

## **RULES UNDER TOWN-PLANNING ACT, 1920**

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**RULES UNDER TOWN-PLANNING ACT, 1920**

In exercise of the powers conferred by sub-section (1) and (2) of Section 44 of the Madras Town-Planning Act, 1920 (Madras Act VII of 1920), and in supersession of all previous rules on the subject, His Excellency the Governor is hereby pleased to make the following rules

**PART 1**

Special Town-Planning Committee

**1. Definitions :-**

In this part, unless there is anything repugnant in the subject or context--

(a) "Committee" means the special town-planning Committee concerned, appointed by a Municipal Council under Section 37;

(b) "member" means a member of a special town-planning Committee; and

(c) "president" means in the case of the Corporation of Madras, the chairman of the standing Committee for town-planning and improvements, and in the case of any other Municipal Council, the president of the special town-planning Committee concerned.

**2. Definitions :-**

**3. . :-**

As soon as the Committee has been formed, the chairman shall report to the Government through the Director, the names of the members for their information.

**4. . :-**

(a) A member of the Committee who is a Municipal Councillor (not being the Mayor of the Corporation or the Chairman of the Municipal Council, as the case may be) shall hold office, unless he sooner resigns, until his term of office as Councillor is in any manner determined.

**5. . :-**

When a vacancy occurs in the Committee, the Municipal Council shall fill up the vacancy as soon as may be by the appointment of another member and report the name of the member to the Government through the Director for their information.

**6. . :-**

All the provisions of the Madras District Municipalities Act, 1920, or the Madras City Municipal Act, 1919, as the case may be, relating to the duties, powers, liabilities, disqualifications and disabilities of Councillors shall so far as may be and save as otherwise provided in these rules, be applicable to the term of office of the members of the Committee who are municipal Councillors.

**7. . :-**

(a) The Committee shall at its first meeting elect one of the members to be its president. The term of the president shall, unless he sooner resigns, expire on his ceasing to be a member of the Committee.

(b) On the occurrence of a vacancy in the office of the president, the Committee shall, at its next meeting, elect a new president.

(c) When the office of president is vacant, any three members of the committee may, after giving seven clear days notice to the other members, convene a meeting for the election of a president.

**8. . :-**

(a) The Committee shall observe the procedure laid down below, provided however that the Municipal Council may make supplementary regulations consistent therewith and with these rules for the conduct of the proceedings of the Committee and also for the maintenance of order at its meetings.

(b) The Committee shall meet at the municipal office atleast once a month on such day and at such hour as the Committee may from

time to time determine.

(c) The president may at any time call a meeting of the Committee and shall do so within forty-eight hours of the receipt of a requisition signed by the Chairman or by three members of the Committee and stating the business to be transacted.

(d) No business shall be transacted at any meeting of the Committee unless atleast three members are present.

(e) All questions shall be decided by a majority of the members present, and voting, the president having a second or casting vote when there is an equality of votes.

(f) Minutes of the proceedings at meetings of the Committee shall be entered in a book kept for the purpose and shall be signed by the president. The minutes book shall be placed before the Municipal Council at such times as it may appoint.

(g) In any case in which the Committee and any standing or other Committee of the Municipal Council have passed conflicting decisions, the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall place, the matter before the Municipal Council for final decision and pending such decision, all action in regard to the matter at issue shall be withheld.

(h) Any member other than ex-officio member who fails to attend four consecutive meetings shall cease to be a member, but may be reinstated by the Municipal Council.

**9. . :-**

The President shall preside at meetings of the Committee, and in his absence a member shall be chosen by the meeting to preside for the occasion. The member presiding at a meeting of the Committee shall for that meeting have all the powers of and be subject to all the obligations of the President.

**10. . :-**

Omitted.

