
Maharashtra Town Planning Schemes Rules, 1974

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Maharashtra Town Planning Schemes Rules, 1974

In exercise of the powers conferred by sub-section (1) and clauses (xx) to (xxxi), (xxvii) and (xxxviii) of sub-section (2) Section 158 of the Maharashtra Regional and Town Planning Act, 1966 (Man. XXXVII of 1966), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the makes the

following rules, the same having Definitions.been previously published as required by sub-section (1) of the said Section 158, namely:-

1. Short title. :-

These rules may be called the Maharashtra Town Planning Schemes Rules, 1974.

2. Definitions. :-

In this rules unless the context requires otherwise,-

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

(b) "Authorised Officer" means the officer appointed by the State Government under Section 61 or Section 63 :

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

(d) "President" means the President of the Tribunal;

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

(f) ¹ [* * *]

(g) 'Tribunal" means the Tribunal of Appeal constituted under Section 75 .

1. Clause (I) of rule 3 deleted by G.N. of 4.12.1976.

3. The other manner of publication of declaration of intention to make scheme under section 60 :-

(1) The declaration of intention to make a town planning scheme published in the Official Gazette under section 60 , shall along with a copy of the plan be published also by keeping a copy thereof open to the inspection of the public at the head office of the Planning Authority, during office-hours.

(2) A public notice of such declaration of intention shall also be given in the manner laid down in section 137 , and such notice shall also indicate that a copy of the declaration along with a copy of the plan showing the area to be included in the scheme is kept open for the inspection of the public at the head office of the Planning Authority, during office-hours.

4. Meeting of owners and framing of tentative proposals. :-

(1) A Planning Authority or an authorised officer shall call a meeting

or meetings of the owners of lands included in a draft scheme by issuing a public notice as well as individual notices to such owners and explain in such meeting or meetings the tentative proposals of a draft scheme for eliciting public opinion and suggestions thereon. The Planning Authority, or as the case may be, authorised officer shall record minutes of the meetings and may take into consideration all such suggestions made and objections raised on the proposals of the draft scheme before finalising the draft scheme in consultation with the Director of Town Planning.

(2) At least three months before the expiry of the period of publication of a draft scheme under section 61 , or where such period is extended by the State Government under sub-section (3) of that section, three months before the expiry of such extended period, the Planning Authority, or as the case may be, authorised officer shall complete the framing the tentative proposals of a draft scheme and forward the same to the Director of Town Planning for consultation. The Planning Authority or the authorised officer shall finalise the draft scheme after such consultation and publish it before the expiry of such period ¹ [in the manner laid down in Rule 5.1

1. Added by C.N. of 4.12.1976.

5. Publication of the draft scheme under Section 61 and Section 63(1) :-

(1) The draft scheme as published in the Official Gazette, shall also be published by keeping a copy thereof open to the inspection of the public at the head office of the Planning Authority, during office-hours.

(2) A public notice of the publication of the draft scheme shall be given in the manner laid down in Section 137 . and the notice shall indicate that a copy of that draft scheme has been kept open for the inspection of the public at the head office of the Planning Authority, during office-hours. The said notice shall also announce that, if within thirty days from the date of the publication of the draft scheme in the Official Gazette, any person affected thereby communicates in writing any objections or suggestions relating to such draft scheme, the Planning Authority or the authorised officer shall consider such objection or suggestion.

6. Contents of draft scheme. :-

A draft scheme shall contain also the following particulars in

addition to those specified in clauses (a) to (g) of Section 64 ,
namely:-

(i) An index map on a scale not smaller than 1 to 1,00,000 showing-

(a) the area included within the scheme and the surrounding lands within a reasonable limit on all sides of such area, and

(b) all existing roads means of communications and other important physical features.

