The Goa, Daman and Diu Town and Country Planning Act, 1974 and Rules, 1976

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Fax : 91 832 2436837

The Goa, Daman and Diu Town and Country Planning Act, 1974

1. **The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975) [4th November, 1975]** published in the Official Gazette, Series I No. 34 (Extraordinary) dated 22-11-1975.

2. **The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975)** coming into force from 02-04-1976, published in the Official Gazette, Series I No. 49 dated 04-03-1976.

3. **The Goa, Daman and Diu Town and Country Planning (Amendment) Act, 1977 (Act No. 9 of 1977) [4-12-1977]** published in the Official Gazette, Series I No. 37 dated 15-12-1977 and came into force at once.

4. **The Goa, Daman and Diu Town and Country Planning (Amendment) Act, 1985 (Act No. 12 of 1985) [25-4-1985]** published in the Official Gazette, Series I No. 6 dated 9-5-1985 and came into force at once.

5. **The Goa Town and Country Planning (Amendment) Act, 1988 (Act No. 1 of 1988) [1-3-1988]** published in the Official Gazette, Series I No. 49 (Extraordinary) dated 3-3-1988 and came into force at once.

6. **The Goa Town and Country Planning (Amendment) Act, 1992 (Act No. 14 of 1992) [14-11-1992]** published in the Official Gazette, Series I No. 35 (Extraordinary) dated 27-11-1992 and came into force w.e.f. 6-5-1992.

7. **The Goa Town and Country Planning (Amendment) Act, 1995 (Act No. 19 of 1995) [18-8-1995]** published in the Official Gazette, Series I No. 23 dated 7-9-1995 and came into force at once.

8. **The Goa Town and Country Planning (Amendment) Act, 1997 (Act No. 22 of 1997) [8-9-1997]** published in the Official Gazette, Series I No. 26 dated 25-09-1997 and came into force at once.

9. **The Goa Town and Country Planning (Amendment) Act, 1997 (Act No. 5 of 1998) [19-1-1998]** published in the Official Gazette, Series I No. 43 (Extraordinary) dated 22-1-1998 and came into force w.e.f. 22-9-1997.

10. **The Goa Town and Country Planning (Amendment) Act, 2001 (Act No. 31 of 2001) [25-4-2001]** published in the Official Gazette, Series I No. 5 (Extraordinary) dated 3-5-2001 and came into force at once.

11. **The Goa Town and Country Planning (Amendment) Act, 2007 (Act No. 8 of 2007) [5-5-2007]** published in the Official Gazette, Series I No. 6 (Extraordinary) dated 10-5-2007 and came into force w.e.f. 5-2-2007.

12. **The Goa Town and Country Planning (Amendment) Act, 2008 (Act No. 10 of 2008) [8-5-2008]** published in the Official Gazette, Series I No. 6 (Extraordinary No. 2) dated 13-05-2008 and came into force w.e.f. 29-2-2008.

13. **The Goa Town and Country Planning (Amendment) Act, 2009 (Act No. 18 of 2009) [22-8-2009]** published in the Official Gazette, Series I No. 21 (Extraordinary) dated 25-08-2009 and came into force w.e.f. 24-9-2009, as published in the Official Gazette, Series I No. 26 dated 24-09-2009.

14. **The Goa Town and Country Planning (Amendment) Act, 2011 (Act No. 3 of 2011) [16-3-2011]** published in the Official Gazette, Series I No. 51 (Extraordinary) dated 21-03-2011 and came into force at once.

15. **The Goa Town and Country Planning (Amendment) Act, 2016 (Act No. 6 of 2016) [10-3-2016]** published in the Official Gazette, Series I No. 50 (Extraordinary) dated 14-03-2016 and came into force w.e.f 14-11-2015.

16. **The Goa, Daman and Diu Town and Country Planning Board Rules, 1976** published in the Official Gazette, Series I No. 3 dated 15-4-1976.

17. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) Rules, 1977** published in the Official Gazette, Series I No. 50 dated 10-3-1977 and came into force at once.

18. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (First Amendment) Rules, 1979** published in the Official Gazette, Series I No. 2 dated 12-04-1979 and came into force at once.

19. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Second Amendment) Rules, 1984** published in the Official Gazette, Series I No. 9 dated 31-05-1984 and came into force at once.

20. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Third Amendment) Rules, 1984** published in the Official Gazette, Series I No. 10 dated 07-06-1984 and came into force at once.

21. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Fourth Amendment) Rules, 1984** published in the Official Gazette, Series I No. 17 (Extraordinary) dated 26-07-1984 and came into force at once.

22. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Fifth Amendment) Rules, 1984** published in the Official Gazette, Series I No. 33 dated 15-11-1984 and came into force at once.

23. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Sixth Amendment) Rules, 1985** published in the Official Gazette, Series I No. 25 dated 20-09-1985 and came into force at once.

24. **The Goa Town and Country Planning (Planning and Development Authorities) (Seventh Amendment) Rules, 1987** published in the Official Gazette, Series I No. 21 dated 20-08-1987 and came into force at once.

25. **The Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 1992** published in the Official Gazette, Series I No. 5 dated 30-04-1992 and came into force at once.

26. **The Goa Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 2000,** Notified vide No. 21/1/TCP/2000/773 dated 09-03-2000 and came into force at once.

27. **Notification regarding rates of fee for processing of applications filed with the Board under sub-section (1) of section 100A,** published in the Official Gazette, Series I No. 12 dated 21-06-2001 and came into force at once.

28. **The Goa Town and Country Planning (Planning and Development Authorities) (Tenth Amendment) Rules, 2002** published in the Official Gazette, Series I No. 42 dated 16-01-2003 and came into force at once.

29. **The Goa Town and Country Planning (Public projects/schemes/ /development works by the Government) Rules, 2008** published in the Official Gazette, Series I No. 20 (Extraordinary) dated 18-8-2008 and came into force at once.

30. **The Goa Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 2010** published in the Official Gazette, Series I No. 38 dated 16-12-2010 and came into force at once.

31. **The Goa Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 2010** published in the Official Gazette, Series I No. 7 dated 19-5-2011 and came into force at once.

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GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

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Notification

LD/Bill/12/75

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu and assented to by the President of India on 4/11/1975 is hereby published for general information.

M. S. Borkar, Under Secretary (Law).

Panaji, 15th November, 1975.

The Goa, Daman and Diu Town and Country Planning Act, 1974

(Act No. 21 of 1975) [4th November, 1975]

AN

ACT

to provide for planning the development and use of rural and urban land in the Union territory of Goa, Daman and Diu and for purposes connected therewith.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows: —

CHAPTER I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the Goa, Daman and Diu Town and Country Planning Act, 1974.

(2) It extends to the whole of the Union territory.

(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas of the Union territory.

2. Definitions.— In this Act, unless the context otherwise requires,—

(1) "agriculture" includes (i) horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees; (ii) any kind of cultivation of soil; (iii) breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; (iv) the use of land which is ancillary to the farming of land or any other agricultural purposes;

but does not include the use of any land attached to a building for the purposes of garden to be used along with such building; and the expression "agricultural" shall be construed accordingly;

(2) “amenities” include the utilities such as roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;

(3) “area of bad lay-out or obsolete development” means the area which is defined by a Development Plan as an area of bad lay-out or obsolete development and includes other lands contiguous or adjacent thereto;

(4) “Board” means the Goa, Daman and Diu Town and Country Planning Board constituted under section 4;

(5) “building operations” includes—

(a) erection or re-erection of a building or any part of it;

(b) roofing or re-roofing of a building or any part of a building or an open space;

(c) any material alteration or enlargement of a building;

(d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements or materially affect its security; and

(e) the construction of a door opening on any street or land not belonging to the owner of a building;

(6) “Chief Town Planner” means the Chief Town Planner appointed under section 3;

(7) “commerce” means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of:—

(i) with a view to making profit, hospitals or nursing homes exceeding twenty-five beds; and

(ii) hotels, restaurants and boarding houses not attached to educational institutions;

and the expression “commercial” shall be construed accordingly;

(8) “commercial use” includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office, whether attached to any industry or otherwise;

(9) “court” means a court under the Code of Civil Procedure, 1908 (Central Act V of 1908);

(10) “development” with its grammatical variations and cognate expressions, means the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under, land, [1][ ] or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division of any land;

(11) “Development Plan” means an Outline Development Plan or a Comprehensive Development Plan prepared under this Act;

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[1] The words “the cutting of a hill or any portion thereof” omitted by the Amendment Act 22 of 1997.

(12) "engineering operations" includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

(13) "Government" means the Government of Goa, Daman and Diu, and includes the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(14) "industrial use" includes the use of any land or building or part thereof for purposes of any industry;

(15) "industry" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948, and the expression "industrial" shall be construed accordingly; Central Act 63 of 1948.

(16) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(17) "land use" means the major use to which a plot of land is being used on any specified date;

(18) "local authority" means a municipal council or a village panchayat;

(19) "local newspaper" in relation to any planning area, means any newspaper published or circulated within that area;

(20) "notification" means a notification published in the Official Gazette;

(21) "occupier" includes—

(a) a tenant;

(b) an owner in occupation of, or otherwise using his land or building or part thereof;

(c) a rent-free occupant of any land or building or part thereof;

(d) a licensee in occupation of any land or building or part thereof; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(22) "owner" in relation to any property, includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager, or receiver for another person, or for any religious or charitable purpose, the rents or profits of such property;

(23) "Planning and Development Authority" means any Planning and Development Authority constituted under this Act;

(24) "planning area" means any area declared to be a planning area under this Act;

(25) "plot" means a continuous portion of land held in one ownership;

(26) "prescribed" means prescribed by rules made under this Act;

(27) "public place" means any place or building which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any fees or not;

(28) "reconstituted plot" means a plot which is altered either in ownership or in any other manner by a town planning scheme;

(29) "re-location of population" means in relation to an area of bad lay-out or obsolete development or a slum area, the making available, in that area or elsewhere, of accommodation, for residential purposes or for carrying on business or other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned;

(30) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses if any, appertaining to such building; and the expression "residential" shall be construed accordingly;

(31) "Union territory" means the Union territory of Goa, Daman and Diu;

(32) words and expressions used in this Act and not defined herein but defined in the Goa, Daman and Diu Municipalities Act, 1968, shall have the same meanings as are respectively assigned to them in that Act 7 of 1969.

CHAPTER II

Appointment of Chief Town Planner and constitution of Goa, Daman and Diu Town and Country Planning Board

3. Appointment of Chief Town Planner.— The Government shall, by notification, appoint a person possessing the prescribed qualifications in town and country planning as the Chief Town Planner for the purposes of this Act.

4. Constitution of Goa, Daman and Diu Town and Country Planning Board.— (1) The Government shall, by notification, constitute for the Union territory, a Board to be called the Goa, Daman and Diu Town and Country Planning Board.

(2) The Board shall consist of the following members, namely:—

(a) The Minister-in-charge of town and country planning, who shall be the Chairman thereof;

(b) Secretaries to Government in the departments dealing with the following subjects, namely:—

(i) town and country planning;

(ii) local self Government;

(iii) planning; and

(iv) industry;

(c) Head of the Public Works Department;

(d) Head of the Forests Department;

(e) Director of Agriculture;

(f) Director of Tourism;

(g) Director of Transport;

(h) Director of Health Services;

[2][(h1) Director of Bureau of Economics, Statistics and Evaluation;

(h2) Director of Fisheries]

(i) four members nominated by the Central Government to represent respectively the Ministries of that Government dealing with:

(i) railways;

(ii) defence;

(iii) transport; and

(iv) tourism;

(j) two persons having special knowledge of, and practical experience in, matters relating to town and country planning, architecture, engineering, transport, industries, commerce, agriculture or geology to be nominated by the Government;

(k) one person deputed by Chamber of Commerce and Industries, Goa;

(1) two members of the Legislative Assembly to be elected by the members thereof;

(m) the Chief Town Planner, Member Secretary.

(3) The Government may appoint one of the members of the Board as its Vice-Chairman.

5. Term of office, allowances, etc., of members of the Board.— The term of office of the members of the Board referred to in clauses (j) and (l) of sub-section (2) of section 4, the manner of filling casual vacancies among them and the allowances payable to them for attending the meetings of the Board shall be such as may be prescribed:

Provided that the member referred to in clause (l) of the said sub-section shall cease to hold office on his ceasing to be a member of the Legislative Assembly.

6. Resignation by a member.— Any member of the Board referred to in clauses (j) and (1) of sub-section (2) of section 4 may resign his office by giving notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a member.

7. Meetings of Board.— The Board shall meet at such times and places as it may think fit and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

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[2] Inserted by the Amendment Act 9 of 1977.

8. Functions and powers of Board.— (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the Board shall be to guide, direct and assist the Planning and Development Authorities, to advise the Government in matters relating to the planning, development and use of rural and urban land in the Union territory, and to perform such other functions as the Government may, from time to time, assign to the Board.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Board may, and shall if required by the Government so to do—

(a) direct the preparation of development plans by the Planning and Development Authorities;

(b) undertake, assist and encourage the collection, maintenance and publication of statistics, bulletins and monographs on planning and its methodology;

(c) co-ordinate and advise on the planning and implementation of physical development programmes within the Union territory;

(d) prepare and furnish reports relating to the working of this Act; and

(e) perform such other functions as are incidental, supplemental or consequential to any of the functions aforesaid or which may be prescribed.

(3) The Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

CHAPTER III

Regional Plans

9. Power to direct preparation of regional plans.— The Government may direct the Chief Town Planner to prepare regional plans for any part or parts of the Union territory and the period within which such regional plans may be prepared shall be specified in the direction.

10. Preparation of regional plans.— Subject to the provisions of this Act and rules and regulations made thereunder, the Chief Town Planner shall after carrying out such surveys as may be necessary of the physical, social and economic conditions and potentialities of the area in respect of which a regional plan is to be prepared under section 9, prepare a regional plan for such area together with a report explaining the various aspects of development proposed in such plan.

11. Contents of regional plan.— (1) Subject to the provisions of this Act and any rules made thereunder, the regional plan shall indicate the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and development of natural resources and such other matters as may have an influence on the development of the concerned area.

(2) In particular, and without prejudice to the generality of the foregoing provisions, a regional plan may provide for all or any of the following matters, namely:—

(a) the broad demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities;

(b) the reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for the preservation, conservation and development of areas of natural scenery, forests, wild life, natural resources and landscaping;

(c) preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value;

(d) the prevention of erosion of soil, provision for afforestation, or re-afforestation, improvement and re-development of water front areas, rivers and lakes;

(e) transport and communications network such as roads, highways, railways, water ways, canals and airports including their future development;

(f) rural and urban centres, both existing and new, indicating the extent of their anticipated growth;

(g) for irrigation, water supply and hydro-electric works, flood control and prevention of water pollution;

(h) providing for the re-location of population or industry from over-populated and industrially congested areas, and indicating the density of population or the concentration of industry to be allowed in any areas.

12. Board to consider the regional plan.— The Chief Town Planner shall refer the regional plan prepared under section 10, to the Board for its consideration and may make such changes in the regional plan as may be necessary in the light of the views expressed by the Board.

13. Public notice of the regional plan.— (1) The Chief Town Planner shall notify the regional plan as modified under section 12, in the Official Gazette, and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing from the public on the regional plan within such period as may be specified in such notification:

Provided that such period shall not be less than two months from the date on which the regional plan is published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the Chief Town Planner shall refer the comments received from the public to the Board for its consideration.

(3) The Chief Town Planner shall, if necessary, revise the regional plan and the report in the light of any modifications suggested by the Board and submit them to the Government together with the comments received from the public on the regional plan for approval.

14. Approval by Government.— (1) The Government may, within the prescribed period, either approve the regional plan as submitted to it under section 13 or may approve the regional plan with such modifications as it may consider necessary, or may return the said plan to the Chief Town Planner with instructions either to modify the plan or to prepare a fresh regional plan in accordance with such directions as the Government may issue in this behalf.

(2) Where a fresh regional plan is required to be prepared under sub-section (1), the provisions of sections, 12 and 13 shall, as far as may be, apply to the preparation and approval of such plan.

15. Publication of regional plan.— The Chief Town Planner shall notify the regional plan as approved by the Government in the Official Gazette and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected.

16. [3][**Effect of regional plan.—** On and from the date of publication of the regional plan under section 15 for an area, all development programmes undertaken within that area by any private institution or by any other person shall conform to the provisions of such regional plan. However, public projects/schemes/development works, undertaken by the Central Government or the Government, shall be in conformity with the rules framed and procedures laid down by the Government for such projects/schemes/development works.]

[4][**16A. Development to conform to regional plan.—** [5]{(1) No person shall undertake any work of development in contravention of any provision of the regional plan as in force, except the projects/schemes/development works undertaken by the Central Government or the Government, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the regional plan.}

(2) Whoever undertakes any work or development in contravention of the regional plan as in force, shall be punished with fine which may extend to Rs.1.00 lakh.

(3) An offence under this section shall be cognizable.]

17. Revision of regional plan.— If the Government, at any time after a regional plan has been published in the Official Gazette, [6][ ] is of the opinion that a revision of such regional plan is necessary, it may direct the Chief Town Planner to undertake the revision of the regional plan and thereupon the foregoing provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the revision of a regional plan under this section.

[7][**17A. Prohibition on cutting of hilly land and filling up of low lying land, etc**.— No occupier of any hilly or sloppy land or any low lying land shall, by himself or through his servants or agents or any other persons, undertake the work of cutting of any hilly or sloppy land or filling up of any low lying land, in, over or upon any hilly or sloppy land, as the case may be, without obtaining the prior written permission from the Chief Town Planner.

Explanation: —For the purpose of section 17A. —

(i) "low lying land" means and includes any land below 50 cms. or more than from the adjoining ground level;

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[3] Substituted by the Amendment Act 10 of 2008.
[4] Inserted by the Amendment Act 22 of 1997.
[5] Sub-section (1) substituted by the Amendment Act 10 of 2008.
[6] The words "but not earlier than five years there from," deleted by the Amendment Act 1 of 1988.
[7] Section 17A and 17B inserted by the Amendment Act 22 of 1997.

(ii) "hilly land or sloppy land" means and includes any land having a gradient of 1:10 or more.

17B. Penalty for contravention of section 17A.— (1) Whosoever contravenes or abets the contravention of any of the provisions of section 17A, shall be punishable with simple imprisonment for a period which may extend to one year or fine which may not be less than Rs. 1.00 lakh or with both.

(2) An offence under this section shall be cognizable.]

[8][**17C. Withdrawal of revised Regional Plan.—** (1) Notwithstanding anything contained in section 17, if, at any time after a revised regional plan has been notified/ published in the Official Gazette (hereinafter in this section referred to as the "revised regional plan"), the Government is of the opinion that such revised regional plan is required to be withdrawn, the Government may direct the Chief Town Planner to withdraw the operation of the revised regional plan from such date, either prospective or retrospective, as the Government deems fit, and in its entirety or in part, as the case may be, and undertake the revision of the regional plan as existing immediately before the revised regional plan (hereinafter in this section referred to as the "existing regional plan"), in its entirety or in part, as the case may be, and thereupon the foregoing provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the revision of a regional plan under this section.