**11. . :-**

With the approval of the Government, the Municipal Council may by resolution supported by not less than one-half of the sanctioned strength of the Council, remove from the Committee any member (other than the ex-officio member) who--

(a) refuses to act or becomes incapable of acting, or

(b) in the opinion of the Municipal Council has so abused his position as member as to render his continuance on the Committee detrimental to public interest.

**12.** . :-

A member removed under Rule 11 shall not be eligible for reappointment for a period of one year from the date of his removal.

**13.** . :-

The executive authority shall be bound to give effect to every resolution of the Committee, unless such resolution is cancelled in whole or in part by the Municipal Council.

**14.** . :-

Every member shall have access during office hours to such of the records of the Municipal Council as relate to any matter with which the Committee is empowered to deal, after giving due notice to the executive authority:

Provided that the executive authority may for reasons given in writing refuse such access. The member may appeal against such refusal, in the case of the Corporation of Madras, to the Mayor of the Corporation and in the case of any other municipal, to the Municipal Council through the executive authority. The decision of the Mayor or the Municipal Council, as the case may be, shall be final.

**15.** . :-

(2) The executive authority shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the municipal administration or of the public, in which case he shall make declaration in writing to that effect and shall, if required by the Committee, refer the question to the Municipal Council whose decision shall be final.

**16.** . :-

The Committee--

(i) shall have access to the accounts relating to the Town-Planning or any other fund with which it may be concerned and may require the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, to furnish any

explanation which it considers to be necessary as to the credits and debits of such fund;

(ii) may call the attention of the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, to any neglect in the execution of the works, to any misuse of municipal property, or to any requirements in any area in regard to which a town planning scheme is in preparation or has been sanctioned and may suggest any improvements, alterations or modifications, which may appear desirable; and

(iii) may appoint individual members to inquire into and report on any of the matters which the Committee is concerned with under the Act and the rules thereunder.

**17. . :-**

(1) As soon as may be after the 1st April every year and not later than the 1st May, the Committee shall submit to the Municipal Council a detailed report of the town-planning schemes under consideration and preparation during the previous financial year. The Municipal Council shall consider the report and forward the same together with its resolution therein, if any, to the Government through the Director.

(2) As soon as may be after the 1st April every year and not later than the date as may be fixed by the Municipal Council, the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall submit to the Committee an annual report of the execution of sanctioned town-planning schemes during the previous financial year. The Committee shall, without delay, consider the report and submit the same with its remarks to the Municipal Council which shall in turn forward all the papers together with its resolution thereon, if any, not later than the 15th May to the Government through the Director.

**18. . :-**

The Municipal Council may at any time call for an extract from the proceedings of the Committee or for any return, statement, account of report connected with any matter with which the Committee is empowered to deal and ever such requisition shall be complied with by the Committee.

**19. . :-**

If the Municipal Council is of opinion that the continuance of the Committee is unnecessary, it may, with the concurrence of the Government be resolution declare that the Committee shall be dissolved from such date as may be specified in such resolution and the Committee shall thereupon be deemed to be dissolved accordingly.

**20.** . :-

(1) The president shall submit to the Municipal Council copies of all proceedings and resolutions of Committee.

**21.** . :-

(2) As soon as possible after the said date, the Municipal Council shall proceed with the reconstitution of the Committee in the prescribed manner.

**22.** . :-

Subject to the above rules, the Municipal Council may delegate to the Committee any powers which under the provisions of the Act, the rules thereunder or a town-planning scheme are reserved for the decision of the Council. Such powers may include the following :-

(1) the investigation and preparation of and report to the Council on the general town-planning scheme;

(2) the consultation with owners, the convening of meeting of such owners and the preparation of draft town-planning schemes and all matters incidental to such preparation, including the taking of written statements from the owners;

(3) disposal of applicants presented under Section 17;

(4) the investigation of, and report to the Council on, objections and suggestions received under Section 14(1);

(5) the investigation of and report to the Council on, the questions of reconstitution and redistribution of boundaries of plots included in town-planning schemes, of claims of compensation and of betterment levy;

(6) the direction and supervision of the execution of town-planning schemes and the enforcement of the regulations thereunder;

(7) in general any matter relating to a particular scheme or to the



town-planning of the town as a whole which the Municipal Council may by resolution delegate to the Committee subject to these rules.

