

KARNATAKA PANCHAYAT RAJ (GRAMA PANCHAYATS CONTROL OVER ERECTION OF BUILDINGS) RULES, 1994

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KARNATAKA PANCHAYAT RAJ (GRAMA PANCHAYATS CONTROL OVER ERECTION OF BUILDINGS) RULES, 1994

Whereas the draft of the Karnataka Panchayat Raj (Grama Panchayats control over Erection of Buildings) Rules, 1994 in Notification No. RDP 1132 ZPS 94, dated 19-12-1994 was published in the Part IV, Section 2-C(i) of the Karnaaka Gazette, Extraordinary, dated 19-12-1994, as required by Section 311 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) inviting objections and suggestions to the said draft from persons likely to be affected there to within 30 days of its publication in the Official Gazette. And, whereas, the said Gazette was made available to the public on 19-12-1994. And, whereas, no objection or suggestions have been received by the State Government in respect of the said draft. Now, therefore, in exercise of powers conferred by sub-section (1) of the Section 64 of the Karnataka Panchayat Raj Act (Karnataka Act 14 of 1993) read with Section 311 of the said Act the Government of Karnataka hereby makes the following rules, namely:

1. Title and commencement :-

(1) These rules may be called the Karnataka Panchayat Raj (Grama Panchayats control over Erection of Buildings) Rules, 1994.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993);

(b) "Section" means a section of the Act.

3. Application to erect a building :-

(1) any person intending to erect a building shall, apply in writing to the Grama Panchayat for permission to erect the building and shall furnish, along with the application,

(A) in case of erection of a new building,

(i) a site plan, in duplicate, of the land on which he intends to erect the building, showing the position of the building to be erected in relation to the land:

Provided that, if the building to be erected is of less than five thousand rupees in value, it shall be sufficient if the site plan shows the size of the proposed building and its position in relation to the land.

(ii) the plan of the building to be erected such plan being in duplicate and showing.

(a) the plan of the ground floor and of each other floor, if any, with sections and elevations;

(b) the levels of the foundation with reference to the level of the centre of the adjacent roads or streets;

(c) depth and thickness of foundations;

(d) the dimensions and structure of roof:

Provided that if the building to be erected is of less than five thousand rupees in value it shall be sufficient to show levels at which the foundation of the lowest floor is proposed to be laid;

(B) in case of alteration or addition to any existing building or reconstruction of a building, a copy of the attested previous sanctioned plan:

Provided that if the applicant for any reasons sworn to in an affidavit, cannot produce the previous sanctioned plan of the existing building, then in such cases the plan of the existing Building along- with site plan shall be furnished and it shall be

examined in the light of the existing rules and bye-laws relating to erection of building.

(2) The Grama Panchayat may on receipt of an application under sub,-rule (1), require the applicant in writing to furnish such other particulars as may be necessary in the circumstances of the case, and on such requisition, the applicant shall furnish such particulars unless there are reasonable grounds for not furnishing such particulars.

4. Calling for objections, etc :-

(1) The Grama Panchayat may, on receipt of an application under Rule 3, give public notice by affixing such notice on the notice board of the office of the Grama Panchayat calling for objections thereto, within a period not exceeding seven days from the date of such notice, as may be specified therein.

(2) If any objections are received within the time specified regarding the proposed erection of the building the Grama Panchayat shall consider such objections before granting or refusing the permission.

5. Grant of permission :-

If the Grama Panchayat is satisfied that the proposed erection of the building is in accordance with the provisions of these rules and the bye-laws made under the Act, it shall grant the permission applied for, subject to payment of the requisite fee.

6. Conditions to be imposed :-

(1) Within the boundary of every site on which a building is to be erected, there shall be provided and maintained, a minimum margin of three feet of open space of the two sides and the rear and four feet in the front.

(2) Every building intended for human habitation shall be so erected that it has plinth height of not less than two feet from the ground level.

7. Grama Panchayat not to decide dispute as to title :-

The Grama Panchayat, in granting or refusing to grant permission for the erection of a building, shall not go into the complicated questions of title to the property; and in case such questions arise between the applicant and any other person objecting to the grant of the permission, the Grama Panchayat shall refuse to grant the

permission unless a decision of a Competent Court is obtained regarding the title.

8. Concurrence of Aerodrome Authorities in certain cases :-

In the case of a building proposed to be erected within a radius of twenty kilometers from any aerodrome reference point the Grama Panchayat shall obtain the prior concurrence of the local Aerodrome Authority, before granting permission for erection of such building.