(2) The Chief Town Planner shall, thereafter, withdraw the operation of the revised regional plan from the date as directed by the Government, in entirety or in part, as the case may be, by publication of a notification in the Official Gazette and in two local newspapers.

(3) On and from the date of withdrawal of the revised regional plan by publication of the notification under the provisions of sub-section (2) of this section, all development programmes undertaken by any Department of the Government or by public and private institutions or by any other person shall conform to the provisions of the existing regional plan.]

CHAPTER IV

Declaration of Planning areas and constitution of Planning and Development Authorities

18. Declaration of planning areas, their amalgamation, sub-division, etc.— (1) The Government may, by notification, declare any area to be a planning area for the purposes of this Act, and on such declaration, this Act shall apply to such area:

Provided that no cantonment area or part thereof shall be included in a planning area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which the notification relates.

(3) The Government may, after consultation with the Board, amalgamate two or more planning areas into one planning area or sub-divide a planning area into different

[8] Section 17C inserted by the Amendment Act 8 of 2007.

planning areas and may include any such sub-divided area or areas in any other planning area.

(4) The Government may, by notification, direct that all or any of the rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred and in force in any planning area at the time of amalgamation, sub-division or inclusion under sub-section (3) shall apply to the planning area or areas as so amalgamated or sub-divided or included, with such exceptions, adaptation or modifications as may be specified in the notification, and thereupon such rules, regulations, bye-laws, orders, directions and powers shall apply to such planning area or areas without further publication.

(5) Where planning areas are amalgamated or sub-divided, or such sub-divided areas are included in any other planning area, the Government shall, after consulting the Board, the Planning and Development Authority or Authorities concerned, frame a scheme determining the portion or portions of the balance of the fund of the Planning and Development Authorities or Authority which shall vest in the Planning and Development Authority or Authorities concerned and the manner in which the properties and liabilities of the Planning and Development Authority or Authorities shall be apportioned amongst them and on the scheme being notified in the Official Gazette, the fund, property and liabilities shall vest and be apportioned accordingly.

19. Power to withdraw planning area from operation of the Act.— (1) The Government may, if it is of opinion that it is necessary so to do in the public interest by notification, withdraw from the operation of this Act the whole or part of any planning area.

(2) When a notification is issued under sub-section (1) in respect of any planning area or part thereof —

(i) this Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area or part and the Planning and Development Authority, if any constituted, under this Act shall cease to have jurisdiction in respect of the said area or part, as the case may be; but where any Planning and Development Authority has been constituted exclusively for such area or part, such Authority shall, on the date of the notification stand dissolved;

(ii) the Government shall, after consulting the Board, the Planning and Development Authority and the local authority or authorities concerned, frame a scheme determining the portion or portions of the balance of the fund of the Planning and Development Authority concerned which shall vest in the Government and in the local authority or authorities concerned, and the manner in which the properties and liabilities of the Planning and Development Authority shall be apportioned between the Government and such local authority or authorities, and on the scheme being notified in the Official Gazette, the fund, property and liabilities of the Planning and Development Authority shall vest and be apportioned accordingly.

20. Constitution of Planning and Development Authority.— (1) As soon as may be, after the declaration of the planning area, the Government, in consultation with the Board,

may, by notification, constitute in respect of that area an authority to be called the "Planning and Development Authority" of that area for the purpose of performing the functions assigned to Planning and Development Authorities under this Act.

(2) Every Planning and Development Authority constituted under sub-section (1) shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) Every Planning and Development Authority constituted under sub-section (1) shall consist of the following members, namely:—

(i) a Chairman to be appointed by the Government;

(ii) a Town Planning Officer to be appointed by the Government in consultation with the Chief Town Planner who shall be the Member Secretary of the Planning and Development Authority;

[9][(iia) All the Members of Legislative Assembly representing a planning area;]

(iii) representatives of local authorities, to be composed as follows:—

(a) in the case of a planning area in which only one local authority has jurisdiction, a representative nominated by that local authority from among its members and the Chief Executive Officer of that local authority;

(b) in the case of a planning area in which two or more local authorities have jurisdiction, representatives of such local authorities as the Government may consider necessary to be represented, [10][ ];

(iv) such number of other members, not exceeding [11][five], appointed by the Government, who, in the opinion of the Government, have special knowledge of, or practical experience in, matters relating to town and country planning, architecture, engineering, transport, industry, commerce and agriculture.

(4) The Government may, if it thinks fit, appoint one of the members of the Planning and Development Authority as its Vice-Chairman.

(5) The Government may, in consultation with the Board, appoint any local authority as the Planning and Development Authority for the area comprised within the local limits of the jurisdiction of such local authority and for such other contiguous or adjacent area or areas as the Government may declare as a planning area under section 18.

(6) Where a local authority is appointed as a Planning and Development Authority under sub-section (5), the provisions of sub-section (3) of this section and sections 21, 23 and 25 shall not apply, and the provisions of the Act by which such local authority is constituted shall continue to apply to it in respect of matters covered by the aforesaid sections.

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[9] Inserted by the Amendment Act 19 of 1995.

[10] The words "provided that the total number of such representatives does not exceed five" omitted by the Amendment Act 1 of 1988.

[11] Substituted in place of word "three" by the Amendment Act 14 of 1992.

(7) A local authority appointed as a Planning and Development Authority under sub-section (5) shall, for the purpose of performing the functions of a Planning and Development Authority under this Act, constitute a Planning Committee consisting of the following members, namely:—

(i) a Chairman;

(ii) the Town Planning Officer, who shall be the Member Secretary to the Committee; and

(iii) five other members, two of whom shall be appointed by the Government in consultation with the Board.

(8) Every Planning Committee constituted by a local authority under sub-section (7) shall have the same status and powers of a Standing Committee appointed by the local authority by the Act under which such local authority is constituted and the terms and conditions of the members of the Committee shall be such as may be prescribed.

21. Term of office and conditions of service of the Chairman and members of Planning and Development Authority.— (1) The term of office and the conditions of service of the Chairman and members of a Planning and Development Authority (other than the Town Planning Officer) shall be such as may be prescribed.

(2) The Chairman or any member of a Planning and Development Authority (other than the Town Planning Officer) may resign his office by giving notice in writing to the Government and on such resignation being accepted, he shall cease to be such Chairman or member.

(3) Any vacancy in the membership of a Planning and Development Authority shall be filled by fresh appointment by the Government or by nomination by the local authority concerned, as the case may be, provided that the member appointed or nominated shall hold office only for so long as the member in whose place he is appointed or nominated would have held office if the vacancy had not occurred.

22. Functions and powers of Planning and Development Authorities.— Subject to the provisions of this Act and the rules framed thereunder and subject to any directions which the Government may give, the functions of every Planning and Development Authority shall be—

(a) to prepare an Existing Land Use Map;

(b) to prepare an Outline Development Plan;

(c) to prepare a Comprehensive Development Plan;

(d) to prepare and prescribe uses of land within its area; and

(e) to prepare schemes of development and undertake their implementation,

and for these purposes, it may carry out or cause to be carried out, surveys of the planning area and prepare report or reports of such surveys, and to perform such other functions as may be prescribed.

23. Meetings of Planning and Development Authority.— (1) Every Planning and Development Authority shall meet at such times and at such places, and shall subject to

the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(2) The Chairman, or in his absence, the Vice-Chairman, if any, or in the absence of the Chairman and Vice-Chairman, any member chosen by the members present from amongst themselves, shall preside at a meeting of the Planning and Development Authority.

(3) All questions at a meeting of the Planning and Development Authority shall be decided by a majority of the votes of the members present and voting, and in the case of an equality of votes, the person presiding shall have a second or casting vote.

(4) Minutes of the proceedings at each meeting, including the names of the members present, shall be kept in a book to be kept for this purpose and such minutes shall be signed at the next ensuing meeting by the person presiding at such meeting, and shall be open to inspection by any member during office hours.

24. Temporary association of persons with the Planning and Development Authority for particular purposes.— (1) A Planning and Development Authority may associate with itself in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may consider necessary in performing any of its functions under this Act.

(2) Any person associated with it by a Planning and Development Authority under sub-section (1) for any purpose shall have a right to take part in the meetings of the Planning and Development Authority relevant to that purpose but shall not have a right to vote.

25. Staff of Planning and Development Authority.— (1) Subject to such control and restrictions as may be prescribed, a Planning and Development Authority may appoint such number of officers and staff as may be necessary for the efficient performance of its functions and may determine their designation and grades.

(2) The officers and staff of a Planning and Development Authority shall be entitled to receive such salaries and allowances as may be fixed by it and shall be governed by such terms and conditions of service as may be prescribed.

CHAPTER V

Present Land Use

26. Preparation of map and register showing present land use.— Every Planning and Development Authority shall, as soon as may be, and not later than six months from the date of its constitution or appointment, as the case may be, or within such further period as the Government may from time to time extend, prepare a land use map (hereinafter in this Chapter referred to as the map) and a land use register (hereinafter in this Chapter referred to as the register) in the prescribed form indicating the present use of every piece of land in the planning area:

Provided that where a local authority has been appointed as Planning and Development Authority for any planning area and such local authority has prepared a map or a register, or both, in respect of the said area before such appointment, the map or the register so

prepared shall be deemed to be a map or register, respectively for the purposes of this section.

27. Notice of preparation of map and register.— (1) After the preparation of the map and register under section 26, the Planning and Development Authority shall publish a public notice stating that such map and register has been prepared, and indicating therein the place or places where copies of the map or register, or both may be inspected, and inviting objections in writing from any person with respect to the map and the register.

(2) Objections, if any, with reference to any map or register shall be communicated to the Planning and Development Authority within thirty days of the publication of the notice referred to in sub-section (1).

(3) After the expiry of the period mentioned in sub-section (2), the Town Planning Officer of the Planning and Development Authority or a Committee appointed by it for the purpose shall, after giving a reasonable opportunity of being heard to all the persons who have sent in their objections, make a report to the Planning and Development Authority.

(4) The Planning and Development Authority shall consider the report made under sub-section (3) and may make such modifications in the map or register or both as it considers proper and adopt the map and the register by means of a resolution.

(5) As soon as may be, after the adoption of the map and the register under sub-section (4), the Planning and Development Authority shall publish notice of the adoption of the map and the register and of the place or places where copies of the same may be inspected and shall submit copies of the map and the register to the Board and the Government.

(6) A copy of the public notice referred to in sub-section (5) shall also be published in the Official Gazette and such publication shall be conclusive evidence that the map and register have been duly prepared and adopted.

28. [12][Power of Government to prepare the map and register].— (1) Where a map and a register are to be prepared under this Act, then—

(a) if within the period specified in section 26 or within such further period as the Government may specify, no map or register has been prepared, or

(b) if at any time the Government is satisfied that the Planning and Development Authority is not taking steps necessary to prepare such a map or register within that period [13][or if the Government is of the opinion that such a map or register is needed to be prepared by the Chief Town Planner], the Government may direct the Chief Town Planner to prepare a map and register.

(2) The Chief Town Planner shall, after the preparation of the map and register, submit the same to the Board, and the Board shall, for the purpose of adopting the map and

[12] Substituted by the Amendment Act 9 of 1977.
[13] Inserted by the Amendment Act 9 of 1977.

register so prepared, follow the procedure and exercise the powers of a Planning and Development Authority specified in section 27.

(3) Any expenses incurred under this section in connection with the preparation and publication of a map and register in respect of a planning area shall be met by the concerned Planning and Development Authority.

CHAPTER VI

Preparation of Development Plans

29. Preparation of Outline Development Plan.— Every Planning and Development Authority shall, as soon as may be, and not later than one year from the date of its constitution or appointment, as the case may be, prepare, after consultation with the concerned local authority or authorities, if any, an Outline Development Plan for the planning area within its jurisdiction and submit it to the Government, through the Board, for provisional approval:

Provided that on an application made by the Planning and Development Authority, the Government may, by order extend the aforesaid period by such further period or periods as it thinks fit.

30. Contents of Outline Development Plan.— (1) An Outline Development Plan shall—

(a) indicate broadly the manner in which the land in the planning area is proposed to be used;

(b) allocate areas or zones of land for use —

(i) for residential, commercial, industrial and agricultural purposes;

(ii) for public and semi-public open spaces, parks and playgrounds; and

(iii) for such other purposes as the Planning and Development Authority may think fit;

(c) indicate, define and provide—

(i) for existing and proposed national highways, arterial roads, ring roads and major streets; and

(ii) for existing and proposed lines of communications, including railways, tram-ways, airports and canals;

(d) regulate within such zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land.

(2) An Outline Development Plan may also indicate, define and provide for—

(a) the existing and proposed public and semi-public buildings; and

(b) all or any of the purposes and matters as may be indicated, defined and provided for in the Comprehensive Development Plan under section 32.

(3) Subject to such rules as may be prescribed regulating the form and contents of an Outline Development Plan any such plan shall include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals contained in that Plan.

[14][(4) After the coming into operation of Outline Development Plan and defining the Zone thereof, the conversion shall be in conformity with the contents of an Outline Development Plan and in accordance with such procedure as may be prescribed;]

31. Preparation of Comprehensive Development Plan.— Every Planning and Development Authority shall, as soon as may be, and not later than three years from the date of its constitution or appointment, as the case may be, prepare after consultation with the local authority or authorities, if any, concerned, a Comprehensive Development Plan for the planning area within its jurisdiction and submit it to the Government through the Board for provisional approval:

Provided that on an application made by the Planning and Development Authority, the Government may by order extend the aforesaid period by such further period or periods as it thinks fit.

32. Contents of Comprehensive Development Plan.— (1) A Comprehensive Development Plan shall—

(a) indicate, define and provide for all the matters that have to be, or may be, indicated, defined and provided for in the Outline Development Plan with such modifications as the Planning and Development Authority deems fit;

(b) indicate, define and provide for—

(i) areas to be reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens, and other recreational uses, green belts and natural reserves;

(ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, agricultural and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

(iv) major road and street improvements;

(v) areas reserved for public buildings and institutions and for new civic development;

(vi) areas for future development and expansion, and areas for new housing;

(vii) amenities, services and utilities;

(viii) such other matters as may be prescribed or as may be directed by the Government or the Board to be indicated, defined, and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

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[14] Inserted by the Amendment Act 19 of 1995.

(d) indicate the stages by which the proposals are intended to be carried out, together with the financial implications of each stage.

(2) The Comprehensive Development Plan may—

(a) indicate, define and provide for—

(i) all such matters including planning standards, gross and new density and such guiding principles as the Planning and Development Authority may consider expedient to be indicated, defined and provided for in the Development Plan;

(ii) detailed development of specific areas for housing, shopping centres, industrial areas, civic centres, educational and cultural institutions;

(iii) control of architectural features, elevation and frontage of buildings and structures;

(iv) a five year development programme within the stages indicated in clause (d) of sub-section (1);

(b) designate, any land as land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purposes of:—

(i) the Union or the State Governments, or for any local authority or other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad layout or obsolete development, slum areas and for re-location of population;

(iii) providing for open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan;

(v) any of the matters as are referred to in clause (a).

(3) Subject to such rules as may be made for regulating the form and contents of a Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals included in that plan.

33. [15][Power of Government to prepare Development Plan].— (1) If a Development Plan is not prepared, published and submitted to the Government by a Planning and Development Authority within the period specified in section 29 or section 31, as the case may be, or within the period extended under the proviso to the said sections [16][or if the Government is of the opinion that such a plan is needed to be prepared by the Chief Town Planner], the Government may authorise the Chief Town Planner to prepare such plan and direct the cost thereof to be recovered from the Planning and Development Authority concerned out of its funds.

(2) The Chief Town Planner shall, if so authorised under sub-section (1), prepare a Development Plan and submit it to the Board and the Board shall follow in respect of the plan so prepared such procedure and exercise such powers as a Planning and

[15] Substituted by the Amendment Act 9 of 1977.
[16] Inserted by the Amendment Act 9 of 1977.

Development Authority would follow or exercise in respect of a Development Plan prepared by it.

34. Consent of Government to the publication of notice of preparation of Development Plan.— (1) As soon as may be, after a Development Plan has been submitted to the Government, but not later than the time prescribed, the Government may direct the Planning and Development Authority to make such modifications in the Development Plan as it thinks fit and thereupon the Planning and Development Authority shall make such modifications.

(2) The Government shall, after the modifications, if any, directed by it, have been made, give its approval to the publication of the notice of preparation of a Development Plan under section 35.

35. Public notice of the preparation of the Development Plan.— (1) As soon as may be, after the approval of the Government is obtained under section 34, the Planning and Development Authority shall publish, by notification, and also in one or more local newspapers, of the preparation of the Development Plan, indicating therein the place or places where copies of the same may be inspected, and inviting objections in writing to the Development Plan within such period as may be specified in the notice:

Provided that such period shall not be less than two months from the date of publication of the notification.

(2) The publication of a notification under sub-section (1) shall, not withstanding anything contained in the Land Acquisition Act, 1894, be deemed to be a notification duly made under section 4 of the said Act. Central Act 1 of 1894.

(3) After the expiry of the period specified in the notification made under sub-section (1), the Planning and Development Authority shall appoint a Committee consisting of the Town Planning Officer and not more than two of its other members, to consider the objections received under sub-section (1) and to report within such time as the Planning and Development Authority may fix in this behalf, with regard to the merits or otherwise of the objections.

(4) The Committee appointed under sub-section (3) shall have power to co-opt any other person and any person so co-opted shall have a right to take part in the meetings of the Committee, but shall not have a right to vote.

(5) The Committee so appointed shall afford a reasonable opportunity of being heard to any person, including representatives of Government Departments or local authorities, who has submitted any objection and who has made a request for being so heard.

(6) As soon as may be, after the receipt of the report from the Committee, but not later than the time prescribed by the rules, the Planning and Development Authority shall consider such report and may make such alterations or modifications in the Development Plan as it considers proper, and shall submit the Development Plan with or without alterations or modifications together with the report of the Committee to the Board and to the Government.

36. Approval by Government.— As soon as may be, after the submission of the Development Plan under sub-section (6) of section 35, but not later than the time prescribed, the Government, may, after consulting the Board, either approve the Development Plan or approve it, with such alterations or modifications as it may consider necessary, or may return the Development Plan to the Planning and Development Authority to alter or modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf.

37. Coming into operation of Development Plan.— (1) The Planning and Development authority shall immediately after the Development Plan has been approved by the Government, publish by notification, and also in one or more local newspapers, of the approval of the Development Plan, indicating therein the place or places where copies of the Development Plan may be inspected.

(2) The publication by notification of the approval of the Development Plan shall, notwithstanding anything contained in the Land Acquisition Act, 1894, be deemed to be a declaration duly made under section 6 of the said Act. Central Act 1 of 1894

(3) The Development Plan shall come into operation from the date of publication of the notification under sub-section (1).

(4) After the coming into operation of the Comprehensive Development Plan, the Outline Development Plan shall stand altered or modified to the extent the proposals contained in the Comprehensive Development Plan are at variance with the Outline Development Plan.

38. Appeal.— (1) Within one month of the coming into operation of any Development Plan, any person aggrieved by any provisions contained therein may make an application to the District Court questioning the validity of the Development Plan, or any of its provisions on the following grounds, namely:—

(i) that it is not within the powers conferred by this Act, or

(ii) that any requirement of this Act or of any rules made thereunder had not been complied with in relation to the making of such Development Plan.

