been made therein under section 36 together with the objections which may have been communicated to it, to the Government for sanction.

(2) After receiving the draft scheme and after making such enquiry as it may think 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.

However, the Government may, if deemed fit, by notification in the Gazette, return the scheme to the appropriate authority to carry out such modifications as may

be directed, including the direction to include or exclude any land in question in the scheme. The appropriate authority shall comply with the directions of the Government and shall, after following the procedure as laid down under sub-section (1) or sub-section (2) or both of section 8, submit the scheme within the specified time limit to the Government.

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

15. Vesting of land in Appropriate Authority---(1) Where a Draft Scheme has been sanctioned by the State Government under sub-section (2) of section 14, (hereinafter in this section, referred to as the sanctioned draft scheme), all lands required by the appropriate authority for the purposes specified in clauses (c), (f), (g) or (h) of sub-section (3) of section 6 shall vest absolutely in the appropriate authority free from all encumbrances.

(2) Nothing in sub-section(1) shall affect any right of the owner of the land vesting in the appropriate authority under that sub-section.

(3) The provisions of sections 36 and 37 shall mutatis mutandis apply to the sanctioned draft scheme as if sanctioned draft scheme were a preliminary scheme.

16. Restrictions on use and development of land after declaration of a Scheme (1) (a) On or after the date on which a draft scheme is published under section 8, 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 appropriate authority in prescribed form and on payment of such scrutiny fees as may be prescribed by regulations;

(b) Where an application for permission under clause (a) is received by the appropriate 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 Designated Officer, if any, may either grant or refuse such permission or grant it 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 14 and in line with the notification of the Government while according such sanction.

(c) if the appropriate 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;

(d) if any person contravenes the provisions of clause (a) or of any condition imposed under clause (b), the appropriate authority may direct such person by notice in writing to stop any development in progress, and after making an inquiry in the prescribed manner 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.

(e) any, expense incurred by the appropriate authority under clause (d) shall be a sum due to it under this Act from the person in default;

(f) the provisions of section-26 of Uttar Pradesh Urban Planning and Development Act, 1973 shall so far as may be, apply in relation to the unauthorized development or use of land included in a town planning scheme;

(g) the restrictions imposed by this section shall cease to operate in the event of Government refusing to sanction the draft scheme or the preliminary scheme or in the event of the withdrawal of the scheme under section 33 or in the event of the declaration of intention lapsing under sub-section (2) of section 8;

any diminution in the value of an original plot occasioned by any contravention

of the provisions of clause (a) or of any condition imposed under clause (b) shall, notwithstanding anything contained in section 46, 47 and 48 be taken into account in fixing the market value of such plot.

- (2) 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 sub-section (1) of section 38 except in respect of a building or work begun or contract entered into before the date on which a declaration of intention to make a scheme is published under section 7 or the publication of the draft scheme under sub-section (1) of section 8:

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 declaration of intention or publication, as the case may be, and subject to the conditions of any agreement entered into between such person and the appropriate authority.

- (3) On and after the date referred to in clause (a) of sub-section (1), the appropriate authority intending to carry out development of land, within the area included in the 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.
- (4) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or a State Government.

- 17. Appointment of Designated Officer----**(1) Within one month from the date on which the sanction of the Government to a draft scheme is notified in the Official Gazette, the appropriate authority shall appoint a Designated 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 and his duties shall be as hereinafter provided:

Provided that the appropriate authority may appoint a Designated Officer within one month from the date of declaration of intention under section 7.

- (2) The appropriate authority may, if it thinks fit, at any time, remove, on the ground of incompetence or misconduct or any other good and sufficient reason a Designated Officer appointed under this section and shall forthwith appoint another person in his place and any proceeding pending before Designated Officer immediately before the date of his removal shall be continued and disposed of by the new Designated Officer appointed in his place:
- (3) Provided that the Designated Officer shall be removed under this sub-section except after an inquiry in which he has been informed of the charges against him and a reasonable opportunity of being heard in respect of those charges has been given to him.
- (4) Subject to the provisions of sub-section (2), a Designated Officer appointed under sub-section (1) for the purpose of any scheme shall cease to hold office with effect from the date on which the final scheme is sanctioned under section 32.

