

Tamil Nadu Parks, Play-Fields And Open Spaces (Preservation And Regulation) Act, 1959

26 of 1959

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Tamil Nadu Parks, Play-Fields And Open Spaces (Preservation And Regulation) Act, 1959

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An Act to provide for the preservation and regulation of parks, play- field and open spaces in the State of Tamil Nadu. Whereas it is expadient to provide for the preservation and regulation of parks, play-fields and open spaces in the State of Tamil Nadu: Be it enacted in the Tenth Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called The Tamil Nadu Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1959.
- (2) It extends to the whole of the State of Tamil Nadu. w.e.f. 02/03/1960
- (3) It shall come into force at once -
 - (i) in the City of Madras; and
 - (ii) in every municipality in the State.

(4) The Government may, from time to time, by notification, extend the provisions of this Act from such date as may be specified in the notification to any other local area in the State, and may cancel or modify any such notification

2. Definitions :-

In this Act, unless the context otherwise requires-

- (a) "Executive Authority" means the Commissioner, Chairman, President, executive officer or other functionary of the local authority concerned who is vested with general executive powers under any of the Acts mentioned in the Schedule;
- (b) "Government" means the State Government;
- (c) "Open Space" means any land whether enclosed or not, belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used for purposes of recreation, air or light;
- (d) "Park" means a piece of land on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden with trees, plants or flower beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light;
- (e) Play - field means a piece of land adapted for the purposes of play, game or sport and used by schools or colleges or clubs.

3. Preparation And Submission Of List Of Parks, Play-Fields And Open Space By Executive Authorities :-

(1) The executive authority of every local authority shall, not later than six months from the date on which this Act comes into force in the area within the jurisdiction of the local authority, prepare and submit for the approval of the Government a correct and complete list with plans and maps of all the parks, play-fields and open spaces-in the area aforesaid containing such particulars as may be prescribed.

(2) The Government shall, as soon as may be, after the receipt of the list and other documents referred to in sub-section (1), publish the list in the prescribed manner and such publication shall state at what place and time the maps, plans, and documents aforesaid will be available to the public for inspection.

4. Approval Of Lists By Government :-

(1) Any person interested, may submit his objections or suggestions in writing in respect of anything contained in, or relating to, the list, to the Government, within three months from the date of the publication under sub-section (2) of section 3.

(2) The Government may, after considering the objections and suggestions, if any, and making such inquiry as they think fit approve the list with or without modifications.

(3) The approval of the Government to a list under sub-section (2) shall be published in the prescribed manner and such publication shall contain the list and shall also state, at what place and time particulars relating to the matters mentioned in the list will be available to the public for inspection.

5. Variation Or Revocation Of List :-

(1) The Government may at any time either suo motu or at the instance of the local authority concerned or of any person interested, vary or revoke a list published under section 4.

(2) Before making any such variation or revocation, the Government shall publish in the prescribed manner a draft of such variation or revocation together with a notice specifying a date on or after which such draft will be taken into consideration, and shall consider any objection or suggestion which may be received in respect of such draft from the local authority or any person interested before the date so specified.

(3) (a) The Government shall once in every five years review the approved lists of parks, play-fields and open spaces and shall cause revised lists to be prepared.

(b) Whenever such a general revision of approved lists has been completed, the Government shall publish in the prescribed manner the revised lists and such publication shall state that objections and suggestions will be considered if they reach the Government within a period of one month from the date of such publication.

(4) The Government shall, after considering the objections and suggestions, if any, received within the period referred to in sub-section (3) publish the revised lists in the prescribed manner and the revision shall take effect on such publication.

6. Prohibition Of The Use Of Parks, Play-Fields And Open Spaces In Certain Cases :-

No park, play-field or open space specified in the list published under section 4 or 5 shall, except with the previous sanction of the Government, be used for any purpose other than the purpose or purposes for which it was used on the date of the coming into force of this Act under subsection (3) of section 1 or on the date with effect from which this Act is extended to the local area concerned under sub-section (4) of section 1, as the case may be.

