



The Arunachal Pradesh Urban and Country Planning Act, 2007

Act No. 03 of 2008

Keywords:

Commerce, Development, Industry, Relocation of Population

Amendment appended: 10 of 2026

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**THE ARUNACHAL PRADESH URBAN AND COUNTRY
PLANNING ACT, 2007
(ACT NO. 3 OF 2008)**

(Received the assent of the Governor on 7th March, 2008 published in
the Arunachal Pradesh. E.O. Gazette No. 18 Vol. XV dated
14th March, 2008)

AN

ACT

to provide for planning the development of urban areas and use of urban and rural land and to prevent encroachments of public lands and to lay down regulations for building constructions in urban areas in the State of Arunachal Pradesh and for purposes connected therewith.

BE it enacted by the Legislature of the State of Arunachal Pradesh in the Fifty eighth Year of the Republic of India as follows :

CHAPTER- I

Preliminary

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| 1. | (1) This Act may be called the Arunachal Pradesh Urban and Country Planning Act, 2007. | Short title,
extent, &
commencement. |
| | (2) It extends to the whole of the State of Arunachal Pradesh or part thereof as may be notified by the State Government. | |
| | (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. | |
| 2. | In this Act, unless there is anything repugnant in the subject or context otherwise requires :- | Definitions. |
| | (i) "Agriculture" includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder, trees or any kind of cultivation of soil; breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry, and bees; the use of land which is ancillary to the farming of land or any other agriculture purposes, but shall not include the use of any land attached to a building for the purposes of a garden to be used along with such building; and "Agricultural" shall be construed accordingly ; | |

- (ii) **“Amenities”** include roads and streets, open spaces, parks, recreational ground, play-grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences ;
- (iii) **“Area of bad lay-out or obsolete development”** means an area consisting of land which is badly laid out or of obsolete development, together with other land contiguous or adjacent thereto, which is defined by a development plan as an area of bad layout or obsolete development ;
- (iv) **“Authority”** means **State Urban and Country Planning Board and Local Planning Authority** constituted under this Act;
- (v) **“Building Operations”** include-
 - (a) erection or re-roofing of a building, or any part of it;
 - (b) roofing, re-roofing of any part of a building or open space;
 - (c) any material alteration or enlargement of any building;
 - (d) any material change in the use of a building, including the use of
 - (e) its one part or more parts used for human habitation into
 - (f) greater number of such parts;
 - (e) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affect its security;
 - (f) the construction of a door opening on any street or land not belonging to the owner;
- (vi) **“Commerce”** means carrying on any trade, business or profession sale or exchange of goods of any type whatsoever, and includes the running of, with a view to make profit, hospitals, nursing homes, infirmaries, educational institutions, and also includes hotels, restaurants, houses not attached to any educational institutions, saris, and **“commercial”** shall be construed accordingly;

- (vii) "**Commercial use**" includes the use of any land or building or part thereof for purposes of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise;
- (viii) "**Court**" means a principal civil court of original jurisdiction, and includes any other civil court empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;
- (ix) "**Development**" with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, on, over or under land 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;
- (x) "**Development Plan**" means interim development plan or comprehensive development or comprehensive development plan prepared under this Act;
- (xi) "**Engineering Operations**" include the formation of laying out of means of access to a road or the laying out of means of water supply;
- (xii) "**Industry**" includes the carrying of any manufacturing process as defined in Factories Act, 1948; and "industrial" shall be construed accordingly;
- (xiii) "**Industrial use**" includes the user of any land or building or part thereof for purposes of industry as defined;
- (xiv) "**Land**" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (xv) "**Local Authority**" means a Municipal Council or Committee, or Town Committee Board / Authority or District Board / Authority or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local

authority, and includes a town improvement trust; and a Local Authority is a "Local Authority concerned" of any land within its local limits falls in the area of a plan prepared or to be prepared under this Act ;

- (xvi) **"Local Newspaper"** means any newspaper published or circulated within the local Planning area ;
- (xvii) **"Planning Area"** means any area declared to be a Local Planning Area under this Act;
- (xviii) **"Planning Authorities"** means **State Urban and Country Planning Board and Local Planning Authority** constituted under this Act;
- (xix) **"Occupier"** includes:
 - (a) a tenant;
 - (b) an owner in occupation of, or otherwise using his land:
 - (c) a rent-free tenant of any land:
 - (d) a licensee in occupation of any land; and
 - (e) any person who is liable to pay to the owner damages for the use and occupation of any land;
- (xx) **"Owner"** includes a mortgagee in possession a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium for any land whether on his own account or on account of, or on behalf or for the benefit of any other person or an agent, trustee, guardian, or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium or be entitled to receive the rent or premium if the land were let to a tenant; and includes the Head of a Government department. General Manager of a Railway, the Secretary or other principal officer of a Local Authority, statutory authority or company, in respect of properties under their respective control ;

- (xxi) "**Prescribed**" means prescribed by rules or regulations made under this Act ;
- (xxii) "**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 charge or not ;
- (xxiii) "**Relocation 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;
- (xxiv) "**Regulation**" means a regulation made under this Act by the State Urban and Country Planning Board and Local Planning Authority and includes zoning and other regulations made as a part of a Development Plan ;
- (xxv) "**Residence**" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables, and houses, if any, appertaining to such building; and 'residential' shall be construed accordingly;
- (xxvi) "**Rule**" means a rule made under this Act by the State Government; and
- (xxvii) "**Slum area**" means any predominantly residential area, where the dwellings which by reason of dilapidation, over-crowding, faulty arrangement of design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety health or morals and which is defined by a development plan as a slum area;

- (xxviii) Words and expressions not defined in this Act shall be subject to interpretation of the State Urban Development and Planning Authority.
- (xxix) 'Director' means Director of Town Planning/ Chief Town Planner, appointed by the State Government.