- 18. Duties of Designated Officer----**Within a period of twelve months from the date of his appointment, the Designated Officer shall, after following the prescribed procedure, sub-divide the town planning scheme into a preliminary scheme and a final scheme:

Provided that the appropriate authority may, from time to time, by order in writing, extend the said period by such further period or periods but not exceeding six months as may be specified in the order and any such order extending the period may be made so as to have retrospective effect.

- 19. Contents of Preliminary and Final Scheme----**(1) In a preliminary scheme, the Designated

Officer shall-

- a. after giving notice in the prescribed manner and in the prescribed form to the persons affected by the scheme, define and demarcate the areas allotted to, or reserved for, any public purpose, or for a purpose of the appropriate authority and the final plots;
 - b. after giving notice as aforesaid, determine in a case in which a final plot is to be allotted to persons in ownership in common, the shares of such persons;
 - c. provide for the total or partial transfer of any right in an original plot to a finalplot or provide for the transfer of any right in an original plot in accordance with the provisions of section 50;
 - d. determine the period within which the works provided in the scheme shall be completed by the appropriate Authority.
- (2) The Designated Officer shall submit the preliminary scheme so prepared to the Government through appropriate authority for sanction and shall thereafter prepare and submit to the appropriate authority the final scheme in accordance with the provisions of sub-section (3).
- (3) In the final scheme, the Designated 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 scheme in accordance with the provisions of clause (f) of sub-section (1) of section 46;
 - (b) determine whether the areas used, allotted or reserved for a public purpose or purposes of the appropriate authority are beneficial wholly or partly to the owners or residents within the area of the 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 appropriate authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;
 - (d) calculate the contribution to be levied under sub-section (1) of section 48, on each plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is beneficial partly the owners or residents within the area of the 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 scheme in accordance with the provisions of section 47;
 - (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 48;
 - (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 on a person in accordance with the provisions of section 49;
 - (j) estimate with reference to claims made before him, after notice has been given by him in the prescribed manner and in the prescribed form, the compensation to be paid to the owner of any property or right injuriously effected by the making of the town planning scheme in accordance with the provisions of section 51;
 - (k) draw in the prescribed form the preliminary and the final scheme in accordance with the draft scheme :

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

Explanation:- For the purpose of this proviso "variation of a substantial nature" means a variation which is estimated by the Designated Officer to involve an increase of ten percent in the costs of the scheme as is described in section 46 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 Designated Officer .

- 20. Certain decisions of Designated Officer to be final** ---- Except in matters arising out of clauses (c), (d), (f), (g), (h) and (j) of sub-section (3) of section 19, every decision of the Designated Officer shall be final and binding on all persons.
- 21. Appeal** --- Any decision of the Designated Officer under clauses (c), (d), (f), (g), (h) and (j) of sub-section (3) of section 19 shall forthwith be communicated to the party concerned in the prescribed form and any party aggrieved by such decision may within one month from the date of communication of decision, present an appeal to the Board of Appeal constituted under section 22.
- 22. Constitution of Board of Appeal** (1)(a) The Government shall, from time to time by an order published in the Official Gazette, constitute a Board of Appeal for hearing and deciding appeals under section 21.
- (b) The Board of Appeal shall consist of three Members, one of whom shall be its President and two persons, possessing such qualifications and experience as may be prescribed, as assessor.
- (c) The President shall be a person who has been a District Judge or a Judge of the District Civil Court.
- (d) The terms of appointment of the President of the Board of Appeal and conditions of service shall be such as may be prescribed.
- (2) 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 Designated Officer under sub-section (2) of section 29.
- (3) The Government may, if it thinks fit, remove for incompetence or misconduct or for any other good or sufficient reason any assessor appointed under sub section (1).
- (4) If any assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such assessor shall appoint forthwith a fit and proper person in his place.
- 23. Designated Officer to assist Board in advisory capacity**----(1) The Designated Officer shall be present at the proceedings before the Board of Appeal.
- (2) The Designated Officer shall not be required to give evidence in such proceedings but the President may require him to assist the Board in an advisory capacity.
- 24. Place where Board may sit**----The Board of Appeal may sit at a place as may be prescribed.
- 25. Decision of question of law and other questions** All questions of law and procedure shall be decided by the President and all other questions shall be decided by the President and the two assessors or by a majority of them.
- 26. Power of Board to decide matter finally** ----(1) After making such inquiry as it may think fit, the Board of Appeal may either direct the Designated Officer to reconsider its proposals, or accept, modify, vary or reject the proposals of the Designated Officer.
- (2) Every decision of the Board of Appeal shall be final and binding on all persons.
- 27. Board not to be Court** Nothing contained in this Act shall be deemed to constitute the

Board of Appeal to be a court.