## PART 2

### Preparation and Sanction of General and Detailed Town-Planning Schemes

#### **23.** . :-

The preparation of a general town-planning scheme under Section 8 shall be undertaken in consultation with the Director.

#### **24.** . :-

The Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall cause to be prepared;

#### **25.** . :-

(2) The modifications necessary in the opinion of the Government shall be shown either on a separate map or by alterations in Map No.II. Such separate Map or Map No.II as so altered shall be called Map No.III.

#### **26.** . :-

A general town-planning scheme shall provide for the following matters to the extent necessary to secure a settled policy and plan for the improvement and development of the town generally and control both municipal and private activities connected therewith :-

(a) The construction, diversion, extension, alteration, improvement or closure of streets roads and communications, to the extent required for the needs of the public generally;

(b) the reservations of land for streets, roads, open spaces, recreation grounds and sites for public buildings;

(c) the determination of what shall be residential, commercial, industrial and hutting areas;

(d) the preservation of objects and buildings of archaeological or historic interest or of natural beauty or which are actually used for religious purposes or regarded by the public with special religious veneration;

(e) the prescription of building lines and street alignments;

(f) the imposition of house density restrictions in different parts of the area included in the general town-planning scheme; and

(g) any other matters mentioned in Section 4, the inclusion of which may be considered desirable.

**27.** . :-

The draft general town-planning scheme prepared by the Municipal Council shall be published on the notice board of the municipal office as a notification in Form No.1.

**28.** . :-

A notice in Form No.2 shall also be published.

(i) on the notice board of the office of every local authority within whose limits any portion of the area proposed to be included in the scheme is situated;

(ii) in the Fort George Gazette in case the whole or any portion of the area proposed to be included in the scheme is situated in the City of Madras and in the District Gazette concerned in case the whole or any portion of such area is situated in any district outside the City of Madras; and

(iii) in one or more newspapers circulating in the district or districts in which such area is situated.

**30.** . :-

Every draft town-planning scheme prepared under Section 9 to 14 shall follow or conform to the general town-planning scheme sanctioned by the Government and as for the time being in force.

**31.** . :-

From the date of sanction of the general town-planning scheme by the Government no permission shall be given by the Municipal Council for the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, to any owner of lands or buildings in the area affected by the scheme or to any person--

(i) to construct or reconstruct or in any way alter or add to any building or work or carry a contract in respect of land within the area included in such scheme unless it conforms to the requirements thereof; or

(ii) to construct or reconstruct buildings in any areas included in which building is expressly forbidden by the scheme.

**32.** . :-

(a) The resolution of a Municipal Council under sub-section (1) of Section 9 deciding to prepare or adopt a scheme shall describe the area proposed to be included in the scheme by boundaries or by ward, block and survey numbers.

(b) The plan prepared under the said sub-section which shall be called Map No.1 shall be drawn to a scale of not less than 8 inches 1 mile.

**33.** . :-

(a) The notification under Section 10 which shall be called Notification No.1 shall be in Form No.4 and shall be published on the notice board of the office of the Municipal Council.

**34.** . :-

(b) After the issue of a notification under Section 10, the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall send a notice to every owner who is concerned, drawing his attention to the provisions of Section 17.

**35.** . :-

(1) After the publication of the notification under Section 10, the Council shall, in consultation with the Director, prepare a lay-out plan and a draft town-planning scheme.

**36.** . :-

(1) The Municipal Council shall convene meetings of owners of lands and buildings in the area affected by the proposed scheme.

(4) At such meetings the proposed scheme shall be generally described and explained and a minute of each meeting shall be kept.

