

Maharashtra Regional And Town Planning (Amendment And Continuance) Act, 2014

5 OF 2014

[18 March 2014]

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An Act further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS the Governor of Maharashtra with a view to amend the Maharashtra Regional and Town Planning Act, 1966, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2013, on the 4th October 2013 (hereinafter referred to as "the said Ordinance");

AND WHEREAS upon the re-assembly of the State Legislature on the 9th December 2013, at Nagpur, a Bill for converting the said Ordinance into an Act of the State Legislature was introduced in the Maharashtra Legislative Assembly as L. A. Bill No. XXXVI of 2013, on the 11th December 2013 ;

AND WHEREAS the said Bill could not be passed by the State Legislature, as the session of the State Legislature was prorogued

on the 20th December 2013 ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance ceased to operate after 19th January 2014, the date on which the period of six weeks from the date of re-assembly of the State Legislature expired ;

AND WHEREAS it is considered expedient to continue the operation of the said Ordinance after incorporating certain minor amendments to the said Act ;

AND WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance after incorporating certain minor amendments to the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment and Continuance) Ordinance, 2014, on the 20th February 2014 ;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :-

1. Short title and commencement. :-

(1) This Act may be called the Maharashtra Regional and Town Planning (Amendment and Continuance) Act, 2014.

(2) It shall be deemed to have come into force on the 4th October 2013.

2. Amendment of Heading of Chapter III of Mah. XXXVII of 1966. :-

In Chapter III of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the principal Act"), under the heading " DEVELOPMENT PLAN ", for sub-heading " (a) Preparation, submission and sanction to Development plan", the following sub-heading shall be substituted, namely :-

" (a) Declaration of intention, preparation, submission and sanction to Development plan."

3. Amendment of section 21 of Mah. XXXVII of 1966. :-

In section 21 of the principal Act,-

(a) in sub-section (2), for the words " prepare a draft Development plan and publish a notice of such preparation in the Official Gazette " the words " declare its intention to prepare a draft Development plan, prepare such plan and publish a notice of such preparation in the Official Gazette " shall be substituted ;

(6) in sub-section (4),-

(2) for the words " If the draft Development plan is not submitted " the words and figures " If the declaration of intention to prepare Development plan under section 23 is not made or if the draft Development plan is not submitted " shall be substituted;

(2) for the words " the concerned Divisional Deputy Director of Town Planning or an officer nominated by him who is not below the rank of Assistant Director of Town Planning may, after carrying out the necessary survey of the area and preparing an existing-land-use map in consultation with the Director of Town Planning ", the words "the concerned Divisional Joint Director or Deputy Director of Town Planning and Valuation Department or an officer not below the rank of an Assistant Director of Town Planning nominated by him, as the case may be, may after declaring the intention, carry out necessary survey of the area and prepare an existing-land-use map in consultation with the Director of Town Planning and" shall be substituted ;

(c) in sub-section (4A),-

(i) the figures "23," and ", 28" shall be deleted;

(2) for the words "the concerned Divisional Deputy Director of Town Planning or an Officer nominated by him who is not below the rank of Assistant Director of Town Planning" the words " the concerned Divisional Joint Director or Deputy Director of Town Planning and Valuation Department or an officer nominated by him not below the rank of an Assistant Director of Town Planning, as the case may be," shall be substituted ;

(3) the following provisos shall be added, namely:-

"Provided that, the said Officer shall exercise all the powers and perform ail the duties of the Planning Authority within such period as may be specified by an order by the Director of Town Planning, having regard to the stage of preparation of Development plan:

Provided further that, the period specified under the first proviso shall not exceed the original period stipulated under the relevant section."

4. Amendment of section 25 of Mah. XXXVII of 1966. :-

To section 25 of the principal Act, the following proviso shall be added, namely:-

" Provided that, the period so extended shall not in any case exceed one year in the aggregate.".

5. Amendment of section 26 of Mah. XXXVII of 1966. :-

In section 26 of the principal Act, in sub-section (1),--

(i) before the first proviso, the following proviso shall be inserted, namely :-

"Provided that, in case of a Municipal Corporation having population of ten lakhs or more as per the latest census, the period for inviting objections and suggestions shall be sixty days from the date of notice in the Official Gazette :";

(2) in the first proviso, for the words " Provided that" the words " Provided further that" shall be substituted ;

(3) for the second proviso, the following proviso shall be substituted, namely:-

" Provided also that, the period so extended shall not in any case, exceed-

(i) twelve months, in the aggregate, in case of a Municipal Corporation having a population of ten lakhs or more, as per the latest census figures, and

(ii) six months, in the aggregate, in any other case." .