- 28. Remuneration of assessors and payment of incidental expenses of Board to be added to costs of scheme----**(1) The assessors shall, save where they are salaried Government Officers, 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.
- (2) The salary of the President of the Board of Appeal or an Assessor who is a salaried Government Officer and any remuneration payable under sub-section (1) 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 appropriate authority and shall be added to the costs of the scheme.
- 29. Decision of Designated Officer to be final in certain matters and variation of Scheme in view of decision in appeal----**(1) Where no appeal has been presented under section 21, in respect of a matter arising out of clause (c), clause (d), clause (f), clause (g), clause (h) or clause (i) of sub-section (3) of section 19, the decision of the Designated Officer shall be final and binding on the parties.
- (2) the Board of Appeal shall send a copy of its decision in appeal to the Designated Officer who shall, if necessary, make any variation in the scheme in accordance with such decision and shall forward the final scheme together with a copy of his decision under section 20 and a copy of the decision of the Board of Appeal in appeal through appropriate authority to the Government for the sanction of the final scheme.
- 30. Power of appropriate Authority to split up draft Scheme into separate sections**
----(1) After a Designated Officer has been appointed under section 17, the appropriate authority may direct him to split up the draft scheme into different sections and to deal with each section separately as if such section were a separate draft scheme.
- (2) On receipt of directions under sub-section (1), the Designated Officer may, after making such inquiry as he thinks fit, split up the draft scheme into sections.
- (3) The provisions of this Act and the rules made there under shall, so far as may be, apply to each of such sections as it were a separate draft scheme.
- 31. Submission of preliminary scheme and final Scheme to Government** The Designated Officer shall submit through the appropriate authority to the Government for sanction the preliminary scheme also before the final scheme is submitted to the Government under sub-section (2) of section 19, together with a copy of the decision of the Designated Officer under section 20.
- 32. Power of Government to sanction or refuse to sanction the Scheme and effect of sanction----**
- (1) On receipt of the preliminary scheme or, as the case may be, the final scheme, the Government may-
- in the case of preliminary scheme, within a period of two months from the date of its receipt, and
 - in the case of a final scheme, within a period of three months from the date of its receipt,
- by notification, sanction the preliminary scheme or the final 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 infirmity.
- (2) Where the Government sanctions the preliminary scheme or the final scheme, it shall state in the notification-
- the place at which the scheme shall be kept open for inspection by the public, and
 - a date in which all the liabilities created by the 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 scheme or the final scheme, as the case may be, shall have effect as if it were enacted in this Act.

(4) The appropriate authority shall, after the preliminary scheme is sanctioned by the Government under sub-section (2), complete the execution of such scheme within a period of three years from the date of the sanction of such scheme, failing which the Government may take such actions against appropriate authority as it deems fit.

33. Withdrawal of Scheme---(1) If at any time before the preliminary scheme is forwarded by the appropriate authority to the Government, a representation is made to the Designated Officer by a majority of the owners in the area, that the scheme should be withdrawn, the Designated Officer shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, through the appropriate authority to the Government.

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

34. Effect of preliminary Scheme On the day on which the preliminary scheme comes into force-

(1) all lands required by the appropriate authority shall, unless it is otherwise determined in such scheme, vest absolutely in the appropriate authority free from all encumbrances;

(2) 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 Designated Officer.

35. Manner of resolution of grievances after sanctioning Scheme---(1) In case where the final plot is allotted in joint ownership in the approved preliminary or final scheme, then on 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.

(1) The committee shall consist of the following members, namely:-

(a) the Chairman of the appropriate authority, shall be the Chairman;

(b) the Vice Chairman or Chief Executive Officer of the appropriate authority

(c) the Chief Town and Country Planner, Uttar Pradesh or his representative not below the rank of Associate Planner or Town Planner.