(5) Where the number of persons likely to be affected by the scheme is large, the Municipal Council shall where possible promote the formation of one or more Committees of such persons or representatives of such persons for the purposes of explaining the scheme to land owners and for the purpose of discussion and consultation with.

(6) At the meetings or at such other times as may be convenient, written agreements shall be taken from the owner individually and

collectively with respect to their co-operation with the Council by the surrender of land for roads and public purposes, reconstitution of boundaries betterment levy, compensation or other provisions of the scheme affecting them individually or collectively. The necessary stamp fee on such agreements shall be borne by the Municipal Council.

**37. . :-**

The proposals, if any, made in a scheme for the reconstitution of plots or the redistribution of boundaries shall be--

(1) summarized in a statement in Form No.6 and

**38. . :-**

The following statements shall also be prepared--

(i) a statement in Form No.7 showing the ownership and extent of lands included in the scheme;

(iii) a statement in Form No.9 showing the lands proposed to be acquired; and

(iv) a statement in Form No.10 showing the lands proposed to be reserved under Clause (k) of Section 4.

**39. . :-**

The estimate of the cost of the scheme required by Clause (f) of Section 13 shall be prepared in Form No.11 and the draft scheme shall state in detail how the scheme is proposed to be financed and the amount of, and the time at which, loans, if any, are required.

**40. . :-**

A copy of every draft scheme with all its enclosures and the maps prepared in connection therewith shall be sent by the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, to the Director with an intimation of the date on which the Municipal Council will meet for considering whether the draft scheme should be approved or adopted as the case may be, and published under Section 11, such date not being earlier than fifteen days from the date of such intimation. The Municipal Council shall at such meeting consider the suggestions if any, received in the meanwhile from the Director.

**41. . :-**

The draft scheme as approved or adopted by the Municipal Council shall be published under Section 11 on the notice board of the

Municipal Council by a notification which shall be called Notification No.2 and shall be in Form No.12.

**42. . :-**

Notification No.2 shall be accompanied by the plan required by Clause (a) sub-section (1) of Section 13, which shall be called Map No.2 and shall be drawn to a scale of not less than 264 or 132 or 66 feet to the inch and shall, as far as possible, illustrate by means of colours, letters and explanatory notes or in some other convenient manner the details of the scheme among which the following shall be included:

(a) The area included in the draft scheme - Boundary of the area included in the scheme Crimson lake or Vermilion (inner-edge of boundary)

(b) New streets, roads or lanes, and widening of existing streets etc. - To be made by Council Burnt sienna (wash) Do owners Light Red (wash)

(c) Existing streets, roads or lanes, rivers, drains, etc., and any modifications thereof - Public streets, roads or lanes private streets, roads or lanes streets proposed to be stopped or divereted Yellow ochre (wash) Gamboge (wash) Yellow ochre (hatched) Rivers, channels, drains and tanks Blue (wash) Rivers, channels, drains and tanks where abandoned Blue (hatched)

(d) Lands allotted or reserved under clause (k) of Section 4, if any-  
- Proposed business and commercial Crimson lake (hatched)  
Proposed light industrial Violet or grey (hatched) Proposed heavy industrial Violet or grey (wash) Public open spaces and parks Green (Wash) Private open spaces and parks Green (hatched)

(e) Building lines Chain dotted lines

(f) Proposed residential area Crimson lake (wash)

(h) Levels taken, if any, of the area included in the draft scheme and the levels of the surrounding lands. The Director may, for special reasons, permit the employment of any scales or colours different from those specified in this rule.

**43. . :-**

A notice in Form No.13 shall also be published--

(i) on the notice board of the office of every local authority within

whose limits any portion of the area proposed to be included in the scheme is situated.

(ii) in the Fort St. George Gazette , in case the whole or any portion of the area proposed to be included in the scheme is situated in the City of Madras and in the district gazette concerned in case the whole or any portion of such area is situated in any district outside the City of Madras; and

(iii) in one or more newspapers circulating in the district in which such area is situated. A copy of such notice shall also be posted up in one or more conspicuous places in or near such area.