(2) The District Court, after giving an opportunity of being heard to the applicant, Planning and Development Authority concerned, Board and Government may—

(i) stay, until the final determination of the proceedings, the operation of the Development Plan or the provisions contained therein, in so far as it affects any property of the applicant; and

(ii) quash, if it is satisfied that the Development Plan or any provisions contained therein are not within the powers conferred by this Act, or the rules made thereunder, or that the interests of the applicant have been substantially prejudiced by failure to comply with any requirement of this Act or of the rules, the Development Plan or any provisions contained therein generally or in so far as they affect the property of the applicant.

(3) Subject to the provisions of sub-sections (1) and (2), a Development Plan shall not, either before or after it has been approved, be questioned in any manner, in any legal proceedings whatsoever.

39. Alteration of Development Plan and making of minor changes.— (1) At any time after the date on which a Development Plan for an area comes into operation, and at least once in every ten years after that date, the Planning and Development Authority shall, after carrying out such fresh surveys, as may be considered necessary or directed by the Board and the Government, prepare after consultation with the local authorities concerned, if any, and submit to the Board and the Government, a Development Plan for any alterations or additions considered necessary to the Development Plan in operation.

(2) The provisions of sections 34 to 38 (both inclusive) shall, as far as may be, apply to a Development Plan submitted under sub-section (1).

(3) At any time after the date on which the Development Plan for an area comes into operation, the Planning and Development Authority may, with the prior approval of the Government, make such minor changes in such Development Plan as may be necessary for correcting any typographical or cartographical errors and omissions or details of proposals not fully indicated in the Plan or changes arising out of the implementation of the proposals in the Development Plan:

Provided that all such changes are in the public interest and are notified to the public.

40. Suspension of Development Plan in emergency by Government.— If the Government is satisfied that a grave emergency exists which necessitates the suspension of any Development Plan or part thereof, it may, by notification, suspend such Development Plan or part, for such period as it thinks fit.

41. Power to acquire land under the Land Acquisition Act, 1894.— Any land required, reserved or designated in a Development Plan shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894, and may be acquired in accordance with the provision of that Act.

Central Act 1 of 1894.

CHAPTER VII

Control of Development and Use of Land

42. Land use to conform to Development Plan.— On and from the date on which a public notice of the preparation of a Development Plan is published under sub-section (1) of section 35, every land use, every change in land use and every development in the area covered by the Development Plan shall conform to the provisions of this Act and the Development Plan as finally approved by Government under section 36:

Provided that the Planning and Development Authority may allow the continuance, for a period not exceeding ten years, of the use, upon such terms and conditions as may be prescribed by regulations made in this behalf, of any land to the extent to which it was used on the date on which such public notice is published.

[17][“**42A. Setting up of Eco Tourism Activities.**— Notwithstanding anything contained in this Act, or the Regional Plan, Outline Development Plan, or a

[17]Inserted by the Amendment Act 6 of 2016.

Comprehensive Development Plan or a Land Use Plan prepared under this Act, or in any of the provisions of the Goa Land Revenue Code, 1968 or any other law for the time being in force, an Applicant who desires to set up any Eco Tourism activity permitted in the Eco Sensitive Zone Notification, in Eco Sensitive Zones declared under the Environment Protection Act, 1986 and the Rules framed there under by the Ministry of Environment and Forest, Government of India, shall not be required to obtain any conversion of land, or any change of zoning or change of land use or any change of land either under this Act or any other maps or plans finalised there under, or Regulations or the Goa Land Revenue Code, 1968:

Provided that such project or Eco Tourism Activity can be set up to an extent of 5% of the total area and that the minimum area required is not less than 20,000 sq. metres:

Provided further that persons desirous of setting up of any such Eco Tourism Activities shall be required to obtain prior approval of the State Level Eco Sensitive Zone Monitoring Committee or such other Authority, as may be designated from time to time as well as the construction licence in terms of the Goa Panchayat Raj Act,1994, but shall not require any Land Use, or Conversion Sanad or change of Zoning or Area Conversion under the local laws.".]

43. Prohibition of Development without payment of development charges and without permission.— Subject to the other provisions of this Act, no development, in respect of, or change of use of, any land shall be undertaken or carried out, in an area after the application of this Act to such area—

(a) without obtaining a certificate from the Planning and Development Authority concerned that the development charge as leviable under this Act has been paid or that no such development charge is leviable; and

(b) without obtaining a permission under section 44:

Provided that no such permission shall be necessary—

(i) for carrying out such works for the maintenance, improvement or other alteration of any building which affects only its interior or which do not materially affect the external appearance of the building;

(ii) subject to the provisions of sub-section (2) of section 44 for the carrying out by the Central Government or the Government or any local authority, of—

(a) any work required for the maintenance or improvement of a highway, road or public street, being work carried out on land within the boundaries of such highway, road or public street;

(b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(iii) for the excavations (including wells) made in the ordinary course of agricultural operations;

(iv) for the construction of unmetalled roads intended to give access to land solely for agricultural purposes;

(v) for the normal use of land which may be used temporarily for other purposes;

(vi) in the case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasions; or

(vii) for the use, or for any purpose incidental to the use, of a building for human habitation, or any other building or land attached to such building.

44. Grant of permission.— (1) Any person intending to carry out any development in respect of, or change of use of, any land shall make an application in writing to the Planning and Development Authority for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(2) (a) In the case of a Department of the Central or Union territory Government or local authority intending to carry out any development in respect of, or change of use of any land, the Department or authority concerned shall notify in writing to the Planning and Development Authority of its intention to do so, giving full particulars thereof accompanied by such documents and plans as may be prescribed, at least two months prior to the undertaking of such development or change, as the case may be, and shall obtain permission in respect thereof.

(b) Where the Planning and Development Authority has raised any objection in respect of the conformity of the proposed development or change of use either to any Development Plan under preparation or to any of the regulations in force at the time, or due to any other material consideration, the Department or authority concerned, as the case may be, shall, either make the necessary modifications in the proposals for such development or change of use to meet the objections raised by the Planning and Development Authority or submit the proposal for such development or change of use together with the objections raised by the Planning and Development Authority to the decision of the Government.

(c) The Government on receipt of such proposals together with the objections of the Planning and Development Authority shall, in consultation with the Chief Town Planner, either approve the proposals with or without modifications or direct the Department or authority concerned, as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

(3) On an application having been duly made under sub-section (1), and on payment of the development charges, if any, as may be assessed under Chapter IX, the Planning and Development Authority may—

(a) pass an order —

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think fit to impose; or

(iii) refusing permission; or

(b) without prejudice to the generality of clause (a), impose conditions—

(i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued; or

(ii) for regulating the development or use of any land under the control of the applicant or for the carrying out of works on any such land as may appear to the Planning and Development Authority expedient for the purpose of the permitted development.

(4) The Planning and Development Authority in dealing with the applications for permission under this section shall have regard to —

(i) the provisions of any Development Plan which has come into operation;

(ii) the proposals or provisions which it thinks are likely to be made in any Development Plan under preparation, or to be prepared; [18][ ]

[19][(iii) to the relevant bye-laws or regulations of the local authority concerned; and]

(iv) any other material consideration.

(5) When permission is granted subject to conditions or is refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.

45. Appeal against orders passed or omitted to be passed under section 44.— (1) Any applicant may appeal to the Board, (a) where he is aggrieved by an order passed under section 44 within two months of the communication of that order to him, (b) where no order is passed, after the expiry of a period of three months from the date of submission of the application.

(2) An appeal under sub-section (1) shall be preferred in such manner and accompanied with such fees, not exceeding [20][ten thousand rupees], as may be prescribed.

(3) The Board may, after giving a reasonable opportunity of being heard to the appellant and the concerned Planning and Development Authority, pass an order—

(a) granting permission unconditionally; or

(b) granting permission subject to such conditions as it may think fit; or

(c) removing the conditions subject to which permission has been granted and imposing such other conditions, if any, as it may think fit; or

(d) refusing permission:

Provided that the Board shall dispose of every appeal within three months of the date of preferring the same and if not so disposed it shall be deemed that the prayer of the appellant is granted.

46. Validity of permission.— Every permission granted under this Act shall remain in force for a period of three years from the date of such permission:

Provided that the Planning and Development Authority may, on application made in this behalf before the expiry of the said period, extend such period, by such period or

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[18] The word “and” omitted by the Amendment Act 1 of 1988.
[19] After renumbering existing clause (iii) as (iv), new clause (iii) inserted by the Amendment Act 1 of 1988 after renumbering existing clause (iii) as (iv).
[20] Substituted by the Amendment Act 3 of 2011.

periods as it may think proper; so, however, that the total period extended shall in no case exceed three years:

Provided further that the lapse of any such permission shall not bar any subsequent application for fresh permission under this Act.

47. Obligation to acquire land on refusal of permission or on grant of permission in certain cases.— (1) Where any person aggrieved by an order in appeal under section 45 refusing to grant permission or granting permission subject to conditions, claims—

(a) that the land has become incapable of reasonably beneficial use in the existing state, or

(b) in a case where permission was granted subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by carrying out the development in accordance with such conditions,

he may, within three months from the date of passing of such order and in the manner prescribed, serve on the Government, a notice requiring the Government to acquire his interest in such land (hereinafter in this section and in section 54, referred to as an acquisition notice).

(2) A copy of the acquisition notice shall also be served on the Board and the Planning and Development Authority concerned.

(3) After receiving the notice under sub-section (1) the Government shall appoint a person who shall, after giving a reasonable opportunity of being heard to the person serving the acquisition notice, the concerned Planning and Development Authority and the Board, submit a report thereon to the Government.

(4) After receiving the report under sub-section (3), the Government shall—

(a) (i) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is not fulfilled; or

(ii) if the order appealed against was passed on the ground that any of the provisions of this Act or the rules made thereunder had not been complied with, pass an order refusing to confirm the notice; or

(b) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is fulfilled, pass an order—

(i) confirming the notice; or

(ii) directing the Planning and Development Authority to grant such permission or to alter the conditions in such a way as will keep the land or part thereof capable of reasonably beneficial use.

(5) If within the period of one year from the date on which an acquisition notice is served under sub-section (1), the Government had not passed any order under sub-section (4), the notice shall be deemed to have been confirmed on the expiration of such period.

(6) On an acquisition notice being confirmed under sub-section (4) or deemed to have been confirmed under sub-section (5), the Government shall proceed to acquire the land

or part thereof in respect of which the notice has been confirmed, within one year of such confirmation.

48. Compensation for refusal of permission or grant of permission subject to conditions in certain cases.— (1) Where an order in appeal under section 45 refusing to grant permission to develop the land or granting of such permission subject to conditions, relates to,—

(a) the re-erection of a building which has been destroyed or demolished and such re-erection does not exceed the cubic content of the original building by more than one-tenth; or

(b) the enlargement, improvement or other alteration of any building which was in existence on the date of coming into operation of the Development Plan for the first time, and such enlargement or improvement or alteration does not exceed the cubic content of that building by more than one tenth; or

(c) the carrying out, on any land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement, improvement or alteration of a building for human habitation or of a building used for the purpose of marketing the produce of land; or

(d) where any part of any building or other land which on the date of coming into operation of the Development Plan for the first time is used for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on that date, or as the case may be, one-tenth of the area of the land so used on that date,

the owner may, if he had not served an acquisition notice under section 47 or if he had served such notice, the same had not been confirmed under that section, within such time and in such manner as may be prescribed, claim upon the Planning and Development Authority compensation for the refusal of such permission or for the grant thereof subject to conditions:

Provided that no compensation shall be claimed if such refusal or grant of permission subject to conditions was by reason of any provision in the Development Plan.

(2) The compensation, if any, payable under sub-section (1) shall be equal to—

(a) where permission is refused, the difference between the value of the land if the permission had been granted and the value of the land in its existing state; or

(b) where permission is granted subject to conditions, the difference between the value of the land if the permission had been granted unconditionally and the value of the land when permission is granted subject to conditions.

(3) When a claim under sub-section (1) is received by the Planning and Development Authority, it shall, after giving an opportunity of being heard to the claimant, assess the amount of compensation payable and offer it to the claimant.

(4) If the claimant does not accept the compensation offered under sub-section (3) and gives notice, within such time as may be prescribed, of such refusal, the Planning and Development Authority shall refer the matter for the adjudication of the District Court

and the decision of that court shall be final and binding on the owner and the Planning and Development Authority.

49. Sanction for sub-division of plot or layout of private street and restriction on registration of purchase, sale or transfer of immovable property.— (1) Any person intending to sub-divide his plot or make or layout a private street, on or after the date on which a public notice of the preparation of a Development Plan is published under sub-section (1) of section 35, shall submit the layout plan together with the prescribed particulars to the Planning and Development Authority for sanction.

(2) The Planning and Development Authority may within the prescribed period, sanction such plan either with or without modifications and conditions as it considers expedient or may refuse to give sanction if it is of the opinion that such sub-division, making or layout is not in conformity with the proposals contained in a Development Plan.

(3) When the sanction is granted subject to conditions or refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.

(4) If any person does any work in contravention of the provisions of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or inspite of the refusal of sanction under sub-section (2), the Planning and Development Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original condition.

(5) Any expenses incurred by the Planning and Development Authority under sub--section (4) shall be a sum due to the Planning and Development Authority under this Act from the person in default.

[21][(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, in respect of plots which are not as per Survey Plan issued by Survey Department or plots which have no development permissions for such sub-division from Planning and Development Authority within a planning area, no registering officer appointed under the Act, shall register any document, unless the owner of such plot produces a certificate of sanction or a certificate of "no objection" from the Planning and Development Authority exercising jurisdiction in respect of the planning area:

Central Act 16 of 1908.

[21] Substituted by the Amendment Act 18 of 2009.

Provided that no such certificate of sanction or "no objection" shall be required to be produced if the sub-division of land or the making or layout of any property results from the right of inheritance within a family:

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institution notified by the Government by a notification in the Official Gazette, for the purpose of this Act.]

50. Power to revoke or modify permission to develop.— (1) If it appears to the Planning and Development Authority that, having regard to the Development Plan prepared or under preparation or to be prepared and any other material consideration, it is necessary and expedient that any permission to develop land granted under this Act or any other law, ought to be revoked or modified, it may, by order, revoke or modify such permission to such extent as appears to it to be necessary:

Provided that—

(a) where the permission relates to the carrying out of building or other operations, no such order,

(i) shall affect such of the operations as have been previously carried out; or

(ii) shall be passed after such operations have been completed;

(b) where permission relates to a change of use of land no such order shall be passed at any time after such change has taken place.

(2) When permission is revoked or modified by an order made under sub-section (1), the owner may, within such time and in such manner as may be prescribed, claim compensation for the expenditure incurred in carrying out any work in accordance with such permission and which has been rendered abortive by the revocation or modification of permission.

(3) Where a claim under sub-section (2) is received by the Planning and Development Authority it shall, after giving an opportunity of being heard to the claimant assess the amount of compensation payable and offer it to the claimant.

(4) If the claimant does not accept the compensation offered under sub-section (3), and gives notice, within such time as may be prescribed, of such refusal, the Planning and Development Authority shall refer the matter for the adjudication of the District Court and the decision of that court shall be final and binding on the claimant and the Planning and Development Authority.

51. Penalty for unauthorised Development, etc.— (1) Any person who, either by himself or at the instance of any other person, commences, undertakes or carries out development of, or changes the use of any land —

(a) in contravention of any Development Plan; or

(b) without obtaining a certificate regarding development charge under section 43; or

(c) without the permission as required under this Act; or

(d) in contravention of any condition subject to which such permission has been granted; or

(e) after the permission for development has been revoked under section 50; or

(f) in contravention of the permission which has been modified under section 50,

shall be punishable with fine which may extend to [22][One lakh rupees] and in the case of a continuing contravention with a further fine which may extend to [23][ten thousand rupees for every day] during which such contravention is continued after conviction for the first such contravention.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Development Plan without having been allowed under section 42, or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punishable with fine which may extend to [24][ten thousand rupees], and in the case of a continuing contravention with a further fine which may extend to [25][five hundred rupees] for every day during which such contravention is continued after conviction for the first such contravention.

[26][(3) An offence under this section shall be cognizable.]

52. Power to require removal of unauthorised development.— (1) Where any development or change of use of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, the Planning and Development Authority may, within four years of such development or change, serve on the owner a notice requiring him, within such period, being not less than one month from the date of service of such notice as may be specified therein, to take any of the following steps as may be specified in the notice, namely:—

(a) in the cases specified in clause (a) or clause (c) or clause (e) of the said sub--section to restore the land to its condition before the said development took place;

(b) in the cases specified in clause (d) or clause (f) of the said sub-section to secure compliance with the conditions subject to which the permission was granted or with the permission as so modified;

(c) in the cases specified in clause (b), to pay the development charge and such penalty, if any, as may be prescribed,

and in particular, such notice may, for any of the purposes aforesaid require—

(i) the demolition or alteration of any building or work;

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[22] Substituted by the Amendment Act 5 of 1998.

[23] Substituted by the Amendment Act 5 of 1998.

[24] Substituted by the Amendment Act 5 of 1998.

[25] Substituted by the Amendment Act 5 of 1998.

[26] Inserted by the Amendment Act 5 of 1998.

(ii) the carrying out on land, of any building or other operations; or

(iii) the discontinuance of any use of land:

Provided that in case the notice required the discontinuance of the use of any land, the Planning and Development Authority shall serve a notice on the occupier also.

(2) Any person aggrieved by a notice served under sub-section (1) may within such period and in such manner as may be prescribed—

(a) apply for permission under section 44 for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates; or

(b) appeal to the Board.

(3) Where an application for permission has been made under clause (a), or an appeal has been preferred under clause (b), of sub-section (2), the notice served under sub-section (1) shall have no effect until the final determination or withdrawal of the application or the appeal, as the case may be.

(4) Where permission is granted on an application referred to in clause (a) of sub-section (2), the notice issued under sub-section (1) shall not have effect and where such permission is granted for the retention only of some building or work or for the continuance of use of only a part of the land, such notice shall not have effect regarding such building or work or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.

(5) Where an appeal has been preferred under clause (b) of sub-section (2), the Board shall, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, allow or dismiss the appeal either by quashing or warying the notice as it may think fit.

(6) If within the period specified in the notice or within such period after the disposal or withdrawal of an application for permission or an appeal under sub-section (2), as may be prescribed, the notice or so much of it as continues to have effect or the notice with variations made in such appeal is not complied with, the Planning and Development Authority may—

(a) prosecute the owner for not complying with the notice and in case where the notice required the discontinuance of any use of land, also any other person who uses the land or causes or permits the land to be used in contravention of the notice; and

(b) in the case of a notice requiring the demolition or alteration of any building or work or other operations, itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission modified by taking such steps as the Planning and Development Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations and may recover the cost of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall be punishable with fine which may extend to [27][One lakh rupees], and in the case of a continuing contravention with a further fine which may extend to five hundred rupees for every day during which such contravention continued after conviction for the first such contravention.

[28][(8) An offence under this section shall be cognizable.]

53. Power to stop unauthorised development.— (1) Where any development or change of use of land is being carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 51, but has not been completed, the Planning and Development Authority may serve on the owner and the person carrying out the development or change a notice requiring such development or change of use of land to be discontinued from the date of service of such notice.