CHAPTER-II

State Urban and Country Planning Board

State Urban and Country Planning Board .

3. (1) As soon as may be, after the commencement of this Act, the State Government, shall by notification in the Official Gazette constitute and appoint for the purpose of carrying out the functions assigned to it under this Act, an Authority to be called the **State Urban and Country Planning Board**.
- (2) The State Government may by notification in the Official Gazette, constitute the State Urban and Country Planning Board as deemed necessary from time to time.
- (3) The Director of Town Planning/ Chief Town Planner, shall be Member Secretary to the State Urban and Country Planning Board. He may for the purpose of carrying out functions assigned to him under this Act, hire Officers/Officials/ professionals from various Government Works Departments for certain periods for specific purposes as mentioned in section-13. Further, the State Urban and Country Planning Board may authorize the Director of Town Planning/ Chief Town Planner, for execution of certain functions on behalf of the State Urban and Country Planning Board as required in the Act. The Director of Town Planning/ Chief Town Planner appointed under this Act shall possess such educational qualifications from any institution as recognized by the Institute of Town Planner, India.

Functions and powers of the State Urban and Country Planning Board.

4. (1) Subject to the provisions of this Act, and the rules framed there under, the functions of the State Urban and Country Planning Board shall be to guide, direct, and assist the Local Planning Authorities to frame policies in matters relating to Planning, Development and use of rural and urban land in the State, and to

perform such other functions as the State Government may, from time to time, assign to the State Urban and Country Planning Board :

- (2) In particular and without prejudice to the generality of the foregoing provisions, the State Urban and Country Planning Board may, if required by the State Government-
 - (a) direct the Local Planning Authorities/ Sub-Divisional Planning Authorities as the case may be for the preparation of Development Plan;
 - (b) undertake, assist and encourage the collection, maintenance, and publication of statistics, bulletins and monographs on planning and its methodology;
 - (c) prepare and furnish reports relating to the working of this Act;
 - (d) perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.
 - (3) The State Urban and Country Planning Board may exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act.
 - (4) For carrying out the purposes of this Act, the State Urban and Country Planning Board on behalf of the State Government through the Secretary, shall supervise, guide and direct the Local Planning Authorities/ Sub-Divisional Planning Authorities as and when need arises.
5. (1) The term of office and conditions of service of the Chairman and other members of the State Urban and Country Planning Board shall be such as may be prescribed; and they shall be entitled to receive such salaries with allowances or honorarium or both as may be fixed by the State Government from time to time. Term of Office and conditions of service of Chairman and members of State Urban and Country Planning Board.
- (2) The State Government may, if it thinks fit, terminate the appointment of Chairman or any members of the State Urban and Country Planning Board at any time.

- (3) The Chairman or any member may resign his membership of the State Urban and Country Planning Board by giving notice in writing to the State Government, and on such resignation being accepted by the state Government he shall cease to be a member of the State Urban and Country Planning Board.
- (4) Any vacancy so created shall be filled by fresh appointment by the State Government.

Meetings of the State Urban and Country Planning Board.

6. (1) The State Urban and Country Planning Board shall convene meeting once in every six months and preferably twice in a year at such times and places and shall, subject to provisions of sub-section (2) and (3) below, observe the procedure as may be prescribed in regard to the transaction of its business at such meeting.
 - (2) The Chairman or in his absence the Vice-Chairman if any, or in the absence of Chairman and or the Vice Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the State Urban and Country Planning Board.
 - (3) All questions, at a meeting of the State Urban and Country Planning Board, shall be decided by a majority of the votes of the members present and voting and in the case of equality of votes; the person presiding shall have a second or casting vote.
 - (4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose, which 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.