(ii) a plan on a scale not smaller than 1 to 2,500 showing the original plots with identification numbers and all existing buildings and structures thereon;

(iii) a plan on a scale not smaller than 1 to 2,500 showing the original plots and indicating the manner in which it is proposed to alter the boundaries of the original plots;

(iv) a plan on a scale not smaller than 1 to 2,500 showing the boundaries of the final plots as they will appear after the final scheme is executed, with their numbers, and illustrating as far as possible by means of colours, letters and explanatory notes or in some other convenient manner the provisions of the scheme, such as use zones, sites reserved for public purposes, public utilities and services and other important provisions of the scheme, as may properly be illustrated in the plan;

(v) a redistribution and valuation statement in Form 1 showing the estimated amounts to be paid to, or by each of the owners of plots included in the scheme;

(vi) a copy of the estimates of all works contemplated in the scheme and a statement of the approximate period in which the respective works shall be contemplated;

(vii) a statement in Form 2 explaining the finance of the scheme as estimated.

7. Form of commencement under section 69. :-

The commencement certificate to be granted under clause (a) of sub-section (1) of section 69 shall be in Form 3.

8. Manner of inquiry under sub-section (4) of section 69. :-

(1) A Planning Authority shall serve a notice in writing upon any

person contravening any of the provisions contained in clause (a) or (b) of sub-section (1) of Section 69 informing him of its intention to hold an inquiry in respect of such contravention. Such notice shall specify the nature of the alleged contraven Lion, and call upon such person to show cause why action should not be taken for-

(a) stopping development in progress; or

(b) removing, pulling down or altering the building or other development; or

(c) restoring the land to its original condition. The notice shall specify a date (not earlier than seven days from the date of its service) for hearing the case, and also inform such person that he may give a statement in writing on or before the date fixed for the hearing, if he so desires.

(2) The Planning Authority, if it considers it expedient so to do, may appoint a committee of not less than three of its members to hear such cases.

(3) The Planning Authority or as the case may be, the committee appointed under sub-rule (2) shall consider, the statement, if any, received from the person served with the notice, give such person an opportunity of being heard to produce evidence, if any, and shall record the minutes of inquiry so held. Where the inquiry is held by the committee, it shall submit its report to the Planning Authority for decision. The Planning Authority shall record its decision with reasons therefor, and communicate the same to the person served with the notice before taking any action envisaged in clauses (a) to (c) of sub-rule (1).

9. Inquiry procedure where ownership is disputed under section 71. :-

(1) The officer holding an enquiry into a disputed ownership of land under Section 71 shall, while the inquiry is proceeding, record a minute of the proceedings including the material averments made by parties interested, and material parts of the evidence the decision and the reasons for the decision. He shall commence the inquiry within one month of the date of the appointment under sub-section (1) of Section 71 and complete it as far as practicable within three months from the date of commencement of such inquiry.

(2) Such inquiry shall be held in public and seven day's notice shall be given to the parties to the dispute.

10. Qualifications of Arbitrator appointed under section 72

:-

A person to be appointed as Arbitrator under sub-section (1) of Section 72 shall possess at least one of the following qualifications, namely:

(a) A degree in Town Planning or Estate Management from any University recognised by the State Government in this behalf and experience of at least 2 years in the town planning and valuation of lands and buildings or estate management; or

(b) A diploma in Town Planning and Valuation of lands and buildings or Estate Management from any institute recognised by the State Government in this behalf, and experience of at least 2 years in the town planning, valuation of lands and buildings or estate management; or

(c) A degree in Civil Engineering or degree or diploma in Architecture or any other qualification which in the opinion of the State Government is equivalent to such degree or diploma, and practical experience of not less than 4 years in the town planning and valuation of lands and buildings or, in both.

11. Appointment of Arbitrator to be notified. :-

The State Government shall notify in the Official Gazette, the appointment of the Arbitrator made under Section 72 and shall forward a copy of the notification to the Planning Authority concerned. The Planning Authority shall immediately on receiving a copy of such notification, post it up at the office of the Planning Authority, and in some prominent places in the area within its jurisdiction.

12. Assistance by Planning Authority. :-

The Planning Authority shall render all reasonable assistance to the Arbitrator and shall allow him to examine freely all papers, documents and plans connected with the scheme.

13. Procedure to be followed by Arbitrator under sub-section (3) of section 72. :-

(1) The Arbitrator shall publish in the Official Gazette, and also in one or more local newspapers ¹ [having wide circulation] of the

date on which he will commence his duties, and shall state therein, the time limit of sixty days within which the owner or any property or right which is injuriously affected by the making of the scheme shall be entitled under Section 102 to make a claim for compensation before him. Such notice shall be posted in prominent places or near the area comprised in the scheme, and at the offices of Arbitrator and of the Planning Authority.