(2) Where a notice has been served under sub-section (1) the person aggrieved by such notice may appeal to the Board and the provisions of sub-sections (5) and (6) of section 52 shall apply with such modifications as may be necessary.

(3) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, even after a notice has been served under sub-section (1) shall be punishable with fine which may extend to [29][one lakh rupees] and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

(4) If a notice under sub-section (1) is not complied with forthwith, the Planning and Development Authority or such officer of the Authority as may be authorised by it in this behalf may require any police officer to remove such person and all assistants and workmen from the land and such police officer shall comply with such requisition.

(5) Where action had been taken by a police officer under sub-section (4), the Planning and Development Authority or the officer referred to in that sub-section shall take necessary steps to ensure that such development is not continued.

(6) Any expenses incurred by the Planning and Development Authority under sub-section (4) and sub-section (5) shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of land revenue.

[30][(7) An offence under this section shall be cognizable.]

54. Power to require removal of authorised development or use.— (1) If it appears to a Planning and Development Authority that it is expedient in the interests of the proper planning of its area (including the interests of amenities) or having regard to the Development Plan prepared, or to be prepared and on any other material consideration —

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[27] Substituted by the Amendment Act 22 of 1997.

[28] Inserted by the Amendment Act 22 of 1997.

[29] Substituted by the Amendment Act 22 of 1997.

[30] Inserted by the Amendment Act 22 of 1997.

(a) that any use of land should be discontinued;

or

(b) that any conditions should be imposed on the continuance of use of any land; or

(c) that any building or work should be altered or removed;

it may, by notice served on the owner —

(i) require the discontinuance of that use; or

(ii) impose such conditions, as may be specified in the notice, on the continuance of the use of the land; or

(iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any building or work, as the case may be,

within such period, being not less than one month from the date of service of such notice, as may be specified therein.

(2) Any person aggrieved by such notice may appeal to the Board within such period and in such manner as may be prescribed.

(3) If an appeal is filed under sub-section (2), the provisions of sub-sections (5) and (6) of section 52 shall apply, with such modifications as may be necessary.

(4) If any person—

(a) who has suffered damage in consequence of the compliance with the notice by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or

(b) who has carried out any works in compliance with the notice,

claims from the Planning and Development Authority, within such time and in such manner as may be prescribed, compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice, the provisions of sub-sections (3) and (4) of section 50 shall apply with such modifications as may be necessary.

(5) (a) If any person interested in the land in respect of which a notice is issued claims that by reason of compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal if any, filed under sub-section (2) and in the manner prescribed serve on the Government an acquisition notice requiring his interest in the land to be acquired.

(b) When a notice is served under clause (a), the provisions of sub-sections (2) to (6) of section 47 shall apply with such modifications as may be necessary.

55. Interim provision pending preparation of Development Plan.— Where a Planning and Development Authority, in the exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a Development Plan before such Development Plan has become operative, the Planning and Development Authority shall have regard to the provisions which in its opinion will be required to be included in such plan for securing the proper planning of the concerned area.

CHAPTER VIII

Town Planning Schemes

56. Making of town planning scheme and its scope.— (1) Subject to the provisions of this Act, a Planning and Development Authority may for the purpose of implementing the proposals contained in the Development Plan, make one or more town planning schemes for the area within its jurisdiction or any part thereof, and shall submit such schemes in draft to the Government along with a plan showing the area proposed to be included.

(2) A town planning scheme may make provision for all or any of the following matters, namely:—

(a) the laying out or re-laying out of land either vacant or already built upon;

(b) the filling up, or reclamation of low-lying swamp or unhealthy areas or leveling up of land;

(c) the laying out of new streets or roads, construction, diversion, extension, alteration, improvement and closing of streets, roads and communications;

(d) the construction, alteration and removal of buildings, bridges and other structures;

(e) the allotment or reservation of land for roads, open spaces, gardens, recreational grounds, schools, markets, green belts and dairies, transport facilities and public purposes of all kinds;

(f) drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(g) lighting;

(h) water supply;

(i) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes and development thereof;

(j) the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the purposes to which buildings in specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking spaces and loading and unloading space for any building and the size of projections and advertisement signs; and

(k) such other matters not inconsistent with the objects of this Act as may be prescribed.

57. Land in respect of which a town planning scheme may be made.— (1) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is—

(i) in the course of development,

(ii) likely to be used for building purposes, and

(iii) already built upon.

(2) For the purposes of this section, the expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not.

58. Consent of Government to the publication of draft scheme.— (1) As soon as may be, after a draft scheme has been submitted to the Government under section 56, but not later than the time prescribed, the Government may, either give its consent to the publication of the draft scheme or direct the Planning and Development Authority to make such modifications in the draft scheme as it thinks fit and thereupon the Planning and Development Authority shall make those modifications.

(2) The Government shall, if any modifications have been directed by it, give its consent to the publication of the draft scheme by the Planning and Development Authority, after such modifications have been made.

59. Publication of draft scheme.— (1) As soon as may be, after the consent of the Government to the publication of the draft scheme was given under section 58, the Planning and Development Authority shall publish by notification and also in one or more local newspapers the draft scheme indicating therein the place or places where copies of the same may be inspected, and inviting objections in writing from any parson with respect to the draft scheme within such period as may be specified:

Provided that no such period shall be less than two months from the date on which the draft scheme is published in the Official Gazette:

Provided further that no such publication under this sub-section in respect of the draft scheme shall be required where land covered by the draft scheme had already been acquired and the execution of the scheme does not affect the interests of any person.

(2) The publication of a notification under sub-section (1) shall, notwithstanding anything contained in the Land Acquisition Act, 1894, be deemed to be a notification duly made under section 4 of the said Act. Central Act 1 of 1894.

60. Contents of draft schemes.— A draft town planning scheme shall contain the following particulars, namely:—

(a) the area, ownership and tenure of each original plot, the land allotted or reserved under clause (e) of sub-section (2) of section 56 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(b) the extent to which it is proposed to alter the boundaries of original plots;

(c) an estimate of the net cost of the scheme to be borne by the Planning and Development Authority;

(d) a full description of all the details of the scheme under such clauses of sub-section (2) of section 56 as may be applicable;

(e) the laying out or re-laying out of the land either vacant or already built upon;

(f) the filling up or reclamation of low-lying swamp or unhealthy areas, or levellingup of land; and

(g) any other prescribed particulars.

61. Reconstituted plot.— (1) In a draft scheme, the size and shape of every reconstituted plot shall be determined, as far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of the scheme as regards open spaces.

(2) For the purposes of sub-section (1), a draft scheme may contain proposals—

(a) to form a reconstituted plot by the alteration of the boundaries of an original plot;

(b) to form a reconstituted plot by the transfer, wholly or partly, of adjoining lands;

(c) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severality or in joint ownership, shall with, or without alteration of boundaries, be held in ownership in common as a final plot;

(d) to transfer the ownership of a plot from one person to another; and

(e) to allot a plot to any owner dispossessed of the land in furtherance of the scheme.

62. Inclusion of additional area in draft scheme.— If at any time before a draft scheme is submitted to the Government under section 68, the Planning and Development Authority is of the opinion either on its own motion or on any representation made to it, that an additional area should be included within the said scheme, the Planning and Development Authority may, after informing the Government and giving notice in the Official Gazette and also in one or more local newspapers, include such additional area in the scheme, and thereupon all the provisions of this Act shall apply in relation to such additional area as they apply to any area originally included in the scheme; and the draft scheme shall be prepared for the original area and such additional area.

63. Power of Government to require Planning and Development Authority to make a scheme.— (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, the Government may, after making such inquiry as it deems necessary, by notification, require any Planning and Development Authority to make and publish in the prescribed manner and submit for its sanction, a draft scheme in respect of any land in regard to which a town planning scheme may be made under section 57.

(2) If the Planning and Development Authority fails to make a scheme within three months from the date of direction under sub-section (1), the Government may, by notification, appoint an officer to make and submit a draft scheme to the Government, and thereupon the provisions of this Act shall, so far as may be, apply to the making of such scheme.

64. Power of Government to suspend rule, bye-law, etc.— (1) When a Planning and Development Authority has published a draft scheme under section 59 or the Government has published a notification under sub-section (1) of section 63, the Government may, by

order suspend to such extent as may be necessary for the proper carrying out of the scheme, any rule, bye-law, regulation, notification or order made or issued under any Act of the Legislative Assembly of the Union territory or any of the Acts which the Legislative Assembly of the Union territory is competent to amend.

(2) Any order issued under sub-section (1) shall cease to operate on the Government refusing to sanction the scheme under section 68 or on the date of coming into force of the final scheme, as the case may be.

65. Disputed ownership.— (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which the Planning and Development Authority has published a draft scheme under section 59 or in an area included in such scheme under section 62 and any entry in the Record of Rights or Mutation Register relevant to that disputed claim is inaccurate or inconclusive, an inquiry may be held, on an application made by the Planning and Development Authority at any time prior to the date on which the Planning and Development Authority draws up the draft scheme for submission to the Government under section 68, by such officer as the Government may appoint for the purpose of deciding the owner for the purposes of this Act.

(2) The decision of the officer appointed under sub-section (1) shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(3) The decision referred to in sub-section (1) shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Planning and Development Authority either by the Civil Court or by some person erected by such decree.

(4) Where the decree of a Civil Court referred to in sub-section (3) is passed after the concerned scheme is approved by the Government such scheme shall be deemed to have been suitably varied by reason of such decree.

66. Power to hand over possession of land in advance of town planning scheme.— (1) Where a Planning and Development Authority is of opinion that it is necessary to undertake forthwith any of the works referred to in section 60 and included in a draft scheme, the Planning and Development Authority shall make an application to the Government through the Board to vest in it the land shown in such scheme.

(2) On receipt of the application made under sub-section (1), the Government may, if satisfied that it is urgently necessary in the public interest to empower the Planning and Development Authority to enter into the land for the purpose of executing any such work, by notification direct such Authority to take over possession of the land, and may also fix the period during which the execution of the said work shall be completed:

Provided that the period so fixed may for sufficient reasons be extended by the Government from time to time.

(3) Where a direction has been issued under sub-section (2), the Planning and Development Authority shall give a notice in the prescribed manner to the person interested in the land requiring him to give possession of his land to the Planning and

Development Authority or any person authorised by it in this behalf within a period of one month from the date of service of such notice and if such possession is not delivered within the period specified in the notice, the Planning and Development Authority shall forcibly take over possession of the land and such land shall thereupon vest absolutely in the Planning and Development Authority free from all encumbrances.

(4) If the Planning and Development Authority is opposed or impeded in taking possession of the land under sub-section (3), it shall request the Chief Judicial Magistrate or any Judicial Magistrate of the First Class having jurisdiction, to enforce the delivery of possession of the land to it and such Magistrate shall take or cause to be taken such steps and use or cause to be used such force as may reasonably be necessary for securing the delivery of possession of the land to the Planning and Development Authority.

Explanation. —The power to take steps under this sub-section shall include the power to enter upon any land or other property whatsoever.

(5) The owner of the land the possession of which is taken over by the Planning and Development Authority under this section, shall be entitled to an interest at the rate of four percent per annum on the amount determined under section 70 as compensation payable to him in respect of the said land from the date on which such possession is taken over till the date on which the scheme in which the land is included comes into force or till the land is restored to the owner under sub-section (6), as the case may be, whichever is earlier.

(6) If the Planning and Development Authority has not fully executed within the period fixed under sub-section (2), any work on the land for which the land was vested in it, the Board shall make or tender to the owner or the person interested in the land such compensation for the damage, if any, done to the land as he may think reasonable and shall restore the land to the owner or the person interested therein.

67. Withdrawal of scheme.— (1) If at any time before a draft scheme, with the modifications is submitted to the Government under section 68, a representation is made to the Planning and Development Authority by a majority of the owners in the area that the scheme should be withdrawn, the Planning and Development Authority shall forward such representations together with its comments, if any, to the Government.

(2) After making such inquiry as it may think fit, the Government may, by notification, direct that the scheme shall be withdrawn; and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.

68. Consideration of objections and submission of scheme to the Government for approval.— (1) If, within one month from the date of publication of a draft scheme under section 59, any person affected by such scheme communicates in writing to the Planning and Development Authority any objection relating to such scheme, the Planning and Development Authority shall consider such objection and may, at any time before submitting the scheme to the Government, as hereinafter provided, modify such scheme in such manner as it thinks fit.

(2) The Planning and Development Authority shall submit the draft scheme within four months from the date of its publication under section 59, with such modifications as may have been communicated to it, to the Government and shall apply for its sanction.

(3) After receiving such application and after making such inquiry as it may think fit, the Government, in consultation with the Board, may, by notification, within six months from the date of its submission under sub-section (2), either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose, or return the scheme to the Planning and Development Authority for the preparation of a fresh draft scheme in accordance with such directions as the Government may issue in this behalf.

(4) If the Government sanctions a scheme under sub-section (3), it shall be deemed to be a final scheme under the provisions of this Act and the Planning and Development Authority shall publish in a local newspaper, a public notice with regard to the sanction of such scheme and indicate therein the place or places where copies of the scheme so sanctioned may be inspected.

(5) The public notice issued under sub-section (4) shall also specify a date (which shall not be earlier than one month after the date of publication of such notice) on which the final scheme shall come into force.

(6) The publication by notification of the sanction of the final scheme, shall notwithstanding anything contained in the Land Acquisition Act, 1894, be deemed to be a declaration duly made under section 6 of the said Act. Central Act 1 of 1894.

(7) On and after the date specified in the public notice, a final scheme shall have effect as if it were enacted in this Act.

69. Effect of final scheme.— (1) On the day on which the final scheme comes into force—

(a) all lands required by the Planning and Development Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Planning and Development Authority free from all encumbrances; and

(b) all rights in the original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the Planning and Development Authority.

(2) On and after the date on which the final scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the final scheme shall, in accordance with the prescribed procedure, be summarily evicted by the Planning and Development Authority.

70. Determination of certain matters by the Planning and Development Authority.— (1) As soon as may be after public notice of the sanction of the final scheme has been published in the Official Gazette under section 68, but not later than the time prescribed, the Planning and Development Authority shall, in accordance with the prescribed procedure proceed to—

(a) define, demarcate and decide the areas allotted to, or reserved, for a public purpose or purposes of the Planning and Development Authority, and also the final plots;

(b) decide the person or persons to whom a final plot is to be allotted and when such plot is to be allotted to persons in ownership in common, decide the shares of such persons;

(c) estimate the value of, and fix the difference between the values of, the original plots and the final plots included in the final scheme, in accordance with the provisions contained in clause (f) of sub-section (1) of section 86;

(d) estimate the compensation payable for the loss of the area of the original plot in accordance with the provisions contained in clause (f) of sub-section (1) of section 86 in respect of any original plot which is wholly acquired under the scheme;

(e) determine whether the areas allotted or reserved for a public purpose or purposes of the Planning and Development Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(f) estimate the proportion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or purposes of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(g) determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(h) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portion thereof exclusively used or occupied for religious or charitable purposes at the date on which public notice of the sanction of the final scheme is published under section 68;

(i) estimate the value of final plots included in the final scheme and the increment to accrue in respect of such plots in accordance with the provisions of section 87;

(j) calculate the proportion in which the increment in respect of the final plots included in the final scheme shall be liable to contribution to the cost of the scheme in accordance with the provisions contained in section 86;

(k) calculate the contribution to be levied on each final plot included in the final scheme;

(1) determine the amount to be deducted from, or added to, as the case may be, the contribution leviable from a person in accordance with the provisions contained in section 89;

(m) provide for the total or partial transfer of any right in an original plot to a final plot or provide for the extinction of any right in an original plot in accordance with the provisions contained in section 90;

(n) where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to, or contribution payable by, the mortgagee or lessee on one hand and the mortgagor or lessor on the other;

(o) estimate with reference to claims made before it, after due notice is given in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a scheme in accordance with the provisions contained in section 91;

(p) determine the period within which the works provided in the scheme shall be completed by the Planning and Development Authority:

Provided that the Planning and Development Authority may make variations in the final scheme subject to the condition that any variation estimated by it to involve an increase of ten percent in the total cost of the scheme or rupees one lakh whichever is lower, shall require the sanction of the Government:

Provided further that the Planning and Development Authority shall make no substantial variation without the consent of the Government and without hearing any objections which may be raised by the owners concerned.

(2) The Government may, if it thinks fit, whether the period prescribed for deciding all the matters referred to in sub-section (1) has expired or not, extend by notification, the period for deciding all the matters referred to in sub-section (1).

71. Appeal.— (1) (a) From every decision of the Planning and Development Authority in matters arising out of clauses (a), (b), (c), (n) and (o) of sub-section (1) of section 70, an appeal shall lie within one month from the date of such decision, to the Chief Town Planner.

(b) Any person aggrieved by the decision in appeal of the Chief Town Planner in matters referred to in clause (a), may appeal, within sixty days from the date of decision of the Chief Town Planner in appeal, to the District Judge within the local limits of whose jurisdiction the area included in the scheme is situated.

(c) The District Judge may transfer the appeal filed before him to the Additional District Judge for disposal.

(d) The District Judge or the Additional District Judge, as the case may be, after making such enquiry as he thinks fit, may either direct the Planning and Development Authority to reconsider its proposals or accept, modify, vary or reject the proposals of the Planning and Development Authority and shall decide all matters arising out of the matters referred to in clause (a).

(e) The decision of the District Judge or the Additional District Judge, as the case may be, shall be final and binding on all persons. A copy of the decision in appeal shall be sent to the Planning and Development Authority.

(2) (a) Any decision of the Planning and Development Authority in matters arising out of clauses (d) to (m) (both inclusive) and clause (p) of sub-section (1) of section 70 shall be forthwith communicated to the party concerned and any party aggrieved by such decision may, within sixty days from the date of communication of the decision, appeal to the Tribunal of Appeal appointed under section 72.

(b) The provisions of sections 5, 12, and 14 of the Limitation Act, 1963, shall apply to appeals preferred under this section. Central Act 36 of 1963.

72. Constitution of Tribunal of Appeal.— (1) The Government shall, for the purpose of hearing and deciding appeals under sub-section (2) of section 71, appoint a Tribunal of Appeal (hereinafter referred to as the Tribunal).

(2) The Tribunal shall consist of a Chairman and two assessors.

(3) The Chairman shall be the District Judge or such other Civil Judge as may be appointed by the Government on the recommendation of the District Judge.

(4) The Chairman shall appoint suitable persons as assessors who shall, as far as possible, have knowledge or experience in town and country planning, valuation of land or civil engineering.

(5) The Chairman may remove any assessor appointed under sub-section (4) from his office on the ground of incompetence or misconduct or for any other good and sufficient reason:

Provided that no assessor shall be removed from his office except after giving him a reasonable opportunity of being heard.

(6) If any assessor is removed from his office or dies or refuses or neglects to act, or becomes incapable of acting, as such assessor, the Chairman shall appoint another person as assessor under sub-section (4).

73. Place where Tribunal may sit.— The Tribunal may sit either at the headquarters of the court presided over by the Chairman or at any other place within the local limits of the jurisdiction of such court, which he may deem convenient for the disposal of the appeal.