CHAPTER-III

*Declaration of Local Planning Areas, their
amalgamation, sub-division, inclusion of any area from
Local Planning Area*

7. (1) The State Government/ State Urban and Country Planning Board may, by notification declare any area in the State to be a Local Planning Area which may be comprised of one or more districts for the purposes of this Act, and on such declaration this Act shall apply to such area provided that no military cantonment or part of a military cantonment shall be included in any such area. Local Planning Areas & Local Planning Authority.
- (2) Every such notification shall define the limits of the area to which it relates.
- (3) The State Government/ State Urban and Country Planning Board may amalgamate two or more Planning areas into one Local Planning Area, sub-divide a Local Planning area into different Local Planning areas, and include such divided areas in any other Local Planning area.
- (4) The State Government/ State Urban and Country Planning Board may by notification direct that all or any of the rules, regulations, orders, directions and powers made, issued, conferred and in force in any other Local Planning Area at the time, with such exceptions and adaptations and modifications as may be considered necessary by the State Government/ State Urban and Country Planning Board, shall apply to the area under this section and such rules, regulations, bye-laws, orders, directions and powers shall forthwith apply to such Local Planning Area without further publication.
- (5) When Local Planning Areas are amalgamated or sub-divided, or such sub- divided area are included in other Local Planning Areas, the State Government / State Urban and Country Planning Board shall, after consulting, the Local Planning Authorities, frame a scheme determining what portion of the balance of the fund of the Local Planning Authority shall vest

in the Planning Authority or Authorities concerned and in what manner the properties and liabilities of the Local Planning Authority or Authorities shall be apportioned amongst them and on the scheme being notified the fund, property and liabilities shall vest and be apportioned accordingly.

Power to withdraw Local Planning area from operation of this Act :

8. (1) The State Government/ State Urban and Country Planning Board may, by notification withdraw from the operation of this Act, the whole or a part of any Local Planning Area declared there under.

(2) When a notification is issued under this section in respect of any Local Planning Area :

(i) This Act and all notifications, rules, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area ;

(ii) The State Government shall, after consulting the Board and Local Planning Authority or Authorities concerned, frame a scheme determining what portion of the balance of the fund of the Local Planning Authority shall vest in the State Government, and the Local Authority or Authorities concerned and in what manner the properties and liabilities of the Local Planning Authorities shall be apportioned between the State Government, and the Local Authority or Authorities and on the scheme being notified the fund, property and liabilities of the Local Planning Authority shall vest and be apportioned accordingly.

Local Planning Authority.

9. (1) As soon as may be, after declaration of a Local Planning Area, the State Government in consultation with the Board, shall by notification in the Official Gazette constitute for the purposes of the performance of the functions assigned to it, an Authority to be called the Local Planning Authority of that area, having jurisdiction over that area having adequate representatives from Local Bodies.

- (2) Every Local Planning Authority shall be body corporate by the name aforesaid having perpetual succession and a common seal with there to acquire, hold and dispose of property both moveable and immovable and to contract and shall by the said name sue and be sued.
- (3) The State Government, may by notification in the Official Gazette constitute the Local Planning Authority with Chairman, Vice-Chairman and Members as deemed fit from time to time under this section.
- (4) The Assistant Town Planner, Town Planning shall be the Member Secretary to the Local Planning Authority till a Town Planner is appointed and posted to discharge the duties and responsibilities of the Member Secretary of a Local Planning Authority. The Town Planning/ Assistant Town Planner appointed under this Act shall possess such educational qualifications from any institution as recognized by the Institute of Town Planner, India.
- (5) The Local Planning Authority may, if need be felt, constitute a Sub-Divisional Planning Authority , with prior approval of the State Urban and Country Planning Board to discharge the power and functions of Local Planning Authority in the Sub-Divisional level, subject to following conditions-
 - (i) The Local Planning Authority concerned may, if it thinks fit, overrule the decisions of Sub- Divisional Planning Authority and exercise its power and functions to discharge the duties assigned to it under this Act.
 - (ii) The Local Planning Authority may, if it is of the opinion that the continued existence of Sub-Divisional Planning Authority is not necessary, may recommend dissolution of the Sub-Divisional Planning Authority to the State

Urban and Country Planning Board. The State Urban and Country Planning Board shall dissolve such Sub-Divisional Planning Authority.

- (6) The Chairman/Vice Chairman and members of Sub-Divisional Planning Authority shall be entitled to receive such allowances as may be fixed by the State Government.
- (7) All other rules which is applicable to the Local Planning Authority shall also be applicable to the Sub-Divisional Planning Authority.

Term of office and conditions of service of the members of Local Planning Authority.

10. The term of office and conditions of service of the Chairman and Members of the Local Planning Authorities shall be such as will be prescribed and they shall be entitled to receive such allowances as may be fixed by the State Government as deemed necessary from time to time.

Functions and powers of the Local Planning Authority.

11. Subject to the provisions of this Act, the rules framed there under and any directions which the State Government/ State Urban and Country Planning Board may give, the functions of every Local Planning Authority shall be, and it shall have power to prepare-
 - (a) a existing Land Use Map-
 - (b) a interim Development Plan-
 - (c) a comprehensive Development Plan-
 - (d) to prescribe uses of land within its area and for these purposes it may carry out or cause to be carried out surveys of its planning area and to prepare report or reports of such surveys; and to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Meeting of Local Planning Authorities.

