

MAHARASHTRA DEVELOPMENT PLANS RULES, 1970

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MAHARASHTRA DEVELOPMENT PLANS RULES, 1970

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1. Short title. :-

These rules may be called the MAHARASHTRA DEVELOPMENT PLANS RULES, 1970 .

2. Interpretation :-

In these Rules unless the context otherwise requires,-

(a) "Act" means the Maharashtra Regional and Town Planning Act, 1966 ;

(b) "Form" means a form appended to these rules;

(c) "licensed surveyor" means a person licensed by any local authority as a surveyor by or under the law constituting such local authority and includes a qualified person duly approved by any

local authority for the purposes of these rules;

(d) "Planning Authority" for the purposes of Rules 3 and 4 includes the officer appointed by the State Government under sub-section (4) of section 21 ;

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

3. Notice of declaration of intention to prepare Development Plan. :-

The notice of declaration of intention to prepare Development Plan under sub-section (1) of section 23 shall be given by means of an advertisement in English and in the regional language. The said notice shall indicate that a copy of the Plan showing the boundary of the entire area proposed to be included in the Development Plan is kept open to the inspection of the public at all reasonable hours at the head office of the Planning Authority and that the Planning Authority shall consider any suggestions or objections made by the public in respect of the proposed Development Plan within the period specified in the notice in the Official Gazette:

Provided that, where such declaration of intention to prepare a Development Plan is made by a Special Planning Authority, such notice shall be kept open to the inspection also in office of the local authority or authorities, having jurisdiction in the area for which such Plan is prepared.

4. Manner of preparing, publishing and submitting draft Development Plan :-

(1) The draft Development Plan shall be prepared on a scale not smaller than 1/10000, and shall show in distinguishing colours the areas or sites and the use to which they will be put. The Planning Authority shall, while preparing the draft Development Plan, take into consideration the suggestions or objections if any, received from the public in response to the advertisement published under Rule 3.

(2) The Planning Authority shall publish the draft Development Plan along with the particulars specified in sub-section (1) of Section 26 by keeping copies thereof open to the public for inspection at all reasonable hours at the head office of the Planning Authority:

Provided that, where such notice is published by a Special Planning Authority, the copies thereof shall be kept open to the inspection

also in office of the local authority or authorities, having jurisdiction in the area for which such Plan is prepared.

(3) The notice under sub-section (1) of section 26 of the publication of draft Development Plan shall be given by means of an advertisement in English and in the regional language. The said notice shall indicate that a copy of the draft Development Plan together with a copy of the particulars accompanying it is kept open to the inspection of the public at all reasonable hours at the head office of the Planning Authority or such local authority or authorities and that any suggestions or objections made by the public in respect of the draft Development Plan within a period of sixty days from the date of the said notice in the Official Gazette, will be duly considered by the relevant authority.

(4) The Planning Authority shall submit to the State Government through the Director of Town Planning, in triplicate, the draft Development Plan after modifications and changes, if any, carried out under section 28, together with the particulars published under sub-section (2) of section 26. Every modification or change made in the draft Development Plan so submitted shall be signed by the Town Planning Officer appointed by the Planning Authority and countersigned by the Municipal Commissioner of a Municipal Corporation, the Chief Officer of a Municipal Council, the Chief Executive Officer of a Zilla Parishad, the Chairman of the Nagpur Improvement Trust, or as the case may be the officer appointed under sub-section (4) of section 21 in all the three copies of the Plan, and each copy of the draft Development Plan shall be accompanied by a report explaining the modification or change so made. The notice published under sub-section (1) of section 26 and the report of the Planning Committee under section 28 shall also be submitted to the State Government at the same time.

5. Qualifications for appointment of persons as Town Planning Officer. :-

To be eligible for appointment as a Town Planning Officer, a person must possess one of the following qualifications, that is to say,-

- (a) A degree in Town Planning or Estate Management from any University recognised by the State Government in this behalf; or
- (b) Associate of the Royal Institution of Chartered Surveyors, London (A.R.I.C.S.); or
- (c) Associate Member of the Town Planning Institute, London

(A.M.T.P.I.); or

(d) A diploma in Town and Country Planning awarded by the School of Planning and Architecture, New Delhi, or by the Indian Institute of Technology, Kharagpur, or any other Institute recognised by the State Government in this behalf; or

(e) A degree in Civil Engineering or Architecture of any University recognised by the State Government in this behalf; or any qualification which in the opinion of the State Government is equivalent to such degree with not less than two years standing; or

(f) A diploma in Civil Engineering or Architecture with not less than four years standing, and having knowledge of the Town Planning and Valuation.

6. Application for permission for development. :-

(1) Subject to the provisions of this rule, every application under section 44 for permission to carry out any development on any land shall be made in Form I.

(2) The following particulars and documents shall be submitted along with the application, namely:-

(a) A site Plan (in quadruplicate) of the area proposed to be developed to a scale of not less than 1/600;

(b) A detailed Plan (in quadruplicate) showing the Plan, sections and elevation of the proposed development work to a scale of not less than 1/100 as may be available.

(c) In the case of a lay-out of land or plot:-

(i) A Plan (in quadruplicate) drawn to a scale of not smaller than 1/15000 showing the surrounding land and existing access to the land included in the lay out;

(ii) A Plan (in quadruplicate) drawn to a scale of not less than 1/600 showing-

(x) sub-divisions of the land or plot with dimensions and area of each of the proposed sub-divisions and its use according to prescribed regulations;

(y) width of the proposed streets; and

(z) dimensions and area of open spaces provided in the layout for the purposes of garden and recreation or like purpose.