74. Chairman to decide all questions of law and procedure.— It shall be the duty of the Chairman of the Tribunal to decide all questions of law and procedure arising in the appeal and it shall be his duty to decide all other questions in consultation with the two assessors or either of them:

Provided that, where both the assessors disagree with the Chairman, he may disband the assessors and appoint fresh assessors; and, where he does so, the appeal shall be heard *de novo* in the presence of the fresh assessors so appointed.

75. Powers of Tribunal to decide matter finally.— (1) The Tribunal shall, after making such inquiry as it may think fit, decide all matters in respect of the appeals preferred to it, and in particular, may either confirm the proposals of the Planning and Development Authority or direct it, where necessary, to reconsider, vary or modify its proposals.

(2) Every decision of the Tribunal on appeal shall be final and binding on all persons including the Planning and Development Authority. A copy of the decision in appeal shall be sent to the Planning and Development Authority.

76. Tribunal not to be court.— Nothing contained in this Act shall be deemed to constitute the Tribunal to be a court.

77. Remuneration of assessors and payment of incidental expenses of Tribunal.— (1) The assessors shall, save where they are salaried Officers of Government, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly by way of salary and partly by way of fees, as the Government may, from time to time, decide:

Provided that, in exceptional cases where the scheme is a large one or the work involved is complicated, the Government may authorise the Chairman and such of the assessors as are salaried Government Officers to receive such special salary or remuneration, as the Government may, by order, decide from time to time.

(2) The salary of the Chairman of the Tribunal or an assessor who is a salaried Government Officer, any other remuneration payable under sub-section (1) and all expenses incidental to the working of the Tribunal shall, unless the Government otherwise determines, be defrayed out of the funds of the Planning and Development Authority and shall be added to the cost of the scheme.

78. Decision of Planning and Development Authority to be final in certain matters.— (1) Where no appeal has been preferred under section 71, the decision of the Planning and Development Authority shall be final and binding on the parties.

(2) Where an appeal has been preferred under section 71 and a copy of the decision in appeal is received by the Planning and Development Authority, it shall, make such variations in the final scheme in accordance with such decision.

(3) A Planning and Development Authority may also rectify such errors or omissions, if any, as may have been brought to its notice after publication of public notice of the sanction of the final scheme.

(4) Where any variations are made in the final scheme under sub-section (2) or any errors or omissions are rectified under sub-section (3), the Planning and Development Authority shall forward a copy of the final scheme as so varied and rectified to the Government for approval along with copies of the decisions in appeals.

79. Power to enforce scheme.— (1) On and after the day on which the final scheme comes into force, the Planning and Development Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme—

(a) remove, pull down or alter any building or other work in the area included in the scheme, which is such as to contravene the scheme or in the erection or carrying out of which, any provision of the scheme has not been complied with;

(b) execute any work which it is the duty of any person to execute under the scheme, in any case where it appears to the Planning and Development Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the Planning and Development Authority under this section may be recovered from the persons in default or from the owner of the plot in the manner provided for the recovery of the sums due to the Planning and Development Authority under the provisions of this Act.

(3) If any question arises as to whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied within the erection of any such building, it shall be referred to the Government or Chief Town Planner if authorised by the Government in this behalf, and the decision of the Government or the Chief Town Planner, as the case may be, shall be final and binding on all persons.

80. Power of Planning and Development Authority to evict summarily.— On and after the day on which a final scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the Planning and Development Authority or any of its officers authorised in that behalf by that Authority. If the Planning and Development Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the Chief Judicial Magistrate shall, at the request of the Planning and Development Authority, enforce the eviction of such person or secure delivery of possession of the land to the Planning and Development Authority.

81. Power to vary scheme on ground of error, irregularity or informality.— (1) If after the final scheme comes into force, the Planning and Development Authority considers that the scheme is defective on account of any error, defect or irregularity, the Planning and Development Authority may apply in writing to the Government through the Chief Town Planner for the variation of the scheme.

(2) If, on receiving such application or otherwise, the Government is satisfied that the variation required is not substantial, the Government shall publish a draft of such variation in the prescribed manner.

(3) The draft variation published under sub-section (2) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clauses (a) to (k) of sub-section (2) of section 56 the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the office of the Planning and Development Authority.

(5) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the Government through the Chief Town Planner and send a copy thereof to the Planning and Development Authority.

(6) On the expiry of the period referred to in sub-section (5), the Government may, after consulting the Chief Town Planner and the Planning and Development Authority and after making such inquiry as it may think fit, by notification, approve the variation with or without modification or refuse to make the variation.

(7) From the date of the notification making the variation, with or without modifications such variation shall take effect as if it were incorporated in the scheme.

82. Power to vary or revoke Town Planning Scheme.— (1) Notwithstanding anything contained in section 81, a town planning scheme may at any time be varied or revoked by a subsequent scheme made, published and sanctioned in accordance with the provisions of this Act.

(2) The Government may, either on its own motion or on the application of the Planning and Development Authority, after making such inquiry as it deems fit and after giving the Planning and Development Authority concerned an opportunity of being heard and after consulting the Chief Town Planner, by notification, revoke a town planning scheme, if it is satisfied that under the special circumstances of the case the scheme should be revoked.

83. Compensation when the final scheme is varied or revoked and apportionment of costs.— (1) If at any time after the final scheme has come into force, such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with the provisions of such scheme, as it stood before such variation shall be entitled to receive compensation from the Planning and Development Authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

(2) In the event of sanction to a final scheme being refused by the Government or a final scheme being revoked, the Government may direct that the costs of the scheme shall be borne by the Planning and Development Authority or be paid to the Planning and Development Authority by the owners concerned, in such proportion as the Government may in each case determine.

84. Joint town planning scheme.— (1) When two or more Planning and Development Authorities are of the opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the constitution of a Joint Town Planning Authority and the Government agrees with such opinion, a Joint Town Planning Authority shall be constituted.

(2) A Joint Town Planning Authority shall consist of such number of representatives of each of the several Planning and Development Authorities concerned as may be prescribed and elected in the prescribed manner and of persons nominated by the Government in such manner as may be prescribed.

(3) A Joint Town Planning Authority, when duly constituted, shall make a declaration of its intention to make a joint town planning scheme in respect of the contiguous areas in the manner provided in section 56 and thereafter the said Authority shall have all the powers and be liable to all the duties of the Planning and Development Authority under this Act and all the provisions in respect of the procedure for the preparation of a town planning scheme so far as may be, apply to a joint town planning scheme.

(4) A draft joint town planning scheme shall specify the parts of the scheme to be executed by the several Planning and Development Authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme, have effect in the several contiguous areas, as if they were separate schemes:

Provided that any part of a joint town planning scheme may be executed jointly by two or more Planning and Development Authorities.

85. Delegation of certain powers of Joint Town Planning Authority.— A Joint Town Planning Authority, may by order in writing, direct that all or any of the powers conferred on it by section 66, sub-section (1) of section 70 and section 79 shall, in such circumstances and under such conditions if any, as may be specified in the order, be exercised by such officer as the Joint Town Planning Authority may specify in the order.

86. Costs of a scheme.— (1) The costs of a town planning scheme shall include—

(a) all sums payable by the Planning and Development Authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme;

(b) all sums spent or estimated to be spent by the Planning and Development Authority in the making and in the execution of the scheme;

(c) all sums payable as compensation for land reserved or designated for a public purpose or purposes of the Planning and Development Authority, which is solely beneficial to the owner or residents within the area of the scheme;

(d) such portion of the sums payable as compensation for and reserved or designated for a public purpose or purposes of the Planning and Development Authority, which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such reservation or designation;

(e) all legal expenses incurred by the Planning and Development Authority in the making and in the execution of the scheme;

(f) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value on the date of publication of the draft scheme, with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries.

(2) If, in any case, the total of the values of the plots included in the final scheme exceeds the total of values of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme, as specified in sub-section (1).

87. Calculation of increment.— For the purposes of this Act, the increment shall be deemed to be the amount by which on the date of the declaration of intention to make a scheme, the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed on the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

88. Contribution towards costs of scheme.— (1) The costs of a town planning scheme shall be met wholly or in part by contributions to be levied by the Planning and Development Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Planning and Development Authority:

Provided that—

(a) no such contribution shall exceed one-third of the increment estimated by the Planning and Development Authority to accrue in respect of such plot;

(b) where a plot is subject to a mortgage with possession or to a lease, the Planning and Development Authority shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other shall pay such contribution;

(c) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purposes of the Planning and Development Authority which is solely for the benefit of the owners of plots, or residents within the area of such scheme; and

(d) the contribution levied on a plot used, allotted or reserved for a public purpose, or purposes of the Planning and Development Authority, which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

89. Certain amount to be added or deducted from contribution leviable from a person.— The amount by which the total value of the plots included in the final scheme with all the buildings and works there on allotted to a person falls short of, or exceeds the total value of the original plots with all the buildings and works thereon of such person shall, as the case may be, be deducted from or added to the contribution leviable from such person, each of such plots being estimated at its market value on the date of the declaration of intention to make a scheme or the date of a notification under section 63 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

90. Transfer of right from original to reconstituted plot or extinction of such right.— Any right in an original plot which in the opinion of the Planning and Development Authority is capable of being transferred wholly or in part without prejudice to the making of a town planning scheme to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the Planning and Development Authority is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

91. Compensation in respect of property or right injuriously affected by scheme.— (1) The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Planning and Development Authority within the prescribed time, be entitled to obtain compensation in respect thereof from the Planning and Development Authority or partly from the Planning and Development Authority and partly from such person as the Planning and Development Authority may in each case determine.

(2) For the purposes of this section, the market value of any property or right on the date of the declaration of intention to make a scheme or the date of a notification under section 63 without reference to the improvements contemplated in the scheme shall be deemed to be the value of such property or right.

92. Exclusion or limitation of compensation in certain cases.— (1) No compensation shall be payable in respect of any property or private right which is alleged to be

injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made, compensation is payable for such injurious affection.

(2) Any property or private right shall not be deemed to be injuriously affected under this section by reason merely of any provision included in a town planning scheme, which, for the purpose of providing amenities in the area included in such scheme or part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (a) of section 60.

93. Provision for cases in which amount payable to owner exceeds amount due from him.— If the owner of an original plot is not provided with a plot in the final scheme or if the contribution to be levied from him under section 88 is less than the total amount payable to him under any of the provisions of this Act, the net amount of his loss shall be payable to him by the Planning and Development Authority in cash or in such other manner as may be agreed upon by the parties.

94. Provisions for cases in which value of developed plots is less than the amount payable by owner.— (1) If, for any reason the total amount, which would be due to the Planning and Development Authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Planning and Development Authority may direct the owner of such plot to make payment to the Planning and Development Authority of the amount of such excess.

(2) If the owner fails to make the payment referred to in sub-section (1) within the prescribed period, the Planning and Development Authority shall acquire the original plot of such defaulter on payment of compensation estimated at its market value on the date of the declaration of intention to make a scheme or the date of notification under section 63 and without reference to improvements contemplated in the scheme, to the owner and other persons interested in the plot, and thereupon the said plot included in the final scheme shall vest absolutely in the Planning and Development Authority free from all encumbrances:

Provided that the payment made by the Planning and Development Authority on account of the value of the original plot shall not be included in the cost of the scheme.

95. Payment by adjustment of accounts.— All payments due to be made to any person by the Planning and Development Authority under this Act, shall, as far as possible, be made by adjustment in such person's account with the Planning and Development Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other manner as may be agreed upon by the parties.

96. Payment of net amount due to Planning and Development Authority.— (1) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme, may, at his option, be paid in lumpsum or in annual installments not exceeding ten. If the owner elects to pay the amount by installments, interest at the rate of six per cent per annum shall be charged on the net amount payable. If the owner of a plot fails to so elect on or before the date specified in a notice issued to him, he shall be

deemed to have elected to pay the contribution by installments and the interest on the contribution shall be calculated from the date specified in the notice.

(2) Where two or more plots included in the final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot, unless the owner and the Planning and Development Authority agree to a different method of distribution.

97. Power of Planning and Development Authority to make agreements.— (1) A Planning and Development Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme, subject to the power of the Government to modify or disallow such agreement, and unless it is otherwise expressly provided therein, such agreement shall take effect on and from the date on which the town planning scheme comes into force.

(2) An agreement made under sub-section (1) shall not in any way affect the determination of the matter specified in section 91 or the rights of third parties:

Provided that, if the agreement is modified by the Government, under that sub-section, either party shall have the option of avoiding it if it so elects.

98. Recovery of arrears.— (1) Any sum due to the Planning and Development Authority under this Act or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon.

(2) Any sum due to the Planning and Development Authority under this Act or any regulation made thereunder which is not paid on the date fixed by the Planning and Development Authority, of which due notice is given, shall be recoverable by it by distress and sale of the goods of the defaulter and may be recovered from him by a suit in any court of competent jurisdiction.

(3) In lieu of the recovery of the dues of the Planning and Development Authority in the manner provided under sub-section (2) or after recovery in part of the dues of the Planning and Development Authority in the manner provided in sub-section (2), any sum due or the balance of any sum due, as the case may be, by such defaulter may be recovered from him by a suit in any court of competent jurisdiction.

99. Power to borrow money for Development Plan for making or execution of a town planning scheme.— (1) A Planning and Development Authority may borrow money at such rate of interest and for such period and upon such terms, as the Government may approve, for the purpose of a Development Plan or the making or execution of a town planning scheme.

(2) Any expenses incurred by a Planning and Development Authority or the Government under this Act in connection with the making and execution of a Development Plan or a town planning scheme shall be defrayed out of the funds of the Planning and Development Authority.

CHAPTER IX

Levy, Assessment and Recovery of Development Charge

100. Levy of Development Charge.— (1) Subject to the provisions of this Act and the rules made thereunder, and with the previous sanction of the Government, every Planning and Development Authority shall, by a notification, levy a charge (hereinafter called the Development Charge) on the carrying out of any development or the institution or change of use of land for which permission is required to be obtained under Chapter VII, in the whole or any part of the Planning area, at the rates specified in section 101:

Provided that different rates may be specified for different parts of the planning area.

(2) The Development Charge shall be leviable on the person who undertakes or carries out such development and institutes or changes any such use.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no Development Charge shall be levied on the development or institution, or change of use of any land vested in, or under the control or possession of, the Central Government, the Government or any local authority.

(4) The Government may by rules provide for exemption from the levy of development charge on the development, institution or change of use of any land under this section.

[31][**100A. Levy of processing fee/fees for change of Zone.—** (1) The Government may, by notification, levy a fee to be charged for processing of applications filed with the Board, for change of Zone in notified Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans.

(2) The Government may, by notification, levy a fee to be charged for change of Zone in Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans from the notified Zone to other Zone.]

101. Rates of development charge.— The maximum and minimum development charges and the classification on the basis of which such maximum and minimum charges are fixed shall be such as may be prescribed.

[32]**[101A. Rate of processing fee/fees for change of Zone.—** The rate of processing fee or fees for change of Zone leviable under section 100A shall be such as may be notified by the Government.]

102. Assessment of Development charge.— (1) Any person who intends to carry out any development, or to institute, or change, any use of any land for which permission under Chapter VII is necessary, whether he has applied for such permission or not or who has commenced the carrying out of any such development or has carried out such development or instituted or changed any such use, shall apply to the Planning and Development Authority in the manner prescribed for assessment of development charge payable in respect thereof.

(2) The Planning and Development Authority shall, on such application being made, or if no such application is made, after serving a notice on the person liable for Development Charge, determine in the manner specified in sub-sections (3) and (4), the Development Charge, if any, leviable in respect of that development or use.

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[31]Inserted by the Amendment Act 31 of 2001.
[32]Inserted by the Amendment Act 31 of 2001.

(3) The Town Planning Officer shall, after giving a reasonable opportunity of being heard to the person who has made an application under sub-section (1) or who has been served with a notice under sub-section (2) make a report to the Planning and Development Authority.

(4) After taking into consideration the report of the Town Planning Officer made under sub-section (3), the Planning and Development Authority shall assess the amount of Development Charge by an order:

Provided that—

(a) where permission under Chapter VII has not been granted for carrying out the said development, the Planning and Development Authority may postpone the assessment of the Development Charge;

(b) where the application relates to the carrying out of any development in any land, the Planning and Development Authority may refuse to assess the Development Charge payable in respect thereof, unless it is satisfied that the applicant has an interest in the land sufficient to enable him to carry out such development, or that the applicant will carry out the development within such period as the Planning and Development Authority considers appropriate;

(c) where the application relates to the institution or change of any use of land, the Planning and Development Authority may refuse to assess the amount of Development Charge payable in respect thereof unless it is satisfied that the use will be instituted within such period as the Planning and Development Authority considers appropriate.

(5) The Planning and Development Authority shall deliver or serve a copy of such order on the applicant or the person liable for the Development Charge.

(6) An order of assessment made under this section shall, subject to the provisions of section 103 be final and shall not be questioned in any court.

103. Appeals against assessment.— (1) Any person aggrieved by an order of assessment made under section 102 may, within such time and in such manner as may be prescribed, appeal to the Board.

(2) On an appeal made to the Board under sub-section (1), the Chief Town Planner shall, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, make a report to the Board.

(3) The Board, may, after taking into consideration the aforesaid report, and if it deems necessary, after giving a reasonable opportunity of being heard to the appellant and the Planning and Development Authority concerned, pass such order as it deems fit.

104. Development Charge to be a charge on land and to be recoverable as arrears of land revenue.— (1) If any development of land is commenced or carried out or any use is instituted or changed without payment of the amount of the Development Charge assessed under the provisions of this Act, the amount of the Development Charge shall, subject to prior payment of the land revenue, if any, be a first charge upon the interest of the person so liable on the land on which development has been commenced or carried out or the use has been instituted or changed.

(2) The Development Charge shall be recoverable as if it were an arrear of land revenue.

CHAPTER X

Finance, Accounts and Audit

105. Fund of Planning and Development Authority.— (1) Every Planning and Development Authority shall maintain a separate fund to which shall be credited—

(a) all moneys received by the Planning and Development Authority from the Government by way of grants, loans, advances or otherwise for the purpose of this Act;

(b) all Development Charges or other charges received by the Planning and Development Authority under this Act or rules, regulations or bye-laws made thereunder;

(c) contributions from the local authority or authorities of the area included in the planning area of the Planning and Development Authority, of such amount not exceeding ten per cent of the general fund of such local authority or authorities, as the Government may specify from time to time;

(d) all moneys received by the Planning and Development Authority from any other source.

(2) The fund shall be applied towards meeting—

(a) the administrative expenses of the Planning and Development Authority;

(b) the cost of acquisition of land in the planning area for the purpose of development;

(c) the expenditure for any development of land in the planning area;

(d) the expenditure for such other purposes as the Government may direct.

(3) Every Planning and Development Authority may keep in current Account with the State Bank of India or any other Bank approved by the Government in this behalf such sums of money out of its funds as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(4) The Government may make such grants, advances and loans to any Planning and Development Authority as it may deem necessary, for the performance of the functions under this Act, and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

106. Budget of the Planning Authority.— Every Planning and Development Authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Planning and Development Authority and shall forward through the Chief Town Planner to the Government and the Board, such number of copies thereof as may be prescribed.