12. (1) Each Local Planning Authority shall meet once in every 3 (Three) months or quarterly in a year, at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

- (2) The Chairman or in his absence, the Vice-Chairman if any or in the absence of the Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Local Planning Authority.
- (3) All questions at a meeting of the Local Planning 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 shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose, which 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.
13. (1) The State Urban and Country Planning Board and Local Planning Authority may associate with itself in such manner and for such and for purposes as may be prescribed by rules any person/officers from various Departments of the State Government, whose assistance or advice it may desire in performing any its functions under this Act . In the event of non-availability of requisite experts/professionals from the various Government Departments, the State Urban and Country Planning Board and Local Planning Authority may hire Professionals/Firms/experts in the Field from outside for specific purpose or outsource as deemed necessary from time to time with such remuneration and allowances as may be fixed by the Board.
- (2) Any person associated with it by the Local Planning Authority under sub-section - (1) for any purpose shall have a right to take part in the discussions of the Local Planning Authority relevant to that purpose but shall not have a right to vote at a meeting and shall not be a member for any other purpose.
- Temporary association of persons with State Urban and Country Planning Board the Local and Planning Authority for particular purposes.

- (3) The Officers as mentioned in the sub-section (1), on requisition of their services by the State Urban and Country Planning Board and Local Planning Authority, shall comply forthwith such requisition orders without fail.
- Staff of the Local Planning Authority.
14. (1) Subject to prior approval of the State Urban and Country Planning Board and such control and restrictions as may be prescribed by rules, any Local Planning Authority may appoint such number of officers and employees or may engage State Government Officials/Officers as may be necessary for the efficient performance of its functions and may determine their designations and grades/salaries, allowances and honorarium etc.
- (2) The Officers and employees of the Local Planning Authority shall be entitled to receive such salaries and allowances and honorarium to the State Government Officials/Officers if engaged partly as may be fixed by the Local Planning Authority and shall be governed by such terms and conditions of service as may be determined by rules and regulations made in this behalf.

CHAPTER-IV

Present Land Use Map

- Preparation of present Land use map and register.
15. As soon as may be, after its constitution every Local Planning Authority/Sub-Divisional Planning Authority shall, not later than six months after its constitution or within such time as the State Government/State Urban and Country Planning Board may, from time to time extend, prepare a Present Land Use Map (hereinafter called the Map) and a Land Use Register in the form to be prescribed indicating the present use of every piece of land in the Local Planning Area.
- Notice of the preparation of the map and register.
16. (1) After the preparation of the map, the Local Planning Authority shall publish a public notice of the preparation of the Map and the Register and of the place or places where copies of the same may be inspected inviting objections in writing from any person with respect to the Map and Register within 15 days of the publication of such notice.

Provided that, if a Map or a Register or both of the area is prepared by the Government before the application of this Act to that area, the map or the Register already prepared shall be deemed to be a Map and a Register under section 15 subject to such reviews as deemed necessary for the proper planning and regulation of urban and rural areas.

- (2) After the expiry of the period mentioned in sub-section (1), the Town Planner/Assistant Town Planner or any other Officer engaged by the Local Planning Authority for the purpose shall, after allowing a reasonable opportunity of being heard to all the persons who have filed the objections make a report to Local Planning Authority.
 - (3) The Local Planning Authority shall consider such report as mentioned at sub-section (2) and may make such modifications in the Map or Register or both as it considers proper and adopt the Map and the Register by a resolution.
 - (4) As soon as may be, after the adoption of the Map and the Register, the Local Planning Authority shall publish a public notice of the adoption of the map and the Register and the place or places where the copies of the same may be inspected and shall submit copies of the map and the Register to the State Urban and Country Planning Board.
 - (5) A copy of such public notice shall also be published in the Official Gazette. The publication of the copy of the public notice in conclusive evidence that the Map and Register has been duly prepared and adopted.
17. (1) Where by virtue of the foregoing provisions of this chapter a Map and a Register is to be prepared, then-
- (a) if within the period prescribed or within such period which the State Government/ State Urban and Country Planning Board has extended, no map or Register has been prepared, OR
- The power of the state government/ State Urban and Country Planning Board in case of default of the

Local Planning Authority to prepare the map and register.

- (b) if at any time the state Government/ State Urban and Country Planning Board is satisfied that the Local Planning Authority is not taking steps necessary to prepare such a Map and a register within that period, the State Government/ State Urban and Country Planning Board may direct the Director of Town Planning/ Chief Town Planner, to prepare the Map and the Register by itself or by engaging Professionals/ Experts in the field by hiring their services as per existing rules.
- (2) After preparation of the Map and the Register, the Director of Town Planning/ Chief Town Planner of Town Planning shall submit the same to the State Urban and Country Planning Board, and the State Urban and Country Planning Board shall follow the procedure and exercise the powers of the Local Planning Authority under section 16.
- (3) Any expenses incurred under this section in connection with the making of the Map and the Register with respect to the area of a Local Planning Authority shall be paid by the Local Planning Authority from their own fund/resources or allocated earmarked fund for the purpose by the State Government.

CHAPTER-V

Development Plans

Interim Development Plan.

18. (1) As soon as may be, after the declaration of a Local Planning Area, the Local Planning Authority shall, not later than one-year after such declaration or within such time as the State Government/ State Urban and Country Planning Board may, from time to time extend, prepare, after consultation with the Local Authorities concerned, if any and submit to the State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board, a plan (hereinafter called the "Interim Development Plan") for the planning area or any of its parts and such other area or area contiguous or adjacent to the planning area as the State Government/ State Urban and Country Planning Board may direct to be included in the Interim Development Plan.