(d) In charge Planning of Concerned Authority, Member Secretary

(2) The decision of the Committee in this regard shall be deemed to be the part of the scheme approved under section 32.

36. Power of Appropriate Authority to evict summarily On and after the date on which a preliminary 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 the prescribed procedure, be summarily evicted by the appropriate authority.

37. Power to enforce Scheme (1) On and after the date on which the preliminary scheme comes into force, the appropriate authority shall, after giving the prescribed notice and in accordance with the provisions of the scheme,

a. remove, pull down, or alter any building or other work in the area included in the scheme which is such as contravenes the scheme or in the erection or carrying

- out of which any provision of the scheme has not been complied with;
- b. execute any work which it is the duty or any person to execute under the scheme in any case where it appears to the appropriate authority that delay in the execution of the work would prejudice the efficient operation of the scheme.
- (2) any expenses incurred by the appropriate 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 appropriate authority under the provisions of this Act.
 - (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 appropriate 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 appropriate authority.
 - (5) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or a State Government.
- 38. Power to vary Scheme on ground of error, irregularity or infirmity----**(1) If after the preliminary scheme or the final scheme has come into force, the appropriate authority considers that the scheme is defective on account of an error, irregularity or infirmity, the appropriate authority may apply in writing to the Government for the variation of the 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 the prescribed manner.
 - (3) The draft variation published under sub-section (2) shall state every variation proposed to be made in the scheme and if any such variation relates to a matter specified in any of the clauses (a) to (h) of sub-section (3) of section 6, 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 office of the appropriate authority during office hours.
 - (5) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the appropriate authority.
 - (6) The appropriate authority after considering the objections and suggestions received and modify the plan if necessary and thereafter, the same shall be submitted to the Government along with objection and suggestions; and its conclusion thereon.
 - (7) On receipt of the plan under sub section (6), the Government may by notification-
 - (a) make the variation with or without modification, or
 - (b) refuse to make the variation.
 - (8) From the date of the notification making the variation, with or without modification, such variation shall take effect as it were incorporated in the scheme.
- 39. Variation of Town Planning Scheme for land allotted for public purpose----**If at any time after the final town planning scheme comes into force, the appropriate authority is of the

opinion that the purpose for which any land is allotted in such scheme under clause (e) of sub-section (3) of section 6 requires to be changed to any other purpose specified in the said paragraph, the appropriate authority may make such change after following the procedure relating to amendment of regulations, specified in section 41 as if such change were an amendment of regulations.

- 40. Variation of Town Planning Scheme by another scheme**----Notwithstanding anything contained in section 38, a town planning scheme may at any time be varied by a subsequent scheme made, published and approved in accordance with the provisions of this Act,
- 41. Amendment of Regulations**----(1) If at any time after the final town planning scheme comes into force, the appropriate authority is of the opinion that the regulations relating to a town planning scheme require to be amended, it may publish the requisite draft amendment in the prescribed manner and invite suggestions or objections thereto from any person;
- (2) if within one month from the date of publication of the draft amendment, any person communicates in writing to the appropriate authority any suggestions or objections relating to such amendment, the appropriate authority shall consider such suggestions or objection and may, at any time before submitting the draft amendment to the Government as hereinafter provided, modify such amendment as it thinks fit;
- (3) the appropriate authority shall within a period of two months from the date of its publication, submit the draft amendment along with the suggestions or objections to the Government and shall at the same time apply for its sanction;
- (4) after receiving such application and after making such inquiry as it may think fit, the Government may 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 the amendment.
- 42. Compensation when Scheme is varied**----If at any time after the date on which the scheme has come into force, such scheme 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 appropriate authority for the expenditure, if such expenditure is rendered abortive by reason of the variation of such scheme.
- 43. Apportionment of costs of Scheme withdrawn not sanctioned**----In the event of a town planning scheme being withdrawn or sanction to a preliminary scheme being refused by the Government, the Government may direct that the costs of the scheme shall be borne by the appropriate authority or be paid to the appropriate authority by the owners concerned in such proportion as the Government may in each case determine.
- 44. Right to appear by recognized agent**----Every party to any proceedings before the Designated Officer or the Board of Appeal shall be entitled to appear either in person or by his recognized agent.
- 45. Powers of civil courts in respect of certain matters** For the purposes of this Act, an officer appointed under sub-section (1) of section 12 or the Designated Officer or the Board of Appeal shall have the same powers of a civil court while trying a suit certain under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-
- 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;
 - d. issuing commissions for the examination of witnesses or documents.
- 46. Costs of Scheme** --- (1) The costs of a town planning scheme shall include-