107. Accounts and Audit.— (1) Every Planning and Development Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts of every Planning and Development Authority shall be subject to audit annually by the Director of Accounts.

(3) The Director of Accounts or any person appointed by him in connection with the audit of accounts of the Planning and Development Authority shall have the same rights, privileges and authority in connection with such audit as the Director of Accounts has in connection with the audit of Government accounts, and in particular shall have the right to demand production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Planning and Development Authority.

(4) The accounts of every Planning and Development Authority as certified by the Director of Accounts together with the audit report thereon shall be forwarded annually to the Government and the Board.

CHAPTER XI

Miscellaneous

108. Annual Reports.— (1) The Board shall prepare for every year a report of its activities during the year and submit the report to the Government in such form, and on or before such date, as may be prescribed and the Government shall cause a copy of the report to be laid before the Legislative Assembly.

(2) Every Planning and Development Authority shall prepare for every year a report of its activities under this Act during the year and submit the report to the Government and the Board in such form, and on or before such date, as may be prescribed.

109. Pension and Provident Funds.— (1) Every Planning and Development Authority shall constitute for the benefit of its officers and other employees, in such manner and subject to such conditions as may be prescribed, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund. Central Act 19 of 1925.

110. Power of entry.— (1) The Chief Town Planner or Town Planning Officer of any Planning and Development Authority or any person authorised by the Board or any Planning and Development Authority may enter into, or upon, any land or building with or without assistants or workmen for the purpose of —

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) setting out boundaries and intended lines of works;

(c) marking such levels, boundaries and lines by placing marks and cutting trenches;

(d) examining works under construction and ascertaining the course of sewers and drains;

(e) digging or boring into the sub-soil;

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations thereunder;

(g) doing any other act necessary for the efficient administration of this Act:

Provided that—

(i) in the case of any building used as a dwelling house or upon any enclosed part or garden attached to such building, no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least twenty-four hours notice in writing of the intention to enter;

(ii) sufficient opportunity shall in every case be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) The powers of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the Union territory, and the powers of any Town Planning Officer or any Planning and Development Authority under sub-section (1) shall extend to the planning area within the Jurisdiction of that Authority and such other area which the Government may have directed to be included in a Development Plan.

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

111. Service of notices, etc.— (1) All documents, including notices and orders, required by this Act or the rules, or regulations made thereunder to be served upon any person shall, save as otherwise provided in the Act or rules or regulations, be deemed to be duly served—

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society, or other body, if the document is addressed to the Head of the Government Department, General Manager of the Railway, Secretary or principal officer of the local authority, statutory authority, company, corporation, society or body, to the principal, branch, local or registered office, as the case may be, of other body and is either —

(i) sent by registered post to such person or officer; or

(ii) delivered at such office;

(b) where the person to be served is a member of a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either —

(i) sent by registered post, or

(ii) delivered at the said place of business;

(c) in any other case, if the document is addressed to the person to be served, and —

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member

of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed as the owner or occupier, as the case may be of that land or building (naming or describing that land or building) without further name or description, and shall be deemed to be duly served —

(a) if the document so addressed is delivered or sent in accordance with clause (c) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any documents to be served on the owner of any property, the Secretary to the Board or the Board or the Planning and Development Authority or any other officer authorised by the Board or the Planning and Development Authority, in this behalf, may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor:

Provided that a servant of such person shall not be deemed to be a member of the family for the purposes of this sub-section.

112. Public notice how to be made known.— Every public notice given under this Act or the rules or regulations made thereunder shall be in writing over the signature of the Secretary to the Board or any Planning and Development Authority, as the case may be, or such other officer who may be authorised in this behalf by the Board or Planning and Development Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper and by such other means which the Secretary to the Board or the Planning and Development Authority thinks fit.

113. Notices etc. to fix reasonable time.— Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in the Act, or rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

114. Authentication of orders and documents of the Board and the Planning and Development Authority.— All permissions, orders, decisions, notices and other documents of the Board and any Planning and Development Authority shall be authenticated by the signature of the Secretary to the Board or Planning and Development

Authority, as the case may be, or such other officer as may be authorised by the Board, or Planning and Development Authority in this behalf.

115. Authentication of plans and schemes and custody thereof.— (1) Every Regional Plan, Development Plan or town planning scheme which is finally sanctioned by the Government shall be drawn up in duplicate and every such plan or scheme or every page thereof shall be authenticated under the seal and signature of the Secretary to the Government. One such plan or scheme shall be deposited with the member secretary of the Town and Country Planning Board and sealed with his seal and the second shall be deposited with the Planning and Development Authority concerned.

(2) The plan or scheme deposited with the member secretary or the Town and Country Planning Board under seal shall be kept under lock and key and custody of member secretary and shall not be utilised unless it is required for production in any court or any authority duly empowered in this behalf by the Government for verifying any entry made or alleged to be made in any such plan or scheme, and a certified copy of any plan or scheme or any part thereof may be given to any person on payment of a fee thereof as prescribed.

(3) Where a plan or scheme or any part thereof is produced for verification such plan or scheme or part after the relevant entry or entries therein are duly verified (such verification being made in court, or as the case may be in the Planning Board of any officer duly nominated by him in that behalf) shall be resealed with seal of Town and Country Planning Board and then deposited with him in the manner aforesaid.

(4) If any officer or person having custody of a plan, scheme makes or causes to be made any change in such plan, scheme or in any part, such change not being authorised by or under the provisions of this Act, he shall, on conviction, be punished with imprisonment which may extend to six months and shall also be liable to a fine.

116. Mode of proof of records of Board and the Planning and Development Authority.— Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or any Planning and Development Authority, if duly certified by the authorised keeper thereof, or other person authorised by the Board or Planning and Development Authority in this behalf, shall be received as prima facie evidence of the existence of such receipt, application, plan, notice, order, entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent as, the original receipt, application, plan, notice, order, entry or document would, if produced, have been admissible.

Central Act 1 of 1872.

117. Restriction on the summoning of officers and servants of the Board and Planning and Development Authority.— No Chairman, member or officer or employee of the Board or any Planning and Development Authority shall in any legal proceedings to which the Board or Planning and Development Authority is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the court made for special cause.

118. Right to appear by recognised agent.— Every party to any proceeding before the Board shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

119. Power to compel attendance of witness etc.— For the purposes of this Act, an officer appointed under sub-section (1) of section 65 or the Board, may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a civil court by the Code of Civil Procedure. Central Act 5 of 1908.

120. Jurisdiction of courts.— No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Act.

121. Bar of legal proceedings.— No suit or other legal proceeding shall be maintained against the Government, Planning and Development Authority or any of its officers or persons duly appointed or authorised by it in respect of anything in good faith done or purporting to be done under the provisions of this Act or the rules or regulations made thereunder.

122. Offences by companies.— (1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section—

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

123. Penalty for obstructing contractor or removing mark.— If any person—

(a) obstructs, or molests any person engaged or employed by the Board or any Planning and Development Authority or any person with whom the Board or Planning and Development Authority has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or

required to do under this Act, or of any rule or regulation made thereunder or under the contract, as the case may be; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of work authorised under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

124. [33][**Sanction of prosecution.—** No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Government or the Planning and Development Authority concerned or an officer authorised by the Government or such Planning and Development Authority in this behalf.]

125. Composition of offence.— (1) [34][Subject to such terms and conditions, if any, as may be prescribed, the Government or the Planning and Development Authority concerned] or any person authorised by the Government or the Authority in this behalf, by general or special order, may either before or after the institution of the proceedings under this Act compound any offence made punishable by or under this Act.

(2) When an offence has been compounded under sub-section (1), the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

126. Magistrate's power to impose enhanced penalties.—Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for a Judicial Magistrate of the First Class to pass any sentence authorised by this Act in excess of his powers under the said section.

Central Act 2 of 1974.

127. Fine when realised to be paid to the Planning and Development Authority.— All fines realised in connection with any prosecution under this Act shall be paid to the Planning and Development Authority.

128. Members and officers to be public servants.— Every member, officer and other employee of the Board and of every Planning and Development Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act 45 of 1860.

129. Finality of orders.— Save as otherwise expressly provided in this Act, every order passed or direction issued by the Government or the Board or order passed or notice issued by any Planning and Development Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

130. Validation of acts and proceedings.— (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(a) the existence of any vacancy in, or any defect in, the constitution of the Board or any Planning and Development Authority; or

(b) any person associated with the Board or Planning and Development Authority under section 24 having voted in contravention of the section; or

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[33] Substituted by the Amendment Act 12 of 1985.

[34] Substituted by the Amendment Act 1 of 1988.

(c) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or

(d) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board and of any Planning and Development Authority, the minutes of the proceedings or which have been duly signed as prescribed shall be taken to have been duly convened and to be free from all defects and irregularities.

131. Power to delegate.— (1) The Board may, by a resolution and with the previous consent of the Planning and Development Authority, local authority or Government, as the case may be, direct that any power exercisable by it under this Act or the rules or regulations made thereunder may also be exercised by any Planning and Development Authority, local authority or any officer of the Board or the Government as may be specified in such resolution in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Chief Town Planner may, by an order in writing and with the previous approval of the Board direct that any of power exercisable by him under this Act or the rules or regulations made thereunder may also be exercised by any Planning and Development Authority, local authority, or any officer of the Board or the Government as may be specified in such order in such cases and subject to such conditions, if any, as may be specified therein.

(3) Any Planning and Development Authority may, by a resolution and with the previous approval of the local authority or Government, as the case may be, direct that any power exercisable by it under this Act or the rules, or regulations made thereunder, except the power to prepare any Development Plan or to make regulations, may also be exercised by a local authority or any officer of the Government or Planning and Development Authority as may be specified in such resolution in such cases and subject to such conditions, if any, as may be specified therein.

(4) The Town Planning Officer of any Planning and Development Authority may, by order in writing, and with the previous approval of the Planning and Development Authority, direct that any power exercisable by him under this Act or the rules or regulations made thereunder may also be exercised by any officer of the Planning and Development Authority or local authority specified in such order in such cases and subject to such conditions, if any, as may be specified therein.

132. Control by the Government.— (1) Every Planning and Development Authority shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Planning and Development Authority under this Act, any dispute arises between the Planning and Development Authority and a local authority, it shall be referred to the decision of the Government.

133. Returns and information.— Every Planning and Development Authority shall furnish to the Government such reports and other information as the Government may from time to time require.

134. Effect of other laws.— (1) Save as provided in this Act, the provisions of this Act, the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(2) Notwithstanding anything contained in any other law—

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be not validly undertaken or carried out by reason only of the fact that the permission, approval or sanction required under such other law for such development has not been obtained;

(b) when permission for the development has not been obtained under this Act, such development shall not be deemed to be validly undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development had been obtained.

135. Registration of documents, plan or map in connection with final scheme not required.— (1) Nothing in the Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a Development Plan or town planning scheme under this Act.

Central Act 16 of 1908.

(2) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of that Act, be deemed to have been registered in accordance with the provisions of that Act:

Provided that copies of documents, plans and maps relating to a sanctioned scheme shall be sent to the sub-registrar's office concerned where such copies shall be kept and made accessible to the public in the manner prescribed.

136. Vesting of property ceasing to have jurisdiction.— When a local authority which is a Planning and Development Authority ceases to exist or ceases to have jurisdiction over any area included in a town planning scheme, the property and rights vested in such Planning and Development Authority under this Act, shall, subject to all charges and liabilities affecting the same vest in such other Planning and Development Authority or Authorities as the Government may, with the consent of such authority or authorities, by notification direct; and the Planning and Development Authorities or each of such authorities shall have all the powers under this Act in respect of such schemes or such part of a scheme which the Planning and Development Authority had, immediately before it ceased to exist or ceased to have jurisdiction.

137. Special provision in case of a dissolution or supersession of a local authority.— (1) Where a local authority which is a Planning and Development Authority under this Act, is dissolved or superseded under the provisions of the Act by which such local authority is constituted, the person or persons appointed under that Act to exercise the powers and perform the duties of such local authority shall be deemed to be a local authority within the meaning of clause (18) of section 2 of this Act and may exercise all the powers and perform all the duties of a Planning and Development Authority under this Act, during the period of dissolution or supersession of such local authority.

(2) In the event of a person or persons appointed under sub-section (1) to exercise the powers and perform the duties of a Planning and Development Authority under this Act, any property, which under the provisions of this Act vest in the Planning and

Development Authority exercising such powers and performing such duties shall, during the period of such dissolution or supersession, vest in the Government and such property shall, at the end of the said period vest, in such local authority as the Government may, by notification direct.

138. Default in exercise of power or performance of duty by Planning and Development Authority.— (1) If, in the opinion of the Government, any Planning and Development Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the Government or any person or persons appointed in this behalf by the Government may exercise such power or perform such duty.

(2) Any expenses incurred by the Government or by such person in exercising such power or performing such duty, shall be met from the funds of the Planning and Development Authority and the Government may make an order directing any person who, for the time being, has custody of any such funds to pay such expenses from such funds and such person shall be bound to obey such order.

139. Dissolution of Planning and Development Authorities.— (1) Where the Government is satisfied that the purpose for which any Planning and Development Authority was established under this Act, have been substantially achieved so as to render the continued existence of the Planning and Development Authority in the opinion of the Government unnecessary, the Government may, by notification, declare that the Planning and Development Authority shall be dissolved with effect from such date as may be specified in such notification.

(2) With effect from the date of dissolution of a Planning and Development Authority under sub-section (1) except where a direction is issued under section 137 all properties, rights and liabilities of such Planning and Development Authority shall vest in the Government.

140. Power to make rules.— (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications in town and country planning for appointment as Chief Town Planner;

(b) the term of office of the members of the Board, the manner of filling casual vacancies among them and the allowances payable to such members for attending the meetings of the Board;

(c) the procedure to be followed in regard to the transaction of business at the meetings of the Board;

(d) the functions which may be performed by the Board and the Planning and Development Authority;

(e) the term of office and conditions of service of the Chairman and the members of the Planning and Development Authority;

(f) the manner in which and the purposes for which a Planning and Development Authority may associate any person under section 24;

(g) the control and restrictions subject to which officers and other staff of the Board, and of the Planning and Development Authority may be appointed;

(h) the form in which land use map and land use register shall be prepared;

(i) the form and contents of a Development Plan;

(j) the time within which modifications, if any, may be directed to be made in any Development Plan under section 34;

(k) the form in which any application for permission for development in respect of, or change of use of, land shall be made, the particulars to be contained therein and the documents and plans which shall accompany such application;

(1) the manner of filing of appeals under this Act, the fees to be paid thereon and the procedure to be followed in such appeals;

(m) the manner in which an acquisition notice may be served under this Act;

(n) the time within which and the manner in which a claim for compensation may be made under section 48 and the procedure to be followed for assessment of compensation;

(o) the matters which may be included in a town planning scheme;

(p) the procedure to be followed in summarily evicting a person under section 80;

(q) the manner in which a draft variation of a final scheme shall be published under sub-section (2) of section 81 and the particulars to be contained in such variation;

(r) the exemption from the levy of Development Charges payable under this Act;

(s) the rates of Development Charges and the manner in which an application for assessment of the Development Charge may be made;

(t) the sum of money that may be kept in a current account by the Planning and Development Authority;

(u) the form in which and the time within which the budget of a Planning and Development Authority shall be prepared and the number of copies that have to be sent to the Board and the Government;

(v) the form of the annual statement of accounts and balance sheet of a Planning and Development Authority;

(w) the manner in which and the conditions subject to which pension and provident funds shall be constituted by a Planning and Development Authority for the benefit of its officers and other employees;

(x) the documents in respect of which certified copies may be granted and the fees payable therefor;

(y) any other matter which has to be, or may be, prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty-five rupees for every day during which such contravention continues after conviction for the first such contravention.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or the Assembly states that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

141. Power to make regulations.— (1) A Planning and Development Authority may, with the previous sanction of the Government, make regulations consistent with the provisions of this Act and the rules made thereunder to carry out the matters included in a Development Plan.

(2) A regulation made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to one hundred and fifty rupees, and in the case of a continuing contravention, with an additional fine which may extend to ten rupees for every day during which such contravention continued after conviction for the first such contravention.

(3) The power to make regulations under this section shall be subject to the condition of previous publication and such publication shall be made in the Official Gazette and in such other manner as may be directed by the Government.

142. Repeal.— (1) On the commencement of this Act, the following laws, that is to say—

(a) The Legislative Diploma No. 1088 dated 26-9-1940;

(b) Portaria no. 3531 dated 14-11-1940;

(c) The Legislative Diploma No. 1114 dated 27-7-1942;

(d) Portaria no. 3703 dated 27-8-1942;

(e) The Legislative Diploma No. 1421 dated 24-4-1952;

(f) The Legislative Diploma No. 1467 dated 5-3-1953;

(g) The Interim Building Bye-laws and Zoning Regulations 1965;

and any other law in force in the Union territory of Goa, Daman and Diu corresponding to any of the provisions of this Act shall stand repealed.

(2) The provisions of the General Clauses Act, 1897 shall apply to the repeal under sub-section (1) as if the laws referred to therein were Central Acts. Central Act 10 of 1897.

Secretariat,
Panaji,
4th November, 1975.

B. M. MASURKAR,
Secretary to the Government
of Goa, Daman and Diu Law and
Judiciary Deptt.

Urban Development Department

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Notification

4-5-76-UDD

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa, Daman and Diu Town Country Planning Act, 1974 (Act No. 21 of 1975), the Administrator of Goa, Daman and Diu hereby appoints the 2nd day of April, 1976, as the date on which the said Act shall come into force in the Union territory of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (U.D.D.).

Panaji, 26th February, 1976.

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Urban Development Department

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Notification

4-41-74-UDD

In exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of section 140 read with sections 5 and 7 of the Goa, Daman and Diu, Town & Country Planning Act, 1974 (Act 21 of 1975) and of all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title.— These rules may be called the Goa, Daman and Diu Town and Country Planning Board Rules, 1976.

2. Definitions.— In these rules, unless the context otherwise requires.—

(a) 'Act' means the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(b) 'Section' means a section of the Act;

(c) Words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Term of office and conditions of service of members of Board.

(1) Save as otherwise provided in these rules the members of the Board referred to in clauses (j) and (l) of sub-section (2) of section 4 shall hold office for a period of two years from the date of the notification constituting the Board under sub--section (1) of section 4:

Provided that, the Government may, at the request of the Board, by a notification extend the term of office of the aforesaid members by such period or periods not exceeding one year at a time as it deems fit:

Provided further that, a member who has been appointed by virtue of his being a member of the Legislative Assembly shall not continue as a member of the Board, if he ceases to be a member of the Legislative Assembly.

(2) If the Government is of opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent or is incapable of performing his duties as such member, or should for any other good and sufficient reason be removed, the Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.

(3) A member shall cease to be a member of the Board, if he—

(i) is declared to be unsound mind by a competent court; or

(ii) is adjudged insolvent; or

(iii) has been convicted by any court in India of any offence, and sentenced to imprisonment for not less than two years; or

(iv) is absent without the permission of the Board in writing from three consecutive meetings thereof or from all the meetings of the Board for six consecutive months.

4. Manner of filling casual vacancies.— In the event of a vacancy in the office of any member of the Board, the vacancy shall be filled by the Government and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office, if the vacancy had not occurred.

