

Chhattisgarh Nagar Tatha Gram Nivesh (Amendment) Act, 2010

22 of 2010

[06 September 2010]

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Chhattisgarh Nagar Tatha Gram Nivesh (Amendment) Act, 2010

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An Act further to amend the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973. Be it enacted by the Chhattisgarh Legislature in the Sixty-first year of the Republic of India, as follows:-- **
Published in the Chhattisgarh Rajpatra (Asadharan) dated 6-9-210
Pages 486(3-5).

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Chhattisgarh Nagar Tatha Gram Nivesh (Amendment) Act, 2010.
- (2) It extends to the whole State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

2. Insertion Of New Section 30-A :-

After section 30 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) (hereinafter referred to as the Principal Adhiniyam), the following Section shall be inserted, namely:--

30A. (1) Any applicant may submit an application to the Director in such manner as may be prescribed for amendment in the approved layout plan provided that such amendment is in conformity with the development plan, within the permitted time period from the date of communication of the order issued conditionally under sub-section (3) of Section 30.

(2) All such reasons for which amendment is sought shall be mentioned while submitting the application to the Director.

(3) The Director on submission of such application, may pass appropriate order after giving a reasonable opportunity of hearing to the applicant.

3. Amendment Of Section 31 :-

For sub-section (1) of section 31 of the Principal Adhiniyam, the following shall be substituted, namely:--

(1) Any applicant aggrieved by an order granting permission on condition or refusing permission under section 30 or amendment under section 30-A may, within thirty days of the date of communication of the order to him, prefer an appeal to such authority, in such manner and accompanied by such fees as may be prescribed.

4. Amendment Of Section 33 :-

In section 33 of the Principal Adhiniyam, for the first paragraph, the following shall be substituted, namely:--

"Every permission granted under Section 30 or Section 30-A or Section 31 or section 32 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse."

5. Amendment Of Section 36 :-

After sub-clause (d) of Section 36 of the Principal Adhiniyam, the last paragraph shall be substituted by the para as follows, namely:-

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"shall without prejudice to any action that may be taken under Section 37, be punished with simple imprisonment for a term which may extend to six months or with fine of minimum ten thousand

rupees or with both, and in the case of a continuing offence with further fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first offence, and such property of unauthorized development may be forfeited".

6. Amendment Of Section 37 :-

For sub-section (1) and clause (a) of Section 37 of the principal Adhiniyam, the following sub-section (1) and clause (a) shall be substituted, namely:--

(1) Where any development has been carried out as indicated in Section 36 Director may serve on the owner a notice requiring him, within such period being not less than one week and not more than three weeks from the date of service of notice, as may be specified therein;

(a) In cases specified in clause (a) or (c) of Section 36 to stop illegal development of the land and to restore the land to its condition existing before the said development took place;

7. Amendment Of Section 37 :-

For sub-section (5) of Section 37 of the Principal Adhiniyam, the following sub-section shall be substituted, namely:--

(5) If the permission applied for, on depositing the compounding fees prescribed by the State Government by issuing notification from time to time, is granted, the notice shall stand withdrawn; but if not granted, the notice shall stand; or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land or of development of land, the notice shall stand withdrawn in respect of such buildings or works or such part of the land, as the case may be; and thereupon the owner shall be required to take steps specified in the notice under sub-section (1) in respect of such other buildings, works or part of the land.

8. Amendment Of Section 37 :-

For sub-section (7) of Section 37 of the Principal Adhiniyam, the following sub-section shall be substituted, namely:--

(7) Any person prosecuted under clause (a) of sub-section (6) shall, on conviction, be punished with simple imprisonment for a term which may extend to six months or with fine of minimum ten

thousand rupees or with both, and in the case of a continuing offence with further fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first offence.

9. Amendment Of Section 50 :-

For sub-section (5) of Section 50 of the Principal Adhiniyam, the following sub-section shall be substituted, namely:--

(5) Where the town development scheme relates to reconstitution of plots, the Town and Country Development Authority shall, notwithstanding anything contained in sub-section (4), constitute a committee consisting of the Chief Executive Officer of the said Authority and two other members of whom one shall be representative of the District Collector, not below the rank of Deputy Collector and the other shall be an officer of the Town & Country Planning Department not below the rank of Deputy Director nominated by the Director of Town & Country Planning for the purpose of hearing objections and suggestions received under subsection (3).

10. Amendment Of Section 50 :-

After sub-section (7) of Section 50 of the Principal Adhiniyam, the following sub-section shall be inserted, namely:--

(8) (i) Where a town development scheme has come into operation, all lands required by the Town & Country Development Authority for the purposes specified in following clauses:--

(a) Layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications, etc.;

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

(c) Lighting;

(d) Water supply;

shall vest absolutely in the Town and Country Development Authority free from all encumbrances.

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

11. Repeal And Saving :-

The Chhattisgarh Nagar Tatha Gram Nivesh (Amendment) Ordinance, 2010 (No. 1 of 2010) is hereby repealed:
Provided that the repeal shall not affect the previous operation of the Ordinance so repealed as if this Act had not been passed.