(d) An extract of the record of right or property register card or any other document showing the ownership of land proposed to be developed.

(3) Plans referred to in sub-rule (2) above shall be prepared by a licensed surveyor.

(4) The Planning Authority may also call from the applicant in writing any further information that may be re-quired for the purpose of considering any application.

7. Form of commencement certificate. :-

The commencement certificate to be granted under sub-section (2) of section 45 shall be in Form 2; and it shall remain valid for a period of one year from the date of its issue.

8. Appeal against order of Planning Authority. :-

(1) Every appeal under section 47 shall be made to the officer appointed by the State Government under that section and ¹ [shall state clearly the grounds of appeal. The appeal shall bear such fees as is applicable under the Bombay Court Fees Act, 1959. (o a memorandum of appeal submitted to the State Government.)]

(2) Every appeal shall be accompanied in duplicate by-

(i) copies of the application made (o the Planning Authority;

(ii) copies of all relevant Plans, documents and particulars submitted with the application;

(iii) true copies of the order of the Planning Authority;

(iv) copies of all other relevant correspondence with the Planning Authority.

1. The words "shall ho made to the officer appointed by the State Government under that section and" were deleted by G.N. of 21.8.1973.

9. Compensation for revocation or modification of permission to development :-

(1) Every claim for compensation under sub-section (2) of section 51 shall be made to the Planning Authority within ninety days from the date of service of the order of revocation or modification.

(2) The claim shall be made in writing supported by details of expenditure incurred in carrying out development according to the permission granted, and a further detailed estimate of such of the expenditure as has been rendered abortive because of the order of revocation or modification of permission originally granted, both being prepared by a licensed surveyor. A certified copy of the commencement certificate under which permission for development was originally granted shall accompany such claim.

(3) The notice of refusal to accept compensation offered by the Planning Authority shall be given by the owner within thirty days from the receipt of the offer.

10. Compensation for revocation or modification of permission to development :-

Any person aggrieved by the notice served by the Planning Authority under section 53 and desiring to apply for permission under section 44 shall write to the Planning Authority giving full details of the development carried out on land, explaining the reasons for carrying out such development unauthorisedly and applying for permission for retention on the land of any building or works or for the continuance of any use of the land, to which the notice relates. Such person shall also submit to the Planning Authority the relevant particulars and documents that would have been required to be submitted under sub-rule (2) of Rule 6, had he applied for permission under Section 44 before the development was carried out.

11. Appeal against notice by Planning Authority requiring removal of authorised development or use. :-

(1) Any person aggrieved by the notice served by the Planning Authority under section 56 , may prefer an appeal to the State Government stating clearly the grounds of appeal.

(2) Every such appeal shall be accompanied in duplicate by-

(i) true copies of the commencement certificate and of the Plans as approved by the Planning Authority; and

(ii) a copy of the notice served by the Planning Authority.

12. Compensation for damage or expenses incurred due to removal of authorised development or use. :-

(1) Every claim for compensation under sub-section (4) of Section 56 shall be made to the Planning Authority within ninety days after the expiry of the period specified for complying with the notice served on him under sub-section (1) of Section 56 , or in case an appeal is preferred to the State Government against the notice, within ninety days from the communication of its decision by the State Government.

(2) Every such claim shall be made in writing supported either-

(i) by a detailed estimate of the damage suffered in consequences of the compliance with the notice; or

(ii) by a statement of expenses incurred for complying with the notice. Such estimate or statement shall be prepared by a licensed surveyor.

13. Service of purchase notice on State Government. :-

Any person who claims that the land which he has interest will become incapable of reasonably beneficial use by compliance with the notice served by a Planning Authority under Section 56 , may serve in the State Government a purchase notice in the same manner in which a notice is served in the State Government under Section 49 . Where an appeal is filed under sub-section (2) of Section 56 , the said purchase notice shall be served withiira period-of.ninety days after the disposal of the appeal.

14. Development undertaken on behalf of Government :-

The following documents and Plans shall accompany the intimation to the Planning Authority by the officer-in-charge of the Government department or office or authority of the intention to carry our the development of any land for its purpose, namely: -

(1) A site Plan (in quadruplicate) of the area proposed to be developed to a scale of not less than 1 inch to 50 feet or 1/600;

(2) A detailed Plan (in quadruplicate) showing the Plan, sections and elevation of the proposed development work to a scale of not less than 1/100 as may be available.

(3) In the case of a lay-out of land or plot:-

(i) A site Plan (in quadruplicate) drawn to a scale of not smaller than 1/15000 showing the surrounding land and existing access to the land included in the lay out;

(ii) A Plan (in quadruplicate) drawn to a scale of not less than 1/600 showing-

(a) sub-divisions of the land or plot with dimensions and area of each of the proposed sub-divisions and its use according to - prescribed regulations;

(b) width of the proposed streets; and

(c) dimensions and area of openspaces provided in the layout for the purposes of gardens and recreation or like purpose.

15. Access to documents, etc., relating to Development Plant :-

All documents, Plans and maps relating to any final Development Plan shall be kept open for public inspection at the head office of the Planning Authority for a period of two years from the coming into operation of the final Development Plan:

Provided that, where the Planning Authority is the Special Planning Authority, the documents, Plans and maps shall be kept open for public inspection also in office of the local authority or authorities, having jurisdiction in the area for which such Plan is prepared.