**44. . :-**

Not less than fifteen days before the date fixed for the meeting of the Municipal Council under Section 14 for considering and passing the draft scheme, the Commission of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall send to the Director a list in Form No.14 of all objections and suggestions received and any advice as to their disposal received from the Director before the date of meeting shall be considered by the Council.

**45. . :-**

The scheme as modified with reference to the resolution passed at such meeting shall be submitted to the Provincial Government through [x x x x] the Director and shall be accompanied by three copies of a fresh plan which shall be called Map No.3 prepared with reference to the modifications which the Municipal Council may in such resolution have ordered. Where no modifications are required in Map No.2, the latter shall be called Map No.3 also. Where it is more convenient to do so, Map No.2 may be corrected with reference to the modifications ordered, the modifications being indicated clearly in distinctive colour or otherwise; and Map No.2 as so corrected shall also be called Map No.3. A copy of the scheme as so modified with Map No.3 shall be sent separately to Director of Town Planning.

**46. . :-**

The face of such submission shall be published by a notice in Form No.15--

(i) on the notice board of the municipal office: and

(ii) in the Fort St. George Gazette in case the whole or any portion

of the area included in the scheme is situated in the City of Madras and in the district gazette concerned in case the whole or any portion of such area is situated in any district outside the City of Madras.

**47. . :-**

The Director shall have the particulars specified in the scheme and the maps and schedules attached thereto verified and forward the same together with his remarks to the Government.

**48. . :-**

If the Government have ordered any material modifications in the scheme submitted by the Municipal Council, a fresh map called Map No.4 shall be prepared embodying such modifications. Otherwise, Map No.3, as corrected with reference to the modification, if any, shall also be called Map No.4.

**49. . :-**

Any notification of the Government under Section 12, published in the Fort St. George Gazette, shall be republished by a notice in Form No.16--

- (i) On the notice board of the office of the Municipal Council;
- (ii) on the notice Board of the office of every local authority within whose limits any portion of the area included in the scheme is situated; and
- (iii) in one or more newspapers circulating in the district in which such area is situated.

**50. . :-**

The rules contained in Part B. except Rules 32 to 34, shall, as far as may be, apply to schemes required to be prepared under Section 12.

**50A. . :-**

(i) Within one month from the date of publication of a notification under Section 10 on the notice Board of the office of the Municipal Council, or under Section 12 in the Fort St. George Gazette as the case may be the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall--

- (i) sign a copy of such notification, specifying the date of his signature the land or lands to which it relates, and the survey

number or numbers comprised therein; and

(ii) present the copy so signed or cause it to be presented for registration as soon as possible after such signature, but in any case within the time limit specified Part IV of the Indian Registration Act, 1908 (2) In the case of any such notification, published before the 16th July, 1948 which has not been registered under the said Part IV, the Commissioner, or the executive authority shall, if necessary, sign a fresh copy of the notification within one month from the date aforesaid, and present such copy or cause it to be presented for registration within the time-limit specified in Part IV aforesaid for the registration of such copy.

**51. . :-**

Every Municipal Council shall submit to the Government through the Director every year--

(i) a progress report in Form No.3, not later than 15th May, on the progress made in the preparation of a general town-planning scheme during the year preceding; and

(ii) progress report in Forms Nos. 17 and 18, not later than the 15th May, in respect of all other schemes, whether sanctioned, pending sanction, or under preparation during the years preceding.

**51A. . :-**

A fee payable on application for permission for the Development of land or change of land use:

(1) No application for permission under Sections 17 and 18 of the Act shall be deemed valid, unless the person giving an application has paid to the prescribed authority, in advance, the fees determined by the Government (in the Table prescribed under this rule) from time to time for the grant of permission, and a receipt in token of payment of such fee is enclosed to the application.