5. Allowances payable to non-official members of Board for attending its meetings.— A non-official member shall draw travelling and daily allowances, as admissible to a Grade-I officer of the Government of Goa, Daman and Diu, according to Rule 190 of Supplementary Rules, as amended from time to time and as per Government of India and Audit decisions thereunder.

6. The Procedure to be followed in regard to the transaction of business at the meetings of Board.—

(1) The Board shall meet at such time and place as the Chairman may determine.

(2) Twenty days notice at least specifying the place, date and the hour of the meeting and the agenda shall be given to the members, but the non-receipt of such a notice by any member shall not invalidate the proceedings of the meeting.

(3) The Chairman and in his absence, the Vice-Chairman (if any) and in the absence of the Chairman and Vice-Chairman, any other member chosen by the members present from amongst themselves, shall preside at a meeting of the Board.

(4) The quorum necessary for the transaction of business at any meeting of the Board shall be one-half of the total number of members of the Board. If the requisite number of members is not present, the meeting shall stand adjourned for ten minutes and held as an adjourned meeting not requiring a quorum.

(5) The order in which the business shall be transacted at any meeting shall be determined by the presiding authority.

(6) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting; and in the case of an equality of votes, the person presiding shall have a second or casting vote.

(7) A member, who is directly or indirectly concerned or interested in any proposal before the Board or is professionally interested on behalf of a principal or other person in any matter concerning the Board, or is engaged in any proceedings against the Board, shall, at the earliest possible opportunity, disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board. The said member shall not be present at any meeting of the Board when such proposal is discussed, unless his presence is required by the other members for the purpose of eliciting information, but no member so required to be present shall vote on any such proposal:

Provided that a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a share holder of a company concerned in such proposal.

(8) Minutes containing the names of the members present and others who attended the meetings of the Board under the provisions of the Act, and of the proceedings of each meeting shall be kept in English in a minute book to be maintained for this purpose. The names of the members voting for or against any proposal or motion shall be recorded in the minute book. The minutes shall be signed, as soon as practicable by the presiding authority of such meeting. Such minutes shall be placed before the next meeting of the Board and shall, after confirmation by the Board, be signed by the presiding authority of such meeting, and shall be open to inspections by any member during office hours.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (U.D.D.).

Panaji, 2nd April, 1976.

Urban Development Department

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Notification

4-40-74-UDD

In exercise of the powers conferred by sub-section (2) of section 140 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby make the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) Rules, 1977.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires.

(1) "Act" means the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(2) "Chairman" means the Chairman of a Planning and Development Authority;

(3) "Form" means a Form appended to these rules;

(4) "Member" means a member of a Planning and Development Authority and includes the Chairman thereof;

(5) "Member Secretary" means the Member Secretary of a Planning and Development Authority;

(6) "Section" means the section of the Act;

(7) The words and expressions used in these rules but not defined herein shall have the same meanings as are respectively assigned to them in the Act.

3. Term of office and condition of service of Chairman and members of Planning and Development Authority.— (1) Save as otherwise provided in these rules, the Chairman and members of a Planning and Development Authority shall hold office for a period of two years from the date [1][of their appointment by notification:] [2][unless the term of office is terminated earlier by the Government]:

Provided that the Government may, at the request of a Planning and Development Authority, by a notification in Official Gazette, extend the term of office of the aforesaid Chairman and members by such period or periods not exceeding one year at a time as it deems fit:

Provided further that a member who has been appointed from amongst the members of the local authority shall not continue as a member of the Planning and Development Authority, if he ceases to be a member of the local Authority.

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[1] Substituted by Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Fourth Amendment) Rules, 1984 published in the Official Gazette, Series I No. 17 (Extraordinary) dated 26-7-1984.

[2] Inserted by Goa Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 1992, published in the Official Gazette, Series I No. 5 dated 30-4-1992.

(2) If the Government is of opinion that any member is guilty of misconduct in the discharge of his duties or is incompetent or is incapable of performing his duties as such member, or should for any other good and sufficient reason be removed, the Government may after giving the member an opportunity of showing cause against his removal, remove him from the office.

(3) A member shall cease to be a member of a Planning and Development Authority, if he—

(i) is declared to be of unsound mind by a competent court; or

(ii) is adjudged insolvent; or

(iii) has been convicted by any court in India for any offence and sentenced to imprisonment for not less than two years; or

(iv) is absent, without the permission of the Planning and Development Authority, in writing, from three consecutive meetings thereof.

(4) A member, who is directly or indirectly concerned or interested in any proposal before the Planning and Development Authority, or is professionally interested on behalf of a principal or other person in any matter concerning the Planning and Development Authority, or is engaged at the time in any proceedings against the Planning and Development Authority, shall, at the earliest possible opportunity, disclose the nature of his interest to the Planning and Development Authority and the disclosure shall be recorded in the minutes of the Planning and Development Authority. The said member shall not be present at any meeting of the Planning and Development Authority when such proposal is discussed, unless his presence is required by other members for the purpose of eliciting information, but no member so required to be present shall vote on any such proposal:

Provided that, a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a share-holder of a company concerned in such proposal.

Provided further that a member shall not be disqualified under this sub-rule if he is engaged for the Planning and Development Authority without receiving any remuneration therefor or appears and conducts his own case in a Court of Law or before any authority against the Planning and Development Authority irrespective of whether such a member is a Legal Practitioner by profession or not.

[3][(5) Honorarium, allowance and other conditions of the service of the Chairman of a Planning and Development Authority.— (1) The Chairman shall be paid a fixed monthly honorarium of Rs. 500/-.

(2) The other terms and conditions of service of the Chairman, including allowance payable to him shall be such as may be specified in his order of appointment and in the absence of being so specified, such terms and conditions shall be as far as may be, the same as are applicable to a Class I Officer of the Government.

[3] Inserted by Goa, Daman and Diu Town & Country Planning (Planning and Development Authorities) (First Amendment) Rules, 1979, published in the Official Gazette, Series I No. 2 dated 12-4-1979.

(3) Notwithstanding anything contained in sub-rules (1) and (2) where a Government servant is appointed as Chairman, the terms and conditions of his service shall be such as may be specified by the Government from time to time.

(6) Allowances payable to members of a Planning and Development Authority for attending its meeting.— The members of a Planning and Development Authority shall be entitled to travelling and daily allowances at the following rates:—

(i) the Town Planning Officer and any other member who is a Government servant may draw the travelling and daily allowances which he may be entitled to claim for travelling on official duties according to his grade under the Supplementary Rules and Fundamental Rules];

[4][(ii) a non official member shall be paid such sitting fee as may be fixed by Government, by order, from time to time.]

4. Manner of filling casual vacancies.— In the event of a vacancy in the office of any member of a Planning and Development Authority, the vacancy shall be filled by the Government, and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office, if the vacancy had not occurred.

5. Procedure to be followed in regard to transaction of business at meetings of Planning and Development Authority.— (1) The members of a Planning and Development Authority shall meet at such times and places as the Chairman may determine.

(2) [5][Ten days] notice at the least specifying the place, date and the hour of the meeting and the agenda shall be given to the members, but the non-receipt of such notice by any member shall not invalidate the proceedings of the meeting.

(3) The quorum necessary for the transaction of business at any meeting of a Planning and Development Authority shall be one-half of the total number of members of the Planning and Development Authority. If the requisite number of members is not present the meeting shall stand adjourned for 10 minutes and held as an adjourned meeting, not requiring a quorum.

(4) The order in which the business shall be transacted at any meeting shall be determined by the presiding authority.

(5) Minutes containing the names of the members present and others who attend the meetings of a Planning and Development Authority under the provision of the Act, and of the proceedings at each meeting shall be kept in English in a minute book to be maintained for this purpose. The names of the members voting for or against any proposal or motion shall be recorded in the minute book. The minutes shall be signed as soon as practicable, by the presiding authority of such meeting. Such minutes shall be placed before the next meeting of the Planning and Development Authority and shall, after confirmation, be signed by the presiding authority of such meeting, and shall be open to inspection by any member during office hours.

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[4] Substituted by Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Third Amendment) Rules, 1984, published in the Official Gazette, Series I No. 10 dated 07-6-1984.

[5] Substituted vide Notification No. 21/1/TCP/2000/773 dated 9-3-2000.

6. Temporary Association of persons with Planning and Development Authority for particular purposes.— (1) A Planning and Development Authority may associate with itself any person whose assistance or advice, it may consider necessary in performing any of its functions under the Act.

(2) The person so assisting or advising a Planning Development Authority shall be given an appointment letter, mentioning the purpose therein for which such association has been made and the period for which association may last and the terms and conditions governing such association.

(3) If the person associated with the Planning and Development Authority under sub-rule (1) happens to be a non-official resident in Goa, he shall be entitled to draw T. A. and D. A. according to rule 190 of S. Rs. as amended from time to time.

(4) Notwithstanding anything contained in sub-rule (3), if such person is a Government servant or an employee in a Government undertaking he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him.

7. Staff of Planning and Development Authority.— (1) The number of officers and staff to be appointed by a Planning and Development Authority shall be such as may be approved by the Government in this behalf.

(2) The designations, qualifications, pay, allowances and method of recruitment of the officers and staff of a Planning and Development Authority shall be such as may be approved by the Government in this behalf and the terms and conditions of service shall be such as are applicable to a Government Servant.

8. Powers and duties of Chairman of Planning and Development Authority.— (1) The Chairman shall have overall control over the day to day activities of the Planning and Development Authority.

(2) The Chairman may undertake tours within the jurisdiction of the Planning and Development Authority after obtaining prior permission of the Planning and Development Authority.

[6][Provided that the Chairman may by order delegate any of his powers or functions under the Act or these rules to the Vice-Chairman subject to such restrictions and conditions as may be specified in the order:

Provided further that whenever the Chairman is unable to discharge his functions owing to absence, illness or any other cause or in the event of any vacancy in his office by reason of death, resignation, disqualification or otherwise, the Vice-Chairman shall exercise the powers and perform the functions of the Chairman under the Act or these Rules until the date on which the Chairman resumes his duties or a new Chairman assumes his office.]

9. Powers and duties of Member Secretary of Planning and Development Authority.— The Member Secretary shall be subordinate to the Chairman and shall, subject to the control of the Chairman exercise the following powers, namely:—

(i) the Member Secretary shall be in charge of all the confidential papers of the Planning and Development Authority and shall be responsible for preserving them;

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[6] Inserted by Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Second Amendment) Rules, 1984 published in the Official Gazette, Series I No. 9 dated 31-5-1984.

(ii) the Member Secretary shall produce such papers whenever so directed by the Chairman;

(iii) the Member Secretary shall make available such papers to any member of the Planning and Development Authority;

(iv) the Member Secretary shall be entitled to call for the services of any officer or employee of the Planning and Development Authority, and files, papers and documents for study as also to carry out inspection at any time including checking of accounts, vouchers, bills and other records and stores pertaining to the Planning and Development Authority;

(v) the Member Secretary may withhold any payment:

Provided that as soon as may be after such withholding of payment the matter shall be placed before the Planning and Development Authority for its approval;

(vi) the Member Secretary shall make all arrangements for holding meetings of the Planning and Development Authority and meeting of the Committees constituted by the Planning and Development Authority;

(vii) all orders or instructions to be issued by the Planning and Development Authority shall be over the signature of the Member Secretary;

(viii) the Member Secretary shall authorise, sanction or pass all payments against allotments made or estimates sanctioned by the Planning and Development Authority;

(ix) the Member Secretary shall write and maintain confidential reports of all Class I and Class II Officers of the Planning and Development Authority and shall get them countersigned by the Chairman;

(x) the Member Secretary shall countersign the confidential reports of all the Class III employees of the Planning and Development Authority;

(xi) (a) the Member Secretary shall sanction the annual increments of Class I and Class II Officers of the Planning and Development Authority:

Provided that the increment of Class I and Class II Officers shall be withheld only with the approval of the Chairman;

(b) the annual increments of other employees of the Planning and Development Authority not referred to in sub-clause (a) shall be sanctioned by officers authorised in this behalf by the Member Secretary;

(xii) the Member Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Planning and Development Authority or by the Chairman.

10. Form in which land use map and land use register to be prepared.— (1) The land use map shall consist of an index map which shall be drawn to a scale not smaller

than one centimetre to fifty metres. The index map shall show the boundaries of the plots, the structures on the plot and show areas used for various uses such as:—

Main-Group	**Sub-Groups**
Vacant	Partly built but unoccupied.
Residential	Single family
	Two family
	Multi-family
	Holiday homes and Boarding houses of permanent nature such as hostels but not including public assistance—institutions providing residential accommodation like Dharmashala, etc.
Commercial	Retail trade.
	Wholesale trade.
	Warehouses and storage.
	Offices including Government offices and Banks.
	Restaurants, hotels and transient boarding houses including public assistance— institutions providing residential accommodation like Dharmashala, tourist homes, etc.
	Cinema and other places of public assembly run on a commercial basis.
	Professional establishments.
Industrial	Service Industry.
	Light Industry.
	Extensive Industry.
	Heavy Industry.
	Noxious Industry.
Transport and Communication	Railway yards, Railway stations and Sidings.
	Roads and Road transport. Depots and Parking Areas.
	Dockyard, Jetties and Piers. Airports and Air Stations. Telegraph Offices, Telephones and Telephone Exchanges, etc. Broadcasting Stations.
Public Utilities	Water supply installations including treatment plants.
	Drainage and Sanitary Installations including Disposal Works.
	Electric Power Plant, HT & LT transmission lines sub-stations, etc.
	Gas Installations and Gas-works.
Public & Semi Public Uses	Government Administrative Centres, Secretariat, District Offices, Law Courts, Jails, Police Stations, Governor‘s Residence, Educational, Cultural & Religious Institutions, Medical & Health Institutions.
	Cultural Institutions like Theatres, Opera Houses, etc. of a predominantly non-commercial nature.
	Land belonging to Defence.
Open Spaces	Sports Grounds, Stadia, Playgrounds, Parks.
	Other Recreational uses.
	Cemetries, Crematoria, etc.
Agricultural Land	Market Garden.
	Orchards & Nurseries, Land under Staple crops.
	Grazing land and Pastures.
	Forest land.
	Morshy land.
	Barren land.
	Land under water.

(2) The form in which land use register is to be prepared shall be in form 'A'.

11. Form and content of Development Plan.— (1) The Development Plan shall consist of an index map and a written statement supplemented by other maps, charts, illustrations and documents as may be necessary.

(2) The index map shall be to a scale not smaller than one centimetre to fifty metres, and shall show the areas or locations of various proposals and other particulars specified in section 30 and 32 as may be appropriate to the Development Plan.

(3) Other maps and documents shall further illustrate and amplify the proposals of the Development Plan and the maps shall be drawn to a scale not less than one centimetre to ten metres.

(4) The written statement shall describe in detail the report of the surveys conducted, their analysis and findings and will describe in brief the main proposals of the Development Plan made in the index map and the other maps; and the stages of the development programme for executing the Development Plan.

12. Time limit for directing modifications in Development Plan by Government.— The time within which modifications may be directed by the Government to be made in the Development Plan shall be one hundred and eighty days from the date of its submission to the Government under sub-section (1) of section 34.

13. Application for permission for development.— (1) Every application under section 44 for permission to carry out any development shall be made in Form 'B'.

(2) The Form 'B' shall be accompanied by the following documents, namely:—

(a) in the case of building operations— a site plan in quadruplicate drawn to a scale of not less than one centimetre to five metres showing therein the boundaries of the site, the width of the existing streets, if any, direction of the North, existing buildings, or structures on over or under the site or projecting beyond the site, if any, the position of the building or buildings the applicant intends to erect on the site and those within 15 metres around the site, the means of access and its width from the street to the site, the dimensions of front, rear and side setbacks, if any, a clear indication of the area of the plot, plot coverage and the floor area ratio and also a detailed plan in quadruplicate, showing the plan section and elevations of the proposed development work.

(b) in the case of engineering, mining, quarrying operations— a site plan in quadruplicate drawn to a scale of not less than one centimetre to ten metres showing therein the boundaries of the site, direction of the North, existing buildings or structures on, over or under the site or projecting beyond the site the means of access with its width from the street to the site, and the exact nature of the operations the applicant intends to carry out on the site.

(c) in the case of making of any material change in use of any building or land — a site plan in quadruplicate drawn to a scale of not less than one centimetre to five metres, showing therein the boundaries of the site, direction of the North, existing buildings or structures on, over or under the site or projecting beyond the site, if any, the means of access from the street with its width to the site and the exact nature of the change in use of a building or land proposed and its extent.

(d) in the case of sub-division of any land or layout of private street — a site plan in quadruplicate drawn to a scale of not less than one centimetre to five metres, showing therein the boundaries of the site, direction of the North, existing buildings or structures on, over or under the site or projection beyond the site, if any, the means of access from the street to the site, the dimensions of each of the proposed sub-divisions, width of the proposed streets, dimensions and area of open spaces to be provided in the layout plan for the purposes of garden or recreation or like purpose and the details of proposed land use.

Note:— All plans shall be duly signed by the owner and the architect registered with the Planning and Development Authority and shall indicate their names, addresses, qualifications and registered numbers, allotted by the Planning and Development Authority.

(e) cash receipt of the fees payable to the Planning and Development Authority for permission under these rules.

[7]**[14. Manner of filing appeals under section 45 and section 52.—** (1) Every appeal under sections 45 and 52, shall be in writing addressed to the Chairman or the Member Secretary of the Board and shall specify the grounds of appeal and the point which the ruling of the Board is required.

(2) Every appeal, except made on the grounds applicable in the case of section 45(1) (b), shall be submitted in thirty hard copies and one soft copy, by—

(a) Copies of the application made to the Planning and Development Authority;

(b) Copies of all relevant plans, documents and particulars submitted with the applications;

(c) True copies of the order or notice of the Planning and Development Authority, as the case may be;

(d) Copies of all other relevant correspondences with the Planning and Development Authority.

(3) Every appeal, except made on the grounds applicable in the case of section 45(1) (b), shall bear a fee of rupees five thousand.]

15. Manner of serving acquisitions notice under Act.— Any person serving the acquisition notice under section 47(1) shall submit the same in writing to the Secretary, Urban Development Department, Secretariat, Panaji, Government of Goa, Daman and Diu alongwith the documents mentioned in clauses (a) to (d) of rule 14 (2) and specify the points in detail how the claim is supported, mentioning therein the nature of his interest in the land.

16. Manner in which claim for compensation under section 48 is to be made.— Any person claiming compensation under section 48 of the Act may put his claim in writing to the Planning and Development Authority within ninety days from the date of

[7] Substituted by Goa Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 2010 published in the Official Gazette, Series I No. 38 dated 16-12-2010 and thereafter substituted by Goa Town and Country Planning (Planning and Development Authorities) (Amendment) Rules, 2010, published in Official Gazette, Series I No. 7 dated 19-5-2011.

receipt of an order in appeal under section 45, supporting the claim in detail and accompanied by the documents mentioned in clauses (a) to (d) of sub-rule (2) of Rule 14.

17. Exemption from levy of development charges payable.— The following plots shall be exempted from the levy of development charges payable under the Act.—

(a) all plots reserved for public and semi-public purposes in the Development Plan;

(b) all plots owned by any Department of the Central or any State or Union Territory Government or any local authority.