(2) The Arbitrator shall, after the date fixed in the notice given under sub-rule (1) carry on his duties, as far as possible, on working days and during working hours.

(3) Before proceeding to deal in detail with any land, building or plot or any other particular included in the draft scheme to be dealt with, the Arbitrator shall serve a special notice of at least three clear days upon every person interested in such land, building or any such particular. Such special notice shall also be posted at the office of the Arbitrator. Such notice shall be given in Form 4.

(4) The Arbitrator shall give all person interested in any plot or plots affected by any particular proposal of the draft scheme, sufficient opportunity of being heard, and stating their objections and suggestions and shall not give any decision till he has duly considered their representation, if any.

(5) The Arbitrator shall record a brief minute setting out the points at issue and the necessary particulars, and shall give a decision with reasons therefor. All such minutes shall form part of the scheme.

(6) The Arbitrator shall record and enter in the scheme every decision given by him under the relevant clause of sub-section (3) of Section 72 .

(7) The final scheme drawn up by the Arbitrator shall include the particulars specified in Rule 6.

(8) The component parts of the scheme shall be so arranged that they may be readily referred to in connection with the map and plans forming part of the scheme.

(9) The Arbitrator shall publish the final scheme drawn up by him by keeping a copy thereof open to the inspection of the public during the office-hours and also at the head office of the Planning Authority. He shall also publish a notice in the Official Gazette and

in one or more local newspapers of such publication of the final scheme drawn up by him. The Arbitrator shall communicate in Form 5 the decision taken by him in respect of each plot to the owner or person interested. The Arbitrator shall also inform the President of the Tribunal about the publication of the final scheme by him.

1. Added by G.N.of 4.12.1976.

14. Constitution of Tribunal under section 75. :-

(1) Within one month from the date on which he receives from the Arbitrator applications under Section 74 for reference to the Tribunal, the President shall appoint and communicate to the State Government the names of two Assessors under sub-section (3) of section 75.

(2) Where the Principal Judge of the Bombay City Court in Greater Bombay or the District Judge, elsewhere decides to recommend to the State Government the appointment as the President of some other Judge, such recommendation shall as far as feasible be made within one month from the date of receipt from the Arbitrator of applications under Section 74 for reference to the Tribunal.

(3) The President appointed by the State Government on the recommendation of the Principal Judge or the District Judge, as the case may be shall appoint two Assessors under sub-section (3) of Section 75 and communicate their names to the State Government within one month from the date of his appointment.

(4) Within one month from the date on which the communication from the President about the appointment of two Assessors is received, the State Government shall publish in the Official Gazette, a notification appointing the President and Assessors as members of the Tribunal and intimate the appointments to the Planning Authority concerned.

(5) The Planning Authority concerned shall give publicity to the constitution of the Tribunal as its office and in some prominent places in the area within the jurisdiction of Planning Authority.

15. Procedure of Tribunal. :-

(1) No business shall be transacted by the Tribunal unless all the members are present.

(2) Where any Assessors of Tribunal ceases to act for any of the reasons specified in subsection (6) of Section 75 , the Tribunal shall

proceed with any business in hand as soon as new Assessor is appointed, and it shall not be necessary to transit any business de novo by reason of such appointment of new Assessor.

(3) The Tribunal shall record reasons in writing in any case where the decision of the Arbitrator under clauses (iv) to (xi). both inclusive, and clauses (xiv), (xv) and (xvi) of sub-section (3) of Section 72 is confirmed, reconsidered, varied or modified or rejected by the Tribunal.

(4) On receipt of the application for reference from the Arbitrator under Section 74 , the Tribunal shall give notice as it deems sufficient to the parties concerned.

(5) The Tribunal shall meet and adjourn as it thinks proper with due regard to the dispatch of business and shall give its decision under sub-section (1) of Section 79 as early as possible within a period of six months from the date of its constitution:

Provided that, the President may extend, for good and sufficient reasons, such period by a further period not exceeding six months under intimation to Government.

