

**Maharashtra Regional And Town Planning (Second
Amendment) Act, 2010**

10 of 2011

[05 April 2011]

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PREAMBLE

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

WHEREAS it is expedient further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:--

1. short title :-

This Act may be called the Maharashtra Regional and Town Planning (Second Amendment) Act, 2010.

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

In section 21 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as " the principal Act"),--

(1) for sub-section (3), the following sub-section shall be substituted, namely :--

" (3) On an application made by any Planning Authority, the State Government may, having regard to the permissible period specified in the preceding sections, from time to time, by order in writing and for adequate reasons to be specified in such order, extend such period."

(2) in sub-section (4), for the words " an officer appointed by the State Government in that behalf may " 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 " shall be substituted;

(3) after sub-section (4), the following sub-section shall be inserted, namely :--

" (4A) If at any stage of preparation of the draft Development plan, the time fixed under sections 23, 25, 26, 28 and 30 for doing anything specified in the said sections lapses, the Planning Authority shall be deemed to have failed to perform its duty imposed upon it by or under the provisions of this Act and any work remaining to be done upto the stage of submission of the draft Development plan under section 30 shall be completed by 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 said officer shall exercise all the powers and perform all the duties of a Planning Authority which may be necessary for the purpose of preparing a Development plan and submitting it to the State Government for sanction and may, notwithstanding anything contained in any other law relating to the funds of the Planning Authority, recover the cost thereof from such funds."

3. Substitution of section 22A of XXXVII of 1966 :-

For section 22A of the principal Act, the following section shall be substituted, namely :--

" 22A. Modifications of substantial nature.--

In section 31, the expression " of a substantial nature " used in relation to the modifications made by the State Government in the

draft Development plan means,--

(a) any modification to a reserved site resulting in reduction of its area by more than fifty per cent. or reduction of such amenity in that sector by an area of more than ten per cent. in the aggregate ;

(b) insertion of a new road or a new reservation or modification of a reserved site or a proposed road or a proposed road widening resulting in inclusion of any additional land not so affected previously ;

(c) change in the proposal of allocating the use of certain lands from one zone to any other zone provided by clause (a) of section 22, which results in increasing the area in that other zone by more than ten per cent. in the same planning unit or sector in a draft Development plan ;

(d) alteration in the Floor Space Index beyond ten per cent. of the Floor Space Index prescribed in the Development Control Regulations."

4. Substitution of section 24 of Mah. XXXVII of 1966 :-

For section 24 of the principal Act, the following section shall be substituted, namely:--

" 24. Town Planning Officer.--

Every Planning Authority shall, at the time of declaration of intention to prepare Development plan, resolve to appoint a person possessing such qualification as may be prescribed, to be the Town Planning Officer for carrying out survey of the area of a Planning Authority, preparing an existing-land-use map thereof and formulating proposals of a Development plan of that area for submission to the Planning Authority. Thereafter, the Planning Authority shall, with the previous sanction of the State Government, appoint such person as a Town Planning Officer."

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

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

(1) for the words " sixty days " the words " thirty days " shall be substituted;

(2) after the existing proviso, the following proviso shall be added, namely :--

" Provided further that, the period so extended shall not in any case exceed six months in the aggregate."

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

In section 28 of the principal Act,--

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

(a) for the words " appointed by the State Government" the words " appointed by the Director of Town Planning " shall be substituted;

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

" Provided further that, where the Divisional Deputy Director of Town Planning or the officer nominated by him under sub-section (4) of section 21 exercises the powers and performs the duties of a Planning Authority, then the Planning Committee may consist of such Divisional Deputy Director of Town Planning or the officer nominated by him."

(c) in the fourth proviso, for the words " the State Government " the words " the Director of Town Planning " shall be substituted;

(2) in sub-section (3), the portion beginning with the words " or such further time " and ending with the words " or the said officer in this behalf" shall be deleted ;

(3) for sub-section (4), the following sub-section shall be substituted, namely :--

" (4) Not later than two months after the receipt of the report of the Planning Committee, the Planning Authority or the said officer shall consider the report including the objections and suggestions received by it or him and make a list of such modifications or changes and carry out the same in the draft Development plan, as it or he may consider proper. The Planning Authority or the said officer shall publish, in the Official Gazette and in not less than two local newspapers, the list of modifications or changes made in the draft Development plan for information of the public". .

7. Deletion of section 29 of Mah. XXXVII of 1966 :-

Section 29 of the principal Act shall be deleted.

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

In section 30 of the principal Act, in sub-section (1),--

(1) for the portion beginning with the words " to the State Government" and ending with the words " twelve months ", the following portion shall be substituted, namely :-

" along with the list of modifications or changes made in the draft Development plan under sub-section (4) of section 28 to the State

Government for sanction within a period of six months ";
(2) in the proviso, for the words " twenty four months " the words " six months " shall be substituted.

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

In section 31 of the principal Act,--

(1) in sub-section (1),--

(a) for the words " one year " the words " six months " shall be substituted;

(b) in the first proviso, after the words " by such further period " the words ", not exceeding six months in the aggregate," shall be inserted;

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

" Provided further that, where the modifications proposed to be made by the State Government or submitted by the Planning Authority under section 30 and proposed to be approved by the State Government without any further change are of a substantial nature with respect to the draft Development plan published under section 26, the Government shall publish a notice in the Official Gazette and also in not less than two local newspapers inviting objections and suggestions from any person in respect of the proposed modifications within a period of one month, from the date of such notice." ;

(2) after sub-section (4), the following sub-section shall be inserted, namely :-

" (4A) The State Government may, by notification in the Official Gazette, delegate all the powers and functions under this section to the Director of Town Planning in such cases and subject to such conditions, if any, as may be specified in such notification."

10. Amendment of section 32 of Mah. XXXVII of 1966 :-

In section 32 of the principal Act, in sub-section (1), the figures "29, "shall be deleted.

11. Amendment of section 33 of Mah. XXXVII of 1966 :-

In section 33 of the principal Act, in sub-section (2), the figures "29, "shall be deleted.

12. Amendment of section 38 of Mah. XXXVII of 1966 :-

In section 38 of the principal Act, the figures " 29, " shall be deleted.

13. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, give such direction, 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 the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.