- a. all sums payable by the appropriate authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme.
- b. all sums spent or estimated to be spent by the appropriate authority in the making and execution of the scheme :

Provided that the estimates shall be with reference to the period during which the preliminary scheme is to be implemented after it is sanctioned under section 32;

- c. all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme;
- d. such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the appropriate authority which is beneficial partly to the owners of land 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 appropriate authority in the making and in the execution of the scheme;
- f. any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries.
- g. twenty percent 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 amount of the values of the plots included in the final scheme exceeds the total amount of the 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 defined in sub-section (1).

47. Calculation of increment For the purpose of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme.

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

48. Contribution towards costs of Scheme (1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the appropriate authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Designated Officer:

Provided that-(a)

- I. where the cost of the 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 Designated Officer shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;
- (c) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme; and
- (d) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is beneficial partly to the owners of land 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 scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

49. Certain amounts to be added to, or deducted from contribution leviable from a person----

The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or, as the case may be, added to, the contribution leviable from a such person, each of such plots being estimated at its market value at, the date of the declaration of intention to make a scheme by the Authority under sub-section (1) of section 7 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

50. Transfer of right from original to final plot or extinction of such right (1) Any right in an original plot which in the opinion of the Designated 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 Designated Officer is not capable of being so transferred shall be extinguished:

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

(2) Notwithstanding anything contained in Indian Stamp Act, 1899 as applicable in Uttar Pradesh, the owner of an original plot shall not be liable to pay stamp duty for registration of sale deed of the final plot in his or her name.

Provided that in case a final plot is sold or transferred to any person other than the original plot owner, stamp duty shall be payable as per the applicable laws.

51. Compensation in respect of property or right injuriously affected by Scheme The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Designated Officer within the prescribed time, be entitled to be compensated in respect thereof by the appropriate authority or by any person benefitted or partly by the appropriate authority and partly by such person as the Designated Officer may in each case determine:

Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the Government under sub-section (1) of section 9 without reference to improvements contemplated in the scheme, as the case may be.

52. Exclusion of compensation in certain cases----(1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is

payable for such injurious affection.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which imposes any conditions and restrictions in regard to any of the matters specified in clause (l) of sub-section (3) of section 6.

53. Provision for cases in which amount payable to owners exceeds amount due from him----

If the owner of an original plot is not provided with a plot in the preliminary scheme or if the contribution to be levied from him under section 48 is less than the total amount to be deducted therefrom under any of the provision of this Act, the net amount of his loss shall be payable to him by the appropriate authority in cash or in such other manner as may be agreed upon by the parties.

54. Provision for case in which value of developed plot is less than amount payable by owners--

--(1) If from any cause the total amount which would be due to the appropriate authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Designated Officer shall direct the owner of such plot to make payment to the appropriate authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the appropriate authority shall 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 appropriate authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the appropriate authority free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the appropriate authority on account or the value of the original plot shall not be included in the costs of the scheme.

55. Payment by adjustment of account----All payments due to be made to any person by the appropriate authority under this Act shall, as far as possible, be made by adjustment in such account with the appropriate 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 cash or in such other manner as may be agreed upon by the parties.

56. Payment of net amount due to Appropriate Authority----(1) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in lump-sum or in annual instalments not exceeding ten.

(2) If the owner elects to pay the amount by instalment, interest at such rate as is arrived at by adding two percent to the bank-rate-published under section 39 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 appropriate 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 scheme are of the same ownership the net amount payable by such owner under the provisions of this Act 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 appropriate authority agree to a different method of distribution.