- (2) The Interim Development Plan shall-
- (a) indicate broadly the manner in which the Local Planning Authority proposes that land in such area should 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 play grounds ;
 - (iii) for such other purposes as the Local Planning Authority may think fit ;
 - (c) indicate, define and provide-
 - (i) for existing and proposed national highways, arterial roads, ring roads, and major streets ;
 - (ii) the existing and proposed other lines of communication, including railways, airports, canals ;
 - (d) include regulations (hereinafter called zoning regulations) to regulate within each zone the location, height, number of story and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures, and land.
- (3) The Interim Development Plan may indicate, define and provide for-
- (i) the existing and proposed public and semi-public buildings; and
 - (ii) all or any of the purposes and matters as may be indicated, defined and provided for in the comprehensive development plan under section 19.
19. (1) As soon as may be, after the declaration of a Local Planning Area, the Local Planning Authority shall, but not later than 3 years after such declaration or within such time as the State Government/ State Urban and Country Planning Board may, from time
- Comprehensive
Development
Plan.

to time, extend, prepare after consultation with the Local Authorities concerned, and submit to the state Government /State Urban and Country Planning Board a plan (hereinafter called "Comprehensive Development Plan") for the planning area or any of its parts and such other area or areas contiguous or adjacent to the planning area as the State Government/ State Urban and Country Planning Board may direct to be included in the Comprehensive Development Plan.

- (2) The 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 Interim Development Plan with such modifications as the planning authority deems fit ;
 - (b) indicate, define and provide for-
 - (i) areas reserve 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) area reserved for public buildings and institutions and for new civic development ;
 - (vi) areas for future development expansion, and areas for new housing ;
 - (vii) amenities, services and utilities ;
 - (viii) all such matters as may be prescribed by the rules or may be directed by the State Government/ State Urban and Country Planning Board to be indicated, defined, and provided for ;

- (c) Include zoning regulations to regulate within each zone, the location, height, number of storey and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land ;
 - (d) Indicate the stages by which the plan is proposed to be carried out.
- (3) The Comprehensive Development Plan may-
- (a) indicate, define and provide for-
 - (i) all such matters as the Local Planning Authority may consider expedient to be indicated, defined and provided for in the development plan ;
 - (ii) detailed development of specific areas for housing, shopping centers, Industrial area and cultural institutions.
 - (iii) control of architectural features, elevation and frontage of buildings and structures ;
 - (b) designate, as land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purpose of-
 - (i) the Union of India, the State, Local Authorities or any other Authority established by law and public utility concerns ;
 - (ii) dealing satisfactorily with the area of bad layout or obsolete development and slum areas and provision for relocation of population ;
 - (iii) the provision of 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 sub-section (2);

- (4) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the development plan.

Development Plan prepared prior to the application of this Act to be deemed Development Plan under this Act.

20. If the Government has prepared a Development Plan for the planning area before the application of this Act to that area, the development plan already prepared may be deemed to be a development plan under section 18 or section 19 of this Act subject to reviews as deemed necessary for the proper planning and regulations of the Local Planning Areas by the Local Planning Authority.

Power of state government/ State Urban and Country Planning Board in case of default of Local Planning Authority to prepare Development Plan.

21. (1) Where, by virtue of the foregoing provisions of this Act, a development plan is to be prepared-
- (a) If within the period prescribed or within such period which the State Government / State Urban and Country Planning Board has extended, no development plan has been prepared, OR,
 - (b) If at any time the state Government/ State Urban and Country Planning Board is satisfied that the Local Planning Authority is not taking steps necessary to prepare such a development plan within that period, the State Government/ State Urban and Country Planning Board may direct the Director of Town Planning/ Chief Town Planner, of Town Planning, to prepare the development plan by itself or by hiring Professionals/Experts/ Consultants in the field as per rules.
- (2) After preparation of the development plan, the Director of Town Planning/ Chief Town Planner of Town Planning shall submit the development plan to the State Government/ State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board shall follow the procedure and exercise the powers of the Local Planning Authority under sections-22, 23, 24 and 25.

- (3) Any expenses incurred under this section in connection with the preparation of the Development Plan for the Planning area of Local Planning Authority, shall be paid by the Local Planning Authority from their own fund, resources available to Local Planning Authority.

CHAPTER-VI

Procedure for Approval and Preparation of Development Plan.

22. (1) As soon as may be, after the Development Plan has been submitted to the State Government/ State Urban and Country Planning Board, but not later than the time prescribed by the rules, the State Government/ State Urban and Country Planning Board may direct the concern Local Planning Authority to make such modifications in the development plan as the State Government/ State Urban and Country Planning Board thinks fit and thereupon the Local Planning Authority shall make these modifications.
- Consent of the State Government/ State Urban and Country Planning Board to the publication of notice of preparation of Development Plan.
- (2) The State Government/ State Urban and Country Planning Board shall, after the modifications, if any, have been made, give its consent to the publication of a public notice under section 23 (1), of the preparation of the Development Plan to the Concern Local Planning Authority.
23. (1) As soon as may be, after the Local Planning Authority had received the consent of the State Government/ State Urban and Country Planning Board to the publication of the notice under section 22 (2), the Local Planning Authority shall publish the public notice in the Official Gazette and in a local newspaper, of the preparation of the Development Plan and the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Development Plan within such period as may be specified in the notice:
- Public notice of the preparation of the Development Plan.