6. Amendment of section 28 of Mah. XXXVII of 1966. :-

In section 28 of the principal Act,-

(a) in sub-section (2), for the second proviso, the following proviso shall be substituted, namely :-

"Provided further that, where the Divisional Joint Director or Deputy Director of the Town Planning and Valuation Department or an Officer nominated by him under sub-section (4) of section 21, as the case may be, exercises the powers and performs the duties of the Planning Authority, then the Planning Committee may consist of such Divisional Joint Director or Deputy Director or, as the case may be, of such officer.";

(b) in sub-section (3), for the words "not later than two months from the date of its appointment" the words "within a period of two months from the date of its appointment or within such extended period as the Planning Authority may specify" shall be substituted.

7. Amendment of section 30 of Mah. XXXVII of 1966. :-

In section 30 of the principal Act, in sub-section (2), for the proviso, the following proviso shall be substituted, namely:-

"Provided that, the State Government may, on an application by a Planning Authority or the said Officer by an order in writing, and for adequate reasons which should be recorded, extend from time to time, the said period by such further period as may be specified in the order but not in any case exceeding,-

(i) twelve months, in case of a Municipal Corporation having population of ten lakhs or more, as per the latest census figures, and

(ii) six months, in any other case, as may be specified in such order.".

8. Amendment of section 31 of Mah. XXXVII of 1966. :-

In section 31 of the principal Act,-

(a) in sub-section (1), for the first proviso, the following proviso shall be substituted, namely :-

" Provided that, the State Government may, if it thinks fit, whether the said period has expired or not, extend from time to time, by notification in the Official Gazette, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period not exceeding,-

(i) twelve months, in case of a Municipal Corporation having population of ten lakhs or more, as per the latest census figures, and

(ii) six months, in any other case, as may be specified in such notification;" ;

(b) in sub-section (2),-

(i) for the words and figure "Class I officer" the words and letter " Group A officer" shall be substituted;

(ii) after the words "to the State Government" the following shall be inserted, namely :-

" within one year from the date of publication of notice under second proviso to sub-section (1)" ;

(c) to sub-section (3), the following provisos shall be added, namely :-

" Provided that, the time-limits as provided in sub-sections (1) and (2) shall not apply for according sanction to the modifications published under sub-section (1):

Provided further that, the Government shall take final decision

regarding such modifications within one year from the date of receipt of the report from the officer appointed under sub-section (2).".

9. Insertion of section 148-A in Mah. XXXVII of 1966. :-

After section 148 of the principal Act, the following section shall be inserted, namely :-

Exclusion of time in certain cases.

" 148-A. In computing the period, in relation to any Development plan, Regional plan or scheme under the provisions of Chapters II, III, IV and V of this Act, the period or periods during which any action could not be completed under the said Chapters, due to any interim order of any Court, shall be excluded.".

10. Removal of doubt. :-

For the removal of doubt it is hereby declared that,-

(i) where the provisions of the principal Act, prior to its amendment by the Maharashtra Regional and Town Planning (Amendment and Continuance) Act, 2014 (hereinafter referred to as "the said Act") do not fix any time-limit for doing anything, the time-limit for doing such thing fixed in accordance with the provisions of the principal Act, as amended by the said Act shall be reckoned from the date of commencement of the said Act;

(ii) where the provisions of sections 21, 25, 26, 28, 30 and 31 of the principal Act, prior to its amendment by the said Act, provide for time-limit for doing anything, which has been revised by the said Act, the additional period, if any, due to such revision shall be reckoned from the date of expiry of the original time period obtaining in the relevant provision, prior to the amendment of the principal Act, by the said Act or the date of commencement of the said Act, whichever is later.

11. Repeal of Mah. Ord. VI of 2014 and saving. :-

(1) The Maharashtra Regional and Town Planning (Amendment and Continuance) Ordinance, 2014, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as

amended by this Act.

12. Power to remove difficulty. :-

(1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by order published in the Official Gazette, give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the Maharashtra Regional and Town Planning (Amendment and Continuance) Act, 2014.

(2) Every order made under sub-section (2) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.