

Prevention Of Ribbon Development Act, 2007

26 of 2007

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An Act to regulate erection of buildings alongside public roads. Whereas, it is expedient to regulate the erection of buildings alongside 1[public] roads in the Jammu and Kashmir State for the purpose hereinafter mentioned. Now, therefore, in exercise of the powers reserved under section 5 of the the Jammu and Kashmir Constitution Act, 1996, read with proclamation issued by His Highness and published in an Extraordinary issue of the Government Gazette, dated 7th Har, 2006, Yuvaraj Shree Karan Singh Ji Bahadur is pleased to enact as follows:- 1 Substituted by Act XXIII of 2011 for the word "main".

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Prevention of Ribbon Development Act, 2007.

(2) It shall extend to the whole of Jammu and Kashmir State excepting the areas 1[other than roads maintained by the 2[Central Government or the Public Works Department of the State] included within the limits of municipalities and town areas.

3(3) It shall come into force on such date as the Government may, by notification, direct.

1 Inserted by Act LII of 2011.

2 Substituted by Act XXII of 1963 for "Public Works Department".

3 This Act came into force from 1st May, 1995 vide C. O. No. 466-C of 1955 dated 16th April, 1955 (C. G. 21st April, 1955.).

2. Definitions :-

In this Act,-

1[(i)] "building" means any shop, house, hut, out-house, shed, stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud thatch, metal or any other material whatever, and includes a wall and a well but shall not include a tent or other such portable temporary shelter;

2[(ii)] "Chief Engineer" means the Chief Engineer, Roads and Buildings Department and includes such other officer as may be authorised by the Government to perform the functions of the Chief Engineer for the purposes of this Act.]

1 Definition of the expression "building" numbered as clause (i) by Act XL1 of 1960.

2 Clause (ii) inserted by Act XL1 of 1960.

3. Prohibition To Erect Buildings :-

No building shall be erected alongside any road 1[maintained by the Public Works or any other Department] within such distance from the centre of the road as may be specified by a general or special order of the 2[Chief Engineer] published in the Government Gazette in respect of any such road or part thereof without the sanction in writing of the 2[Chief Engineer]. 3[XXX].

1 Substituted by Act XXIII of 2011 for the words "maintained by the Public Works Department".

2 Substituted by Act XIV of 1970.

3 Omitted by Act XIV of 1970.

4. The Power Of The Chief Engineer To Demolish A Building Erected :-

1[(1) If any person erects any building in contravention of the provisions of section 3, the Chief Engineer may, at any time, by a notice in writing served in the manner hereinafter provided, direct such person to dismantle the building or part thereof and remove the material within such time as may be specified in that notice or

to show cause within the time so specified why he should not do so, and if such person fails either to comply with the aforesaid direction or to show cause to the satisfaction of the Chief Engineer within that time, the Chief Engineer may dismantle or cause to be dismantled the building or part thereof and remove or cause to be removed the material from the site and in doing so the Chief Engineer may use such force as may be necessary.

(2) The Chief Engineer shall cause a copy of the notice to be served on the person who erects a building in contravention of the provisions of section 3 by registered post or by delivering or tendering it to such person or in case such person refuses or evades the service of notice, the Chief Engineer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of building erected by that person whereupon the notice shall be deemed to have been duly served on him.]

1 Section 4 substituted by Act XLI of 1960.

4A. Contravention To Constitute Offence And Penalty :-

1[Without prejudice to the provisions of section 4, any person who contravenes the provisions of section 3 shall also be liable to prosecution and on conviction shall be punishable with a fine which may extend to 2[Rs. 3000] and in the case of continuing contravention with a further fine which may extend to 3[Rs. 100] for every day after the date of the first conviction during which he is proved to have persisted in the contravention.]

1 Section 4-A renumbered as section 4-B and a new section 4-A inserted by Act XLI of 1960. (Original section 4-A was inserted by Act LII of 2011.).

2 Substituted by Act No. XI of 2000 for "Rs 100".

3 Substituted by Act No. XI of 2000 for "Rs. 10".

4B. Effect Of Orders Inconsistent With Other Enactments :-

1[Any order made under section 3 or section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any order, rule or bye-law having effect by virtue of any enactment other than this Act.]

1 Section 4-A renumbered as section 4-B and a new section 4-A inserted by Act XLI of 1960. (Original section 4-A was inserted by Act LII of 2011.).

5. Compensation :-

No person shall be entitled to any compensation for any damage or loss sustained in consequence of such removal of any building.

6. Appeal :-

An appeal from the order of the Chief Engineer 1[under section 3 or under section 4] shall lie to the Minister-in-charge Public Works Department whose decision in the matter shall be final.

1 Substituted by Act XLI of 1960

7. Limitation :-

The appeal provided in section 6 must be preferred within 15 days from the date of the order.

8. Rule Making Power :-

The Government may make rules for carrying out the provisions of this Act.