Provided that such period shall not be less than 2 months from the date the notice is published in the Official Gazette.

- (2) After the expiry of the period mentioned in sub-section (1), the Local Planning Authority shall appoint a Committee consisting of the officers from District Administration, Department of Urban Development and Town Planning and not less than two of its other members, to consider the objections filed under sub-section 23 (1) and report on them within such time as the Local Planning Authority may fix in this behalf.
 - (3) The Committee so appointed shall have power to co-opt any other person, such co-option being subject to the provision of section-13.
 - (4) Such Committee shall allow a reasonable opportunity of being heard, to any person, including representatives of Government Departments or Local Authorities, who has filed any objection, and who has made a request for being so heard.
 - (5) 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 Local Planning Authority shall consider the report of the Committee and may make such amendments in the Development Plan as it considers proper, and shall submit the Development Plan with or without modifications together with the report of the Committee to the State Urban and Country Planning Board.
- Approval by the State Government/ State Urban and Country Planning Board.
24. As soon as may be, after the submission of the Development Plan, but not later than the time prescribed by the rules, the State Government/ State Urban and Country Planning Board, may either approve the Development Plan or may approve it, with such modifications, as it may consider necessary, or may return the Development Plan to the concern Local Planning Authority to modify the plan or prepare a fresh plan in accordance with such directions as the State Government/ State Urban and Country Planning Board may issue in this behalf.

25. (1) Immediately after the Development Plan has been approved by the State Government/ State Urban and Country Planning Board, the Local Planning Authority shall publish a public notice in the Official Gazette and in a local newspaper, of the approval of the development plan for inspection. Coming into operation of the Development Plan.
- (2) From the date of publication of the aforesaid notice in the Official Gazette the Development Plan shall come into operation.
- (3) After the coming into operation of the Comprehensive Development Plan, the Interim Development Plan shall stand modified or altered to the extent the proposal in the Comprehensive Development Plan are at variance with the Interim Development Plan.
26. At any time after the date on which the Development Plan for an area comes into operation, and at least once in every 10 years after that date, the Local Planning Authority shall, after carrying out such fresh surveys as may be considered necessary or directed by the State Government/ State Urban and Country Planning Board prepare after consultation with the Local Authorities concerned, if any, and submit to the State Government/ State Urban and Country Planning Board, a Development Plan for any alteration or additions considered necessary by the Local Planning Authority to the Development Plan in operation. Amendment of Development Plans.

The provisions of Section-23, 24 and 25 with such modifications as may be necessary shall apply to such a Development Plan.

27. If the State Government/ State Urban and Country Planning Board is satisfied that a grave emergency exists which necessitates the suspension of any Development Plan or part of any Development Plan, it may, by a notification in the Official Gazette, suspend any Development Plan or any part of it. Suspension of Plan in emergency by State Government/ State Urban and Country Planning Board.

CHAPTER-VII

Control of Development and Use of Land

Use and Development of land to be in conformity with Development Plan.

28. After the coming into operation of any Development Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Development Plan.

Provided that the Local Planning Authority, may allow the continuance, for a period not exceeding 10 years, of the use, upon such terms and conditions as may be prescribed by the regulations made in this behalf, of any land for the purpose and to the extent, for and to which it is being used on the date on which such Development Plan came into operation.

Prohibition of Development without payment of Development charges and without permission.

29. (1) After the application of this Act to any area and subject to the provisions relating to the development charge and other provisions of this Act, no development, institution or change of use, of any land shall be undertaken or carried out in that area-

- (a) without obtaining a certificate from the Local Planning Authority certifying that the development charge as leviable under this Act has been paid or that no such development charge is leviable; and
- (b) without obtaining the permission in writing as provided for hereinafter:

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 affect only the interior of the building or which do not materially affect the external appearance of the building.
- (ii) for the carrying out by the Central or the State Government or any Local Authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;

- (iii) for the carrying out by Central or the State Government or any Local Authority of any works for the purpose of inspection, 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;
 - (iv) for the excavations (including wells) made in the ordinary course of agricultural operations
 - (v) for the construction of un-metalled road intended to give access to land solely for agricultural purposes ;
 - (vi) for normal use of land which has been used temporarily for other purposes ;
 - (vii) in case of land, normally used for one purpose and occasionally used for any other purpose or for the use of land for that other purpose on occasions ;
 - (viii) for use, for any purpose incidental to the use of a building for human habitation, or any other building or land attached to such building.
- (2) Any person or body (excluding a department of Central or State Government or Local Authority) intending to carry out any development on any land shall make an application in writing to the Local Planning Authority for permission in such forms and containing such particulars and accompanied by such documents and plans as may be prescribed by the rules or regulations-

Provided that in the case of a Department of Central or State Government or Local Authority (where the Local Authority is not also the Planning Authority) intending to carry out any development on any land, the concerned department or authority, as the case may be, shall notify in writing to the Local Planning Authority of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be prescribed by State Government/ State Urban and Country

Planning Board. At least, one month prior to the undertaking of such development where a Local Planning Authority has raised any objection in respect of the conformity of the preparation, or to any of the building bye-laws in force at the time, or due to any other material consideration, under sub-section (4), the Department or the authority, as the case may be, shall-

- (i) either make necessary modifications in the proposals for development to meet the objections raised by the State Government/ State Urban and Country Planning Board / Local Planning Authority, or
- (ii) submit the proposals for development together with the objections raised by the Local Planning Authority to the State Government/ State Urban and Country Planning Board for decision.