(2) Any person who intends to develop or change of land use of any land or building under the provisions of the Act shall, along with the application for permission on a prescribed form, pay the development charges levied at the rates specified in the Table to the Authority or to the local authority.

**PART 3**

**Arbitration**

**52. . :-**



The arbitrator shall, on his appointment by the Government, give notice of the date on which he will commence his duties and the place at which he will hold his office and to which all correspondence relating to the scheme should be addressed. The notice shall be affixed to the notice board of every local authority within whose limits any portion of the area included in the scheme is situated and shall also be pasted up in two or more conspicuous places in or near such area. The notice may also be published in one or more newspapers circulating in the district in which such area is situated

Reconstitution of plots

**53. . :-**

(1) With reference to the proposals, if any, for reconstitution of plots contained in a sanctioned scheme or made before him in pursuance of such scheme and within the time fixed therein, the arbitrator shall serve a notice on every person affected and on the Commissioner of the Corporation of Madras or the executive authority of the municipality the case may be, or president of every local authority interest in such reconstitution. Such notice shall state the particulars of the proposals made under Section 5 and the date on which the arbitrator will take them into consideration. In the case of Government lands, such notice shall be served on the District Collector.

**54. . :-**

(2) The arbitrator shall fix a day or days for the hearing of the claims and give notice thereof to the claimants, the local authority or any other person authority who in his opinion is interested therein.

(4) In any proceeding before the arbitrator, the recording of evidence shall be in English but if any witness is required to sign a deposition and he is unacquainted with English, an interpretation of the statement recorded should be made to him in the language with which he is acquainted before he is called upon to sign the deposition.

(5) The arbitrator's decision shall be entered in a register in Form No.19.

**55. . :-**

(1) Where a scheme provides for the levy of a betterment

contribution, the Council shall, within the time, if any, limited by the scheme, file before the arbitrator a claim in Form No.20.

(3) The arbitrator shall enter the particulars of the decision in columns (7) to (10) of a register in Form No 21.

**55A. . :-**

(1) A party who desires the attendance of any witness before the arbitrator shall submit to the arbitrator a list in Form No.21-A of the persons whose attendance he requires stating the full name, residence and description of each person and whether he is required to give evidence as an expert or otherwise or to produce any document, and in the latter case specifying the date, if any and the description of the document so as to identify it and shall with such list deposit in the arbitrator's office the fee for the service of summons specified in sub-rule (2) and the total amount of allowances to which the said persons would be entitled for travelling when summoned as witness by the Court of Small Causes.

(2) The fee for the service of summons on a witness or of notice on a party shall be four annas.

**56. . :-**

(a) All notices required to be served upon or given to any person under Rules 53, 54 or 55 shall be served as nearly as may be in the manner laid down in the Code of Civil Procedure, 1908 for the service of a summons on a defendant.

(b) The arbitrator shall give to all persons affected by the scheme a reasonable opportunity to state their views and shall take views, if any, into consideration before coming to a decision.

(c) The arbitrator shall communicate his decision to the parties concerned by registered post or in such other manner as he may find convenient.

**56A. . :-**

Where a minor or a person of unsound mind is a party to a claim before the arbitrator, the procedure laid down in Order XXXII of the First Schedule to the Code of Civil Procedure, 1908, shall be applied.

**56B. . :-**

All notices, proceedings and decisions of the arbitrator shall be issued with a seal affixed thereon as follows:  
"Arbitrator.....Town-Planning Scheme of"

**57. . :-**

A register showing the assessment and collection of betterment contributions shall be maintained in Form No.22. It shall be divided into parts one part being allotted to each scheme. In each part, a separate page shall be allotted to each property liable for betterment contribution.

**58. . :-**

The market value of the properties liable to betterment contribution in each of the financial years following that in which the scheme takes effect shall be determined by the Commissioner of the Corporation of Madras or the executive authority of the municipality as the case may be:

Provided that the market value of any property in respect of which the betterment contribution is payable by the Chairman shall be determined by the Revenue Divisional Officer or, if there is no Revenue Divisional Officer, or if the Revenue Divisional Officer is also the Chairman, by the Council.