7. Maintenance Of Parks, Play-Fields And Open Spaces :-

The local authority shall maintain in a clean and proper condition all parks, play-fields and open spaces belonging to or vested in it and included in the list published under section 4 or 5.

8. Prohibition Of Construction Of Buildings, Etc :-

No person shall, except with the previous sanction of the Government, construct any building or put up any structure likely to affect the utility of the park, play-field or open space or make any encroachment in or over any park, play-field or open space specified in the list published under section 4 or 5.

9. Obligation Of Owner Of Parks, Play-Fields, Etc :-

(1) In the case of parks and play-fields not vested in the local authority but included in the list published under section 4 or 5, the executive authority may, by notice, require the owner or the person or authority in occupation of such park or play-field-

(i) to maintain such park or play-field in a clean and proper condition, or

(ii) to remove or alter any projection, encroachment or obstruction in or over any such park or play-field or to execute such repairs to any building in such park or play-field as the executive authority may consider necessary! within a date specified in the notice.

(2) If the owner or the person or authority in occupation fails to comply with the notice under sub-section (1), the executive authority shall cause to arrange to-

(i) maintain such park or play-field in a clean and proper condition,

(ii) remove or alter the projection, encroachment or obstruction,

(iii) execute such repairs as he may consider necessary and the cost of such maintenance, removal, alteration or repairs shall be recoverable from the owner or the person or authority in occupation in such manner as may be prescribed.

(3) Any dispute as to the amount of the cost shall be decided by Government and their decision shall be final.

(4) The executive authority may, instead of or in addition to action as indicated in sub-section (2) proceed to acquire the land under I Land Acquisition Act, 1894 (Central Act I of 1894), for the purpose of management of the land as a park or play-field.

(5) Any owner or any person or authority in occupation of a play-field desiring to convert the play-field to any use other than as a play-field may give notice to the person or authority managing the affairs of any educational institution or other duly constituted public body which uses the play-field or to the local authority within whose jurisdiction the play-field is situated to purchase his or its rights in the play-field. If such person, authority, public body or local authority does not agree to purchase his or its rights, he or it may after the expiry of a reasonable period which shall be not less than six months put it to such use as he or it desires.

10. Submission Of Annual Return :-

The executive authority shall submit to the Government in such form and with such particulars as may be prescribed, an annual return in respect of the parks, play-fields and open spaces which are situated within the limits of the local authority concerned and which are specified in the list published under section 4 or 5. The return shall also contain a list of the parks and play-fields in respect of which action was taken under sub-section (2) of section 9 together with particulars as regards the nature of the action taken in respect of them and the steps taken in regard to their proper maintenance.

11. Removal Of Unauthorised Persons :-

If any person enters or remains in any park, play-field or open space belonging to or vested in the Government or a local authority after having been required by the executive authority or any person authorised in his behalf by the Government or the local authority not to enter or remain in such park, play-field or open space, he may, without prejudice to any other proceedings which may be taken against him, be removed from such park, play-field or open space by any Police Officer or any other person acting on behalf of the Government or the executive authority.

12. Penalties :-

Whoever throws any rubbish into any park, play-field or open space specified in the list published under section 4 or 5 or gets over the railings or fence, or steals or damages the fruits, flowers, plants, grass or any other thing whatsoever therein or commits any nuisance therein, shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

13. Power Of Control Of Government :-

(1) If the Government are satisfied after giving the executive authority an opportunity of explanation, that the executive authority has failed to enforce effectively the provisions of this Act or to execute any work which under this Act the executive authority is required to execute, the Government may order the local authority to do all things necessary for enforcing the provisions of this Act effectively or for executing any work which under this Act, the executive authority is required to execute.

(2) For the purposes of this section, the Government shall have the same powers of calling for records, of causing inspection to be made, and of enforcing their orders, of appointing persons to enforce them as they have under sections 40 to 43 (both inclusive) of the Tamil Nadu Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or sections 34 and 39 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).