The State Government/ State Urban and Country Planning Board on receipt of the proposals for development together with the objections of the Local Planning Authority, shall in consultation with the Director of Town Planning/ Chief Town Planner, either approve the proposals with or without modifications or direct the concerned Department or Local Authority as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

The provisions of sub-section (3) shall not apply in this case.

- (3) On such application having been duly made, and on payment of the development charge as may be assessed under Chapter- VIII,
 - (a) the Local Planning Authority may pass an order-
 - (i) granting permission unconditionally ; or
 - (ii) granting permission subject to such conditions as it may think fit ; or
 - (iii) refusing permission ;

- (b) without prejudice to the generality of the foregoing clause, the Local

Planning Authority may impose conditions-

- (i) to the effect that the permission granted is only for a limited period and after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued ;
 - (ii) for regulating the development of use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to Local Planning Authority expedient for the purpose of the permitted development.
- (4) The Local Planning Authority in dealing with the applications for permission shall have regard to-
- (i) the provisions of the Development Plan, if it 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 ; and
 - (iii) any other material consideration.
- (5) When permission is granted subject to conditions or is refused, the grounds of imposing such refusal be recorded in the order.
- (6) Any such order shall be communicated to the applicant in the manner prescribed by regulations.
- (7) The Local Planning Authority may, by a resolution, delegate any of its functions and powers under this section to-
- (a) any Local Authority,
 - (b) any officer of the State Government with previous approval of the Government for such delegation, or

- (c) any officer of the Local Planning Authority or Local Authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

Appeal against grant of permission subject to conditions or refusal of Permission.

30. (1) Any applicant aggrieved by an order passed under the last foregoing section, or if no order is passed under sub-section (2) of the last foregoing section, may appeal within one month of the communication of that order to him, or after the expiry of the aforesaid period of three months, in the manner and accompanied by such fees as may be prescribed by the rules, to the State Government/ State Urban and Country Planning Board.
- (2) The State Government/ State Urban and Country Planning Board, after receiving the appeal, may give a reasonable opportunity to the appellant and the concern Local Planning Authority to be heard or any other person appointed by the State Government/ State Urban and Country Planning Board on their behalf to give a reasonable opportunity to the appellant and the Local Planning Authority concerned to be heard and to submit thereafter his report on the appeal to the State Government/ State Urban and Country Planning Board.
- (3) After hearing the appellant and the Local Planning Authority concerned or after considering the aforesaid report the State Government/ State Urban and Country Planning Board may pass an order dismissing the appeal or accepting the appeal by -
- (i) granting permission unconditionally : or
 - (ii) granting permission subject to such condition as it may think fit : and
 - (iii) removing the conditions subject to which permission has been granted and
 - (vi) imposing other conditions, if any as it may think fit.

(4) The State Government/ State Urban and Country Planning Board may, by a resolution, delegate any of its functions and powers under this section to the Secretary, State Urban and Country Planning Board, in such cases and subject to such conditions, if any as may be specified therein.

31. Every permission for any development granted under this Act shall remain in force for three years only from the date of such permission: Lapse of permission

Provided that the State Government/ State Urban and Country Planning Board and Local Planning Authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period for such time as it may think proper; but such extended period shall in no case exceed three years:

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

32. (1) Where any person, interested in the land aggrieved by an order in appeal under section -30 refusing to grant permission to develop the land or granting permission subject to conditions, claims – Obligation to acquire on refusal of permission, or on grant of permission in certain cases.
- (a) that the land has become incapable of reasonable beneficial use in the existing state or
- (b) in a case where permission to develop the land was granted subject to conditions, that the land cannot be rendered capable to reasonably beneficial use by carrying out the permitted development in accordance with these conditions, he may within three months and in the manner prescribed by the rules, serve on the State Government a notice (hereinafter referred to as an acquisition notice) requiring the State Government to acquire his interest in the land.
- (2) A copy of such notice shall at the same time be served on the State Urban and Country Planning Board and the Local Planning Authority concerned.

(3) After receiving notice under sub-section (1), the State Government shall appoint a person who shall give reasonable opportunity to the person interested serving the acquisition notice, the Local Planning Authority concerned, and after hearing shall submit a report thereon to the State Government/ State Urban and Country Planning Board; after receiving such report, the State Government/ State Urban and Country Planning Board,

(a) (i) if satisfied that the conditions specified in clause (a) or (b) of sub-section (1), are not fulfilled,

or

(ii) if the order appealed against was passed on the ground of not complying with any provisions of this Act, rules or regulations that may be applicable, shall pass an order refusing to confirm the notice;

(b) if satisfied that the conditions specified in clauses (a) or (b) of sub-section (1) are fulfilled regarding the land or any part of the land, shall pass an order;

(i) confirming the notice;

or

(ii) directing the Local Planning Authority to grant such permission to develop the land or grant the permission subject to such conditions as will keep the land capable of reasonably beneficial use.