18. Procedure to be followed in summarily evicting persons under section 80.— (1) If a Planning and Development Authority is of the opinion that any person is in unauthorised occupation of any land and that he should be evicted, the Planning and Development Authority shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The Notice shall—

(a) Specify the grounds on which the order of eviction is proposed to be made; and

(b) Require all persons concerned, that is to say all persons who are, or may be in occupation of, or claim interest in land, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than 10 days from the date of issue thereof.

(3) The Planning and Development Authority shall cause the notice to be served either by tendering or delivering a copy or sending such copy by post to the person on whom it is to be served, or his authorised agent or if service in manner aforesaid cannot be made, by affixing a copy thereof at his last known place of public resort in the village in which the land to which the notice relates to is situated.

(4) No such notice shall be deemed void on account of any error in the name or designation of any person or in the description of any person, or in the description of any land referred to therein, unless such error has produced substantial injustice.

(5) If, after considering the cause, if any, shown by the person in pursuance of a notice and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Planning and Development Authority is satisfied that the person is in unauthorised occupation, the Planning and Development Authority may make an order of eviction, for reasons to be recorded therein directing that the land, shall be vacated in such date as may be specified in the order, by all persons which may be in occupation thereof or any part thereof and cause a copy of the order to be served in the manner as specified in sub-rule (3).

(6) If any person refuses or fails to comply with the order of eviction within 30 days of the date of its issue under sub-rule (5), the Planning and Development Authority or any

officer duly authorised by the Planning and Development Authority in this behalf may evict that person from and take possession of the land and may, for that purpose use such force as may be necessary.

19. Manner in which draft variation of final scheme to be published under sub-section (2) of section 81 and particulars to be contained in such variation.— (1) The draft variation shall be first submitted to the Government alongwith a plan showing the area where the variation is proposed and the nature of variation proposed from the original proposal together with the plan showing the original proposal included in the final scheme.

(2) There shall also be an explanatory note containing the reasons which have given rise to the variation.

(3) The draft of such variation shall be published in the Official Gazette and in one or more local newspapers.

20. Manner in which an application for assessment of development charge under section 102 to be made.— Any person who intends to apply for assessment of the development charge under section 102 of the Act shall apply in Form 'C'.

[8][***20A. Rates of development charges.—*** The development charges that may be levied by a Planning and Development Authority shall be as follows:—

(i) ***For Sub-Division/Institution of use***

	Type of land use	Rate per sq. mt. of land put under use				
		F.A.R.				
		upto 1.00	Above 1.00 but upto 1.20	Above 1.20 but upto 1.80	Above 1.80 but upto 2.00	Above 2.00 but upto 2.50
1.	Residential	Rs. 2.00	Rs. 2.50	Rs. 3.00	Rs. 3.50	Rs. 4.00
2.	Commercial	Rs. 4.00	Rs. 4.50	Rs. 5.00	Rs. 10.00	Rs. 15.00
3.	Industrial	Rs. 3.00	Rs. 3.50	Rs. 4.50	Rs. 5.00	Rs. 6.00
4.	Institutional	Rs. 2.00	Rs. 2.50	Rs. 3.00	Rs. 3.50	Rs. 4.00
5.	Others	Rs. 2.00	Rs. 5.00	Rs. 3.00	Rs. 3.50	Rs. 4.00

Revision of plan/renewal of Development Order shall be charged at 50% of the development charge paid at the time of issue of Development Order. This shall exclude charges paid towards institution of use:

Provided that development charges for sub-division/institution of use shall be restricted to the area of the plot proposed to be used. This benefit will be available only on production of sufficient evidence of the fact that only a particular portion of the plot is to be used. If no such evidence is available or produced, it will be presumed that the entire plot is to be put to use.

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[8] Inserted by Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Fifth Amendment) Rules, 1984, further amended by (Sixth Amendment) Rules, 1985 & thereafter substituted by (Seventh Amendment) Rules, 1987 and lastly by (Tenth Amendment) Rules, 2002, published in Official Gazette, Series I No. 42 dated 16-1-2003.

(ii) ***For change of land use***

	Type of land use after change	Rate per sq. mt. of land put under use				
		F.A.R.				
		upto 1.00	Above 1.00 but upto 1.20	Above 1.20 but upto 1.80	Above 1.80 but upto 1.20	Above 2.00 but upto 2.50
1.	Residential	Rs. 4.00	Rs. 5.00	Rs. 7.50	Rs. 8.00	Rs. 10.00
2.	Commercial	Rs. 10.00	Rs. 12.00	Rs. 14.00	Rs. 16.00	Rs. 20.00
3.	Industrial	Rs. 8.00	Rs. 10.00	Rs. 12.00	Rs. 15.00	Rs. 18.00
4.	Institutional	Rs. 4.00	Rs. 5.00	Rs. 7.50	Rs. 8.00	Rs. 10.00
5.	Others	Rs. 4.00	Rs. 5.00	Rs. 7.50	Rs. 8.00	Rs. 10.00

Revision of plan/renewal of Development Order shall be charged at 50% of the development charge paid at the time of issue of Development Order. This shall exclude charges paid towards institution of use:

(iii) ***For construction of buildings/Development of land***

Land use		Rate per sq. mt. of floor area
1	Residential	Rs. 4.00
2	Commercial	Rs. 12.00
3	Industrial	Rs. 10.00
4	Institutional	Rs. 4.00
5	Others	Rs. 4.00

Revision of plan/renewal of Development Order shall be charged at 50% of the development charge paid at the time of issue of Development Order. This shall exclude charges paid towards institution of use:

(iv) ***For change in an existing building***

The development charges for making any material change in an existing building shall be levied only if re-construction or extension is to take place. This will be related to the floor area rebuilt or extended. These rates shall be the same as those prescribed for new construction/development of land.

(v) ***For mining, quarrying etc. operation***

Land use	Rate per sq. mt.
1. Mining	Rs. 10.00
2. Quarrying	Rs. 10.00
3. Cutting of hill	Rs. 10.00
4. Any other development not covered under the above categories	Rs. 10.00

(vi) Linear development

Land use	Rate per running metre
Construction of walls, gates, roads, pipelines, drains and other development of linear nature	Rs. 5.00

Provided that if linear development accompanies the building activity for which development charges have already been paid, no separate development charges shall be levied.]

[9][**20B. Time and manner of filing appeals under section 103.—** (1) Every appeal shall be preferred within two months from the date of communication of the order appealed against:

Provided that the Board may entertain the appeal after the expiry of the said period of two months, if it is satisfied that the appellant was prevented by sufficient cause for not preferring the appeal within such period.

(2) The provisions of sub-rules (1) and (2) of rule 14 shall, *mutatis mutandis,* apply to every such appeal.]

21. Depositing of money belonging to Planning and Development Authority.— The sum of money that may be kept in a current account by a Planning and Development Authority shall not exceed Rs. 500,000/- (Rupees five hundred thousand).

22. Budget.— The Budget of a Planning and Development Authority shall be prepared in Form 'D'. The Budget so prepared for any financial year shall be submitted to the Government in the month of January preceding the commencement of the said financial year. Six copies each of the budget shall be prepared and shall be sent to the Board and the Government.

23. Maintenance of Accounts.— (1) Every Planning and Development Authority shall maintain in Form 'E' an account of its transactions in two sections, namely 'Revenue' and 'Capital' under the head 'Planning and Development Authority Fund'.

(2) A summary of the Planning and Development Authority Fund account for every year shall be submitted to the Government through the Chief Town Planner not later than the 1st June of the year following and a copy thereof shall be sent to the Resident Audit Officer.

24. Pension and Provident Funds of Officers and Employees of Planning and Development Authority.— Officers and Employees of a Planning and Development Authority shall be governed by Civil Service Regulations and Central Civil Services (Pension) Rules, 1972 and General Provident Fund (Central Services) Rules, 1960.

25. Certified copies and fees payable therefor.— Certified copies of the following documents may be granted on payment of the fees mentioned against these items.

	Rs. Np.	
1. Plan showing the limits of the planning area ...	10.00	per copy
2. Land Use Map	50.00	—do—
3. Extract from Land Use Register	5.00	—do—
4. An Outline Development Plan...	50.00	—do—
5. A Comprehensive Development Plan ...	50.00	—do—
6. A Town Planning Scheme ...	25.00	—do—
7. An Order under section 44...	5.00	—do—
8. An Order under section 45…	5.00	—do—
9. An Order under section 50…	5.00	—do—

[9] Inserted by the Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) (Fifth Amendment) Rules, 1984, published in the Official Gazette, Series I No. 33 dated 15-11-1984.

FORM 'A'

[*See* Rule 10 (2)]

(Form Land Use Register under section 26 of the Goa, Daman and Diu Town and Country Planning Act, 1974)

Land Use Survey Tabulation Sheet

Postal Address

	Survey Area; Block; Survey. Code No. (See B. M.)	
	Plot Size and Frontage	
	Plot Area	
	No. of Structures	
	Structure No.	
	No. of Storeys	
Built up Area and Land Use	A/U B/L Ground Floor	
	A/U B/L First Floor	
	A/U B/L Second Floor	
	A/U B/L Third Floor	
	A/U B/L Fourth Floor	
	A/U B/L Fifth Floor	
Assessed Services Valuation	Age, Type & condition of Structure	
	Land	
	Structure	
	Total	
	Water	
	Drainage	
	Electricity	
	Other Services	
	Plot F. S. I.	
	Block F. S. I.	
Remarks		

FORM 'B'

(*See* Rule 13)

Application for permission for development under section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974

From (Name of the owner of land) .....

Address .....

To

The ..... Planning Authority.

Sir,

I intend to carry out the undermentioned development in the site or plot of land, Town and Revenue Survey No. ..... on ..... Street or road named in the ..... ward or Division, in accordance with the provisions of section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974, and rule 13 of the Planning and Development Authority Rules, 1977.

Particulars of proposed development:—

2. I forward herewith:

(a) *A site plan.

(b) *A detailed plan (in quadruplicate).

(c) *An extract of record of rights/property register card (any other document showing ownership of land to be specified).

(d) *A cash receipt of the fees paid to the Planning and Development Authority.

3. I request that the proposed development may be approved and that permission may be accorded to carry out the development.

Signature of the Licensed Architect.

Date:

Signature of the owner of the land.

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*Strike out which is not applicable.

———

FORM 'C'

(See Rule 20)

Form of application for the assessment of development charges

The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975)

To

.....

.....

.....

Sir,

I hereby give notice under sub-section (1) of section 102 of the Act that I intend to carry out/I am carrying out/I have carried out development mentioned below and request you to assess the development charge, if any, payable in respect thereof under section 100 of the Act.

1. Nature of Development:

2. Location:

Date .....

……..

Signature of owner

Address

FORM 'D'

(*See* Rule 22)

Form of Budget

Abstract figures of the Budget of ……. Planning and Development Authority for the year 19….. – 19 …….

	Accounts of past year 19…-19…	Sanctioned Estimates for the current year 19… -19…	Revised estimates for the current year 19 - 19			Budget Estimates for the year 19… - 19 …
			Actual for 8 months	Probable receipts for 8 months	Total	
Opening balance on 1-4-19…						
Ordinary Section						
Capital Section… … … …						
Receipts						
Ordinary Section						
Capital Section … … … …						
Total Receipts … … …						
Expenditure						
Ordinary Section						
Capital Section … … … …						
Total Expenditure … …						
Closing balance as on 31-3-19…						
Ordinary Section						
Capital Section … … … …						

FORM 'E'

(*See* Rule 23)

Planning and Development Authority Fund Account

Expenditure		Receipts	
Ordinary Section		**Ordinary Section**	
1. Town Planning Act Schemes—		**1. Town Planning Act Schemes—**	
	Rs.		Rs.
(1) Staff … … … … … …		(1) Rent of Land … … … …	
(2) Allowances, pensionary contribution and cost of conveyance or hire of vehicles, etc. … … … … …		(2) Ground Rent … … … …	

(3) Survey charges … … … …		(3) Produce of Lands … … …	
(4) Contingencies and equipment renewals … …		(4) Licence fees, etc. … … …	
(5) Law charges … … … …	____	(5) Betterment contributions …	
Total — Running charges …	____		
(6) Interest on loans … … … …	____	(6) Interest on investments … …	
(7) Stationery, Printing and Notification expenses, cost of preparation of maps, etc. … … … …	____	(7) Law charges recovered … …	
		(8) Sundry receipts including sale proceeds of copies of maps and schemes	____
			____
		A. Total— Ordinary receipts …	____
A. Total — Ordinary charges …	____	A. Net total— Ordinary section (surplus or deficit) … …	____

Expenditure		Receipts	
Capital Section		**Capital Section**	
1. Town Planning Act Schemes—		**1. Town Planning Act Schemes—**	
	Rs.		Rs.
(1) Acquisition of lands, buildings, etc.		(1) Government grants … …	
(i) Roads and lanes … … …		(2) Contribution from	
(ii) Other purposes … … …		(a) Government Departments ...	
(2) Works of improvement—		(b) Other local authority …	
(i) Raising level … … …		(c) Private persons … …	
(ii) Road forming … … …		(3) Sale proceeds of lands, buildings and equipments	
(iii) Culverts … … …		(4) Loans … … …	
(iv) Drains … … …		(5) Investment realized … …	
(v) Lighting … … …		(6) Contribution from Municipal funds	
(vi) Water supply… … …		(i) General Account–Ordinary ..	
(vii) Latrines … … …		(ii) Elementary Education Account … …	
(viii) Schools … … …		(iii) Water Supply and Drainage Account …	
(ix) Markets, etc. … … …		(iv) Lighting Account … …	
(x) Other works … … …		(v) Remunerative enterprises (Land development) account ..	
(3) Repayment of loans (sinking fund charges) … … …		(vi) Any other account … …	
(4) Investment … … …		(7) Recoveries of advances …	

(5) Compensation for Injurious affections		(8) Recoveries of expenses of enforcement under section 47(2) ...	
(6) Advances made … … …		(9) Contribution from surplus in ordinary section … … … …	____
(7) Miscellaneous … … …		B. Total— Capital Receipts …	____
(i) Cost of preparation of scheme, including special surveys … …		*Grand Total — Ordinary and Capital receipts … … …	____
(8) Expenses of enforcement under section 47(2) … … …	____		
B. Total— Capital Charge …	____	D. Net Total Planning and Development Authority Fund Account (surplus or deficit).	
*Grand Total —Ordinary and Capital Charges … … …	____		

*The contribution from the surplus in the ordinary section should not be included.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Under Secretary (U. D. D.).

Department of Town & Country Planning

Notification

Ref. No. 21/1/TCP/200l/1725

In exercise of the powers conferred by sub-section (1) of section 100A read with section 101 A of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter called the "said Act"), the Government of Goa hereby notifies the following rates of fee for processing of applications filed with the Board under sub-section (1) of section 100A of the said Act, with immediate effect.

Area in m2	**Rates of processing fee**
Less than 2,000	Rs. 1,000/-
2,000 to 50,000	Rs. 2,000/-
Above 50,000	Rs. 5,000/-

By order and in the name of the Governor of Goa.

B. K. Sutaria, Chief Town Planner and ex officio Jt. Secretary.

Panaji, 13th June, 2001.

Department of Town and Country Planning

Notification

Ref. 21/1/87-90/TCP/07-08/3135

In exercise of the powers conferred by section 16 read with sub-section (2) of section 140 of the Goa, Daman and Diu, Town and Country Planning Act, 1974 (Act 21 of 1975), and all other powers enabling it in the behalf, the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called "the Goa Town and Country Planning (Public projects/schemes/development works by the Government) Rules, 2008.".

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(b) "Board" means the Town and Country Planning Board constituted under section 4 of the Act;

(c) "Central Government" means the Government of India;

(d) "Chapter" means a chapter of the Act;

(e) "Clause" means clause of the Act;

(f) "Committee" means a Committee appointed by the Government under rule 3 of these rules;

(g) "Department" means the Town and Country Planning Department of the Government;

(h) "Government" means the Government of Goa;

(i) "Operational construction" means any construction, whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:—

(i) Railways;

(ii) National Highways;

(iii) National Waterways;

(iv) Ports;

(v) Airways and aerodromes;

(vi) Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication;

(vii) Regional grid for electricity; and

(viii) any other project declared by the Government, by notification in the Official Gazette, after being of the opinion that the operation, maintenance, development or execution of such project is essential to public.

Explanation:— For the removal of doubts, it is hereby declared that the construction of new building, new structure or new installation or any extension thereof, as the case may be, used for residential, commercial, institutional, industrial, warehousing other than incidental or auxiliary purposes, shall not be deemed to be an operational construction within the meaning of this clause;

(j) "Public projects/schemes/development works" means and includes works undertaken by the Central Government and the Government like State highways, major district roads, other roads, educational institutions/complexes, libraries, community halls, Court buildings, sports complexes with supporting allied/auxiliary facilities, fisheries complexes and facilities for allied uses; tourism infrastructure, public toilets, rain or cyclone shelters, hospitals, panchayat ghars, dispensaries, police stations, police out posts, fires stations, markets, bus terminals, parking lots, rehabilitation colonies and State sponsored schemes under 20 point programme, Government offices, operational construction, etc., but shall not include Information Technology parks, industrial estates/areas, industries, projects under private partnership (PPP), housing schemes of Housing Board/Corporations:

(k) "Regional Plan" means plan prepared under Chapter III of the Act;

(l) "section" means the section of the Act.

3. Procedure for public projects/schemes/development works.— (1) In case of land acquisition by the Central Government or the Government, while proposing acquisition of land for carrying out public projects/schemes/developmental works or for carrying out any public projects/schemes/development works, the concerned agency shall apply to the department for No Objection Certificate (NOC).

(2) The Department shall verify whether the proposal is in conformity with the Regional Plan as in force and if not, whether the proposal is for operational construction or for public projects/schemes/development works.

(3) In case the Department has any objection to the proposal on account of non conformity of the same with the Regional Plan, the Department shall either make necessary modifications to the proposed project/scheme/development or shift the project/ scheme/work to a location as may be suggested by the Department.

(4) In case the Government intends to pursue the proposal, though not in conformity with regional plan, the proposal shall be referred to a "Committee" constituted by the Government by notification in the Official Gazette for the purpose.

(5) The Committee after studying the proposal in consultation with the Department and any other Department as may be required, recommend the proposal as received with or without modification or reject the proposal. The committee shall communicate its decision in writing to the Department.

(6) The decision of the Committee shall be placed before the Board for its consideration.

(7) The Board, on receipt of the decision of the committee, may either accept the decision of the Committee or return the proposal with modifications/suggestions to the Committee for its reconsideration. The Committee may thereafter modify the same.

(8) If the decision of the Board is to grant approval to the project/scheme/work, the same shall be submitted to the Government for approval.

(9) The Chief Town Planner or the Officer of the Department shall grant the NOC or refuse the same, as per the decision of the Government.

(10) If the proposal involves any change in the Regional Plan, such changes shall be notified by the Department in the Official Gazette and entered in a register for updating of Regional Plan to this effect.

4. *Development works*.— The development works as envisaged shall be carried out after obtaining such other approvals as required under provisions of any other law in force in the State of Goa.

By order and in the name of the Governor of Goa.

Morad Ahmad, Chief Town Planner & ex officio Joint Secretary.

Panaji, 14th August, 2008.