16. Notion by Arbitrator for taking advance possession of land under Section 83. :-

A notice by the Arbitrator under sub-section (3) of section 83 shall be in Form 6.

17. Publicity of notification regarding sanction to final scheme. :-

The notification under Section 86 shall be given publicity also by means of an advertisement in one or more local newspapers ¹ [having wide circulation], and by pasting copies of the advertisement in or near the area included in the scheme and at the office of the Planning Authority.

1. Added by G.N. of 4.12.1976.

18. Correction of Survey Records. :-

When the final scheme is sanctioned by the State Government under sub-section (1) of Section 86 , the Planning Authority shall forward a copy of the scheme to the Superintendent of Land Records for the purpose of correcting the survey records.

19. Procedure of eviction under Section 89. :-

For eviction under Section 89 , the Planning Authority shall serve a

notice upon the person to be evicted requiring him to vacate the land, within such reasonable time (which shall not be less than 30 days from the date of service thereof) as may be specified in the notice. If the person to be evicted fails to comply with the requirement of the notice, the Planning Authority shall take steps through a duly authorised officer to remove such person, and in case the said officer is opposed or impeded, take further action as provided in under sub-section (2) of section 89 in evicting such person or taking possession of the land from such person.

20. Notice before enforcement of final scheme. :-

Before removing, pulling down or altering any building or other work or executing any work under sub-section (1) of section 90, the Planning Authority shall serve a notice on the owner or occupier of the building or work, as the case may be, calling upon him to remove, pull down or alter such building or work or execute such work within such reasonable time (which shall not be less than 30 days from the date of service thereof) as may be specified in the notice, and intimating him the intention of the Planning Authority to be so on failure to comply with the requirement of the notice.

21. Variation of scheme. :-

(1) Any Planning Authority making an application for the variation of a scheme to the State Government under sub-section (1) of Section 91 shall state in such application all the particulars in respect of the variation to be made.

(2) If such variation affects any of the items in Form 1 or 2, an extract from Form land a revised statement Form 2 together with a plan showing the change or changes proposed to be made, shall be sent to the State Government in duplicate along with the application referred to in sub-rule (1).

(3) The draft variation shall also contain the other particulars as provided in the Rule 6 so far as may be applicable.

22. Publication of draft of variation of scheme :-

(1) The draft variation under Section 91 shall be published by keeping it open to the inspection of the public at the head office of the Planning Authority, during office-hours and by giving a public notice in the manner laid down in Section 137 . The said notice shall also announce that, if within one month from the date of publication of the draft scheme, any person affected thereby

communicates in writing any objection to such variation to the State Government, the objection shall be considered by the State Government. Such person shall also send a copy thereof to the Planning Authority.

23. Time limit for payment under Section 105. :-

The period within which the owner of a plot included in a final scheme shall make payment to the Planning Authority under Section 105 shall be six months from the date on which the owner is directed by the Arbitrator to make payment.

24. Time limit for payment by Planning Authority under section 106. :-

The Planning Authority shall make payment due to any person under the Act as provided under Section 106 , as far as possible, within three months from the date on which the final scheme as sanctioned by the State Government comes into force.

25. Procedure of Tribunal under section 109 :-

The procedure to be followed by the Tribunal under sub-section (3) of Section 109 shall be as provided in Rule 15 so far as may be applicable.

26. Access to documents, etc., relating to final planning scheme. :-

(1) All documents, plans and maps relating to any final town planning scheme which is deposited with the Planning Authority shall be kept open for public inspection at the head office of the Planning Authority for a period of six months from the coming into force of such scheme.

(2) The Director of Town Planning or any other officer from the Town Planning and Valuation Department as may be appointed by him in this behalf or such officer as the State Government may by an order in writing direct, may, on application of an owner of any plot included in the final scheme, issue a certificate in Form 7 specifying the area and boundaries of a reconstituted plot, the nature of the tenure of and of the owner's title to, such a plot and the name of the person to whom the plot has been allotted under the final scheme.

27. Repent and saving. :-

The Bombay Town Planning Rules, 1955, in so far as they relate to the town planning scheme, are hereby repealed except as respects

things done or omitted to be done.