**58A. . :-**

(2) Where the year of levy is the last of the term of years referred to in Section 23 of the Act, notwithstanding anything contained in sub-rule (1), the betterment contribution levied in respect of such year shall not exceed such sum, if any, as may be necessary to bring up the aggregate amount of the betterment contributions to the limit specified in the proviso to the said Section 23 namely, one-half of the maximum increase in value during the aforesaid term of years as ascertained under Section 24 of the Act; and if the aggregate sum levied in the previous years exceeds such limit, the excess shall be refunded to the owner of the property.

(3) Any betterment contribution or portion thereof the levy of which has been suspended under sub-rule (1) may be levied in any subsequent year, provided that the amount so levied together with the betterment contributions levied in such year and the previous years shall not, in the aggregate, exceed the limit so specified in sub-rule (1) (a) or sub-rule (2), as the case may be.

(4) Nothing in this rule shall be construed as affecting the provision

in the proviso to Section 23 of the Act; and any amount collected over and above the limit prescribed therein shall be refunded to the owner of the property at the end of the period over which betterment contribution is leviable.

**59. . :-**

(1) When the assessment register has been prepared for the first time or when the market value of the properties is estimated by the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, under clause (b) of Section 24 of the Act in each of the financial years following that in which the scheme takes effect the Commissioner of the Corporation of Madras or the executive authority of the municipality as the case may be, shall give notice to the owners of the properties affected stating the market value so estimated and the amount of betterment contributions leviable in respect of those properties, and that any objection or revision petition may be submitted to the Commissioner of the Corporation of Madras or the executive authority of the municipality as the case may be, within a period of sixty days from the date of the said notice in the case of the Crown; a railway administration or a company, and of thirty days from the date of said notice in other cases.

(2) In every case in which assessment or valuation of the amount of annual betterment contribution has increased since the assessment or valuation or betterment contribution was last fixed the notice under sub-rule (1) shall state the grounds or reasons for the increase.

(3) Every objection or revision petition shall contain a statement of the grounds of the objection and the reasons in support of the revision petition.

(4) No objection or revision petition received by the Commissioner of the Corporation of Madras or the executive authority of the municipality as the case may be, after the period specified in sub-rule (1) shall be taken into consideration.

**. . :-**

**61. . :-**

When a revision petition is presented, the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, shall, unless the date on which

his petition will be considered has already been notified, intimate to the petitioner the date on which his petition will be considered and no petition shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorized agent to present his case.

**62. . :-**

Immediately after the disposal of a revision petition the Commissioner of the Corporation of Madras or the executive authority of the municipality as the case may be, shall, inform the petitioner or his authorized agent in writing of the orders passed thereon, shall direct him to pay the amount fixed on revision within a specified date not being less than 15 days from the date of such disposal and shall, if necessary, cause the assessment register to be corrected.

**63. . :-**

(1) An appeal shall lie to the Council against the order of the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, under Rule 62.

(2) The appeal shall be made in writing and shall set forth, concisely and under distinct heads, the grounds of objection to the order appealed against.

**64. . :-**

The assessment register shall be corrected in accordance with any orders passed by the Council on appeal. In the event of the amount of contribution being reduced or remitted by the Council the Commissioner of the Corporation of Madras or the executive authority of the municipality; as the case may be, shall grant a refund accordingly.

**64A. . :-**

The provisions of Rule 11 of Schedule III to the Madras District Municipality Act, 1920, shall be applicable in regard to the grant of copies of proceedings and records of the arbitrator and to the levy of fees therefor.

**65. . :-**

The assessment or demand of any betterment contribution when no appeal is made as hereinbefore provided, and when such an appeal is made, the adjudication of the Council thereon shall be final.