- 57. Power of Appropriate Authority to make agreement----**(1) The appropriate 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.
- (2) Such agreement shall not in any way affect the duties of the Designated Officer 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 Designated Officer:
- Provided that if the agreement is modified by the Government, either party shall have the option of avoiding it, if it so elects.

CHAPTER-V

Special Provisions for Local Area Plan

- 58. Preparation, Sanction, etc. of Local Area Plan** (1) Subject to the provisions of this Act or any other law for the time being in force, the appropriate authority may make one or more Local Area Plan for the area under its jurisdiction or any part thereof, regard being had to the proposals in the final master plan or zonal development plan, if any.
- (2) The Local Area Plans may be made in respect of any land which is a part of the sanctioned preliminary scheme or not. However, before making the Local Area Plan, the appropriate authority shall publish the boundaries of area for which the Local Area Plan is to be made in the local newspapers:
- Provided that for making Local Area Plan in respect of any land which is not a part of the sanctioned preliminary scheme, the prior permission of the Government shall be necessary
- (3) The Local Area Plan may provide provisions for 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;
 - (b) lay down in detail the proposed roads and street furniture;
 - (c) assess and make projection for the future requirements of amenities, services and utilities such as transport, electricity, water, drainage, plantation and landscape;
 - (d) prescribe in detail the foot print, height and building envelope, control over architectural features including elevation and frontage, numbers of stories, size of buildings, courtyard, pickup and drop off points, entry points to the basement, parking and such other requirement to integrate the building envelope in the vicinity;
 - (e) indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;
 - (f) assess the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners;
 - (g) make such provisions as are necessary such as provision for controlling and regulating the use and development of land within the development area, including imposition of charges at such rate as may be provided for grant of Floor Area Ratio (FAR) or height, and also imposition of conditions and restrictions in regard to the open space to be maintained for buildings, the percentage of building area for a plot, the location, number, size, height, number of storeys and character of buildings and density of built up area allowed in specified area, the

use and purposes to which a building or specified areas of land may or may not be appropriated, the sub-divisions of plots, the discontinuance of objectionable uses of land in any area in any specified periods, parking spaces, loading and unloading space for any building and the sizes of projections and advertisement signs and hoardings and other matters as may be considered necessary for carrying out the objects of this Act;

- (h) indicate in the plan and other document, the land which shall vest with the appropriate authority.
- (4) The appropriate authority, after making the draft Local Area Plan, shall-
- (a) for the purpose of making the Local Area Plan call a meeting or meetings of the persons affected by the 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 said proposal.
 - (b) consider the objections and suggestions received under sub-clause (a), and modify the plan as it thinks fit and publish it in the local news papers, inviting objections and suggestions from the persons 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 thereafter, the submit 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 appropriate authority with directions as it may think fit; or
 - (c) refuse to accord sanction.
- (7) Where the Board approves the Local Area Plan under clause (a) of sub section (6), it shall state-
- (a) the place at which the 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 in to force.
- (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 under the Local Area Plan shall, within a period of three months, surrender the land to the appropriate authority and if he fails to do so the appropriate authority shall, give a notice in writing to evict within a period specified in the notice. In case, if the person continues to occupy such land for which the notice has been issued, the appropriate authority shall take following measures, namely:-
- (a) remove, pull down or alter any building or other work in the area of the land included in the Local Area Plan which is such as contravenes the Local Area Plan or in the erection or carrying out of which any provision of the Local Area Plan has not been complied with.
 - (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 the manner provided for the recovery of the sums due to the appropriate authority under the provision of this Act.

- (c) no persons shall be entitled to compensation in respect of any damage, loss or injury resulting from all 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 works 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 between the claimant and the appropriate authority.

CHAPTER VI

Supplemental and Miscellaneous Provisions

59. Power of entry----(1) Any person authorized by any Authority or any person authorized by the Government may enter in or upon any land or building with or without assistants or workmen for the purpose of-

- a. making any inquiry, inspection, measurement or survey or taking levels of such land or building;
- b. examining works under construction and ascertaining the course of sewers and drains;
- c. digging or boring into the sub-soil;
- d. setting out boundaries and intended lines of work;
- e. making such levels, boundaries and lines by placing marks and cutting trenches;
- f. ascertaining whether any land is being or has been developed in contravention of the Plan; or
- g. doing any other thing necessary for the efficient administration of this Act;

Provided that-

- i. no such entry shall be made except between the hours of sunrise and sun-set without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
 - ii. sufficient opportunity shall in every instance be given to enable woman, if any, to withdraw from such land or building;
 - iii. due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupants of the land-or building entered.
- (2) The power of any person authorized by the Authority, shall extend only to the area under the jurisdiction of such Authority; and the power of the person authorized by the Government shall extend to such area as the State Government may specify in this behalf.
- (3) Any person who obstructs the entry of a person empowered or authorized under this section to enter into or upon any land or building or molests such persons after such entry shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

60. Control by State Government----(1) The Authority shall carry out such directions as may be issued to it from time to time by the Government for the efficient administration of this Act.

- (2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act any dispute arises between the Authority and the

Government, the decision of the Government on such dispute shall be final.

- (3) The Government may, at any time, either on its own motion or on application made to it in this behalf, call for the records of any case disposed of or order passed by the Authority for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

- (4) Every order of the Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any court.

- 61. Returns and Inspections** (1) The Authority shall furnish to the Government such reports, returns and other information as that Government may from time to time require.
- (2) Without prejudice to the provisions of sub-section (1), the Government or any officer authorized by the Government in that behalf, may call reports, returns and other information from the Authority, or the authority or the local authority concerned in regard to the implementation of the Plan, as the case may be.
- (3) Any person authorized by the Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the Plan, are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.
- (4) No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.
- 62. Services of notices, etc---**(1) All notices, orders and other documents required by this Act or any rule or regulation made and thereunder to be served upon any person shall save as otherwise provided in this Act or such rule or regulation be deemed to be duly served-
- a. Where the person to be served is a company if the document is addressed to the secretary of the company at its registered Office or at its principal office or place of business and is either-
 - (i) sent by e-mail, or
 - (ii) sent by registered post, or
 - (iii) delivered at the registered office or at the principal office or place of business of the company,
 - b. where the person to be served is a firm, if the document is addressed to the firm 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 e-mail, or
 - (ii) sent by registered post, or
 - (iii) delivered at the said place of business;
 - c. where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principal office, and is either-
 - (i) sent by e-mail, or
 - (ii) sent by registered post, or
 - (iii) delivered at that office;
 - d. 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, if within the development area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of land or building to which it relates, or
 - (iii) is sent by registered post to that person.
- (2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed 'the owner' or 'the occupier', as the case may be of that land or building (naming, that land or building) without further name or description, and shall be deemed to be duly served-
- (a) if the document so addressed is sent or delivered in accordance with clause (d) 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 or where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.
- (3) Where a document is served on a firm in accordance with clause (b) of sub-section (1), the document shall be deemed to be served on each partner of that firm.
- (4) For the purpose of enabling any document to be served on the owner of any property, the secretary to the Authority 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 be deemed to be service upon the minor.
- (6) A servant is not a member of the family within the meaning of this section.
- 63. Public notice how to be made known**----Every public notice given under this Act shall be in writing over the signature of the Secretary to the Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a newspaper having circulation in the locality or by two or more of these means, and by any other means that the secretary may think fit.
- 64. Notices, etc., to fix reasonable time**----Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or regulation, the notice, order or other document shall specify a reasonable time for doing the same.
- 65. Authentication of orders and documents**----All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the Secretary or any other officer authorized by the Authority in that behalf.
- 66. Members and officers to be public servants**----Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
- 67. Jurisdiction of Courts** No Court inferior to that of Magistrate of the first class shall try an offence punishable under this Act.
- 68. Sanction of prosecution**----No prosecution for any offence punishable under this Act or rules made thereunder shall be instituted or no prosecution instituted shall be withdrawn, except with the previous sanction of the Authority, as the case may be, or any officer authorized by the Authority in this behalf.
- 69. Protection of action taken in good faith** --- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be

done under this Act or any rule or regulation made thereunder.

- 70. Power to delegate**----(1) The Government may by general or special order, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised by such officer in such cases and subject to such conditions if any, as may be specified therein.