Provided that where any assessment or demand is not in accordance with the assessment register, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the contribution being made in accordance therewith.

**66. . :-**

(1) Where after the publication of a notification under Section 10 or 12 the title of any person in respect of any premises within the area covered by such notification is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected; if no instrument be executed, give notice of such transfer to the Commissioner of the Corporation of Madras or the executive authority of municipality as the case may be.

(2) Where after the publication of a notification under Section 10 or 12 the owner of any premises within the area covered by such notification dies, the person to whom title of the deceased shall be transferred as heir or otherwise shall give written notice of such transfer to the chairman within one year from the death of the deceased.

(3) The notice to be given under this rule shall be in such form as the chairman may direct and the transferee or the person to whom title passes, as the case may be, shall, if so required, be bound to produce before the chairman any documents evidencing the transfer or succession.

**PART 4**

**Town-Planning Fund**

**67. . :-**

(a) Every Municipal Council shall maintain in Form No. 23 and account of its transactions relating to town-planning in two sections, namely ordinary' and capital' under the Head E. Town-Planning Fund. Such account shall be incorporated under the same head in the consolidated account of the Municipal Council.

(b) A summary of the town-planning fund account for any year shall be submitted to the Director not later than the 1st June of the year following :-

**68. . :-**

**69. . :-**

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

**PART 5**

Recovery of Expenses of Enforcement

**70. . :-**

Where any owner commits default or delays the carrying out of any work or improvement ordered by a responsible authority under sub-section (3) of Section 19 or by the Government on an appeal made to them under that sub-section, the responsible authority or the Municipal Council, as the case may be, authorise the Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be--

(a) to cause such work or improvement to be executed or to take any measures or do anything which it may consider necessary for the execution of such work or improvement; and

(b) to recover the expenses incurred thereby from the owner.

**71. . :-**

The Commissioner of the Corporation of Madras or the executive authority of the municipality, as the case may be, may, if he thinks fit, take an agreement from the person liable for the payment of any expenses referred to in Rule 70 to pay the same instalments of such amounts and at such intervals as will secure the payment of the whole amount due with interest thereon, at the rate of 9 per cent per annum within a period of not more than five years.

**PART 6**

Variation or revocation of a Town-Planning Scheme

**72. . :-**

**PART 7**

Transfer of Funds to the Responsible Authority by the Municipal Council

**73. . :-**

The concerned Municipal Council shall pay annually to the responsible authority such amount as may be fixed in that behalf in

the scheme and where no amount has been so fixed, such amount as may be agreed upon between the concerned Municipal Council and the responsible authority;

**74. . :-**

The responsible authority shall not borrow any money. But the concerned Municipal Council shall transfer any money borrowed by it for the purpose of the scheme to the responsible authority, either in whole or in instalments, as the latter may require.

**75. . :-**

(1) The responsible authority shall maintain an account of its transactions relating to the town-planning scheme in accordance with the rules prescribed for Municipal Councils in Part IV of these rules.

(2) A summary of such account for every year, which shall be in Form No.23, shall be submitted to the concerned Municipal Council and the Director not later than the 1st May of the year following.

**76. . :-**

When any street or other work has been constructed or when any open space for purposes of ventilation or recreation or any site for a public purpose has been provided (or acquired) by the responsible authority it shall on completion be transferred to the concerned Municipal Council by order of the responsible authority and shall thereafter be maintained by the concerned Municipal Council.

**77. . :-**

If any difference of opinion arises between the responsible authority and the concerned Municipal Council in respect of any matter referred to in the foregoing rules the matter shall be referred to the Government whose decision shall be final.

**PART 8**

Short title, Commencement and definition

**78. . :-**

(1) These rules may be called the Madras Town-Planning Rules, 1933.

(2) They shall come into force on the 1st day of April, 1933. 79. In these rules and the forms appended thereto, unless there is anything repugnant in the subject or context "Government" means the Government of Madras.