(2) Any Authority, may, by a resolution, direct that any power exercisable by it under this Act, rules, or regulations thereunder may also be exercised by any officer of the Authority, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

- 71. Savings** Nothing in this Act shall apply to-
- a. the carrying out of works for the maintenance, improvement or other alterations of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
 - b. the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
 - c. the operational construction, (including maintenance, development and new construction) by or on behalf of a department of the Central Government;
 - d. the erection of building, not being a dwelling house, if such building is required for the purposes subservient to agriculture;
 - e. the excavations (including wells) made in the ordinary course of agricultural operations; and
 - f. the construction of unmetalled road intended to give access to land solely for agricultural purposes.

- 72. Power to make regulations**---- (1) An Authority may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generality of this power, —

- (2) An Authority may make, —
- (a) regulations subject to which it shall exercise powers and perform functions under this Act;
 - (b) regulations for regulating its procedure and the conduct of its business at its meeting;
 - (c) regulation providing for any other matter which has to be or may be prescribed by regulations;

- 73. Power to make rules**----(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

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

- (a) under sub-section (2) of section 7, the manner of publication of declaration of intention to make a scheme;
- (b) under sub-section (1) of section 9, the manner of publication of a draft scheme;
- (c) under sub-section (3) of section 11, the manner in which and the method by which compensation shall be payable;
- (d) under section 14, the circumstances in which the period for inviting objections to the draft scheme may be reduced to fifteen days;
- (e) under clause (a) of sub-section (1) of section 16, the form of permission to be granted by the appropriate authority;
- (f) under clause (d) of sub-section (1) of section 16, the manner of inquiry for

unauthorised development;

- (g) under sub-section (1) of section 17, the qualifications for the appointment of a Designated Officer ;
- (h) under section 18, the procedure to be followed by the Designated Officer for subdividing the town planning scheme;
- (i) under clause (a) of sub-section (1) or under clause (j) of sub-section (3) of section 19, the manner and the form of notice to be served by the Designated Officer ;
- (j) under clause (k) of sub-section (3) of section 19, the form in which the preliminary and the final scheme shall be drawn;
- (k) under section 21, the form in which the decision of the Designated Officer shall be communicated to the party concerned;
- (l) under clause (a) of sub-section (1) of section 22, the terms of appointment and conditions of service of President; and the qualifications and experience for the assessors of the Board of Appeal;
- (m) under section 36, the procedure for summary eviction of a person;
- (n) under sub-section (1) of section 37, the form of the notice to be given;
- (o) under sub-section (2) of section 38, the manner of publication of the draft variation of a scheme;
- (p) under sub section (1) of section 41, the manner of publication of the draft amendment to regulations;
- (q) under section 51, the time within which any claim is to be made by the owner of any property or right injuriously affected by the making of a town planning scheme;
- (r) under sub-section (2) of section 54, the period for payment of excess amount by the owner;
- (s) any other matter which has to be, or may be, prescribed by rules.

- 74. Exemption**----Notwithstanding anything contained In this Act, the Government may by notification in the Gazette exempt, subject to such conditions and restrictions, if any, as may be specified in such notification any land or building or class of lands or buildings from all or any of the provisions of this Act or rules or regulations made thereunder.
- 75. Supplemental**----This Act shall be supplemental to Uttar Pradesh Urban Planning and Development Act, 1973.
- 76. Repeal, etc. and Savings**----(1) The operation of clause (c) of section 5, sections 54, 55 and 56, clause (xxxiii) of section 114, sub-section (3) of section 117, clause (c) of sub-section (1) of section 119, section 191, sections 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329 and 333, clauses (a) and (b) of sub-section (1) of section 334, sections 335, 336, Chapter XIV of the U.P. Municipal Corporation Act, 1959, sections 178, 179, 180, 180-A, 181, 182, 183, 184, 185, 186, 203, 204, 205, 206, 207, 208, 209, 210 and 222 of the U. P. Municipalities Act, 1916 (or the said sections as extended under section 338 thereof or under section 38 of the United Provinces Town Areas Act, 1914, or as the case may be, of sections 162 to 171 of the U.P. Kshetra Panchayat and Zila Panchayat Adhiniyam, 1961 and of the Uttar Pradesh (Regulation of building Operations) Act, 1958 shall in respect of a local planning area remain suspended.