(4) If within the period of 3 (three) years from the date on which an acquisition notice is served under sub-section (1), the State Government/ State Urban and Country Planning Board have not passed any order under the last foregoing sub-section, the notice shall be deemed to have been confirmed at the expiration of that period.

- (5) Upon confirmation of the notice under either of the two last foregoing sub-sections, the State Government/ State Urban and Country Planning Board shall proceed to acquire the land or that part of any land regarding which the notice has been confirmed within 3 (three) years of the confirmation of the acquisition notice.
33. (1) Where an order in appeal under section -30, refusing to grant permission, or granting, permission subject to conditions, relates to any of the following developments –
- Compensation for refusal of permission or grant of permission subject to conditions in certain cases.
- (a) the re-erection of a building which has been destroyed or demolished so long as the cubic content of the original building is not exceeded by more than one-tenth;
 - (b) the enlargement, improvement or other alteration of any building which was in existence on the date, a development plan relating to the area comes into operation for the first time, so long as the cubic content of the original building is not exceeded by more than one-tenth;
 - (c) the carrying out, on 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 building used for the purpose of marketing of the produce of land;
 - (d) where any part of any building or other land which on the date of coming into operation for the first time of a development plan relating to the area 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 day, or as the case may be, one-tenth of the area of the land so used on that date, the owner may, within the time and in the manner prescribed by rules under this Act claim upon the Local Planning

Authority, if he has not been served an acquisition notice, or if the acquisition is not confirmed by the State Government/ State Urban and Country Planning Board under Section -30, compensation for such refusal or for grant of permission subject to conditions :

Provided that no compensation shall be claimable if such refusal or grant of permission subject to condition was based on any provision of any Development Plan.

- (2) The compensation shall be equal to –
 - (a) where permission is refused, the difference between the value of the land as if the permission had been granted and the value of the land in its existing state;
 - (b) where permission is granted subject to conditions. The difference between the value of the land as if the permission had been granted unconditionally and the value of the land with the permission granted subject to conditions.
- (3) When a claim is received by the Local Planning Authority, a special officer with sufficient knowledge on the subject nominated for the purpose shall, after giving an opportunity of being heard to the applicant, make a report to the Local Planning Authority.
- (4) The Local Planning Authority shall, after consideration of the aforesaid report, assess the compensation and offer it to the owner.
- (5) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the Local Planning Authority shall refer the matter for the abdication of the Court and the decision of the Court shall be final and binding on the owner and the Local Planning Authority.

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

Power of revocation and modification of permission to develop .

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;
 - (ii) shall be passed after these operations have been completed ;
 - (b) where permission relates to a change of use of land, such order shall be passed at any time after the change has taken place.
- (2) When permission is revoked or modified by an order as under the last foregoing section, if the owner claims from the Local Planning Authority, within the time and in the manner prescribed compensation for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission which has been rendered abortive by the revocation or modification, the Local Planning Authority shall after giving the owner reasonable opportunity of being heard offer such compensation to the owner as it thinks fit.
- (3) If the owner does not accept the compensation and gives notice within such time as may be prescribed, of his refusal to accept, the Local Planning Authority shall refer the matter to the adjudication of the Court and the decision of the Court shall be binding and final on the owner and the Local Planning Authority

Penalty for unauthorized development or for use otherwise than in conformity with the development plan.

35. (1) Any person whether at his own instance or at the instance of any other person or anybody commences, undertakes or carries out development, institutes or changes any use of any land –
- (a) in contravention of any development plan ;
 - (b) without obtaining a certificate regarding development changes under section 29 (1) (a) ;
 - (c) without permission as required under this Act ;
 - (d) in contravention of any condition subject to which permission has been granted ;
 - (e) after the permission for development has been revoked under section 34 ; or
 - (f) in contravention of the permission which has been modified under section 34, shall be punishable with a fine which may extend to twenty thousand rupees, and in the case of a continuing offence with a further fine which may extend to five hundred rupees for every day during which the offence continue after conviction for the first commission of the offence or imprisonment of three months or both.
- (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 28, 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 a fine which may extend to twenty thousand rupees and in the case of a continuing offence with a further fine which may extend to five hundred and fifty rupees for every day during which such offence continues or imprisonment of three months periods after conviction for the first commission of the offence or both.

36. (1) Where any development of land has been carried out as described in section 35, the Local Planning Authority may, within four years of such development, serve on the owner a notice requiring him, within such period, being not less than one month, as may be specified therein, after the service of the notice, to take such steps as may be specified in the notice,
- Power to require removal of unauthorized development.
- (i) in case specified in clause (a), (c), or (e) thereof to restore the land to its condition before the said development took place ;
 - (ii) in cases specified in clause (d) or (f) thereof to secure compliance with the conditions or with the permission as modified ;
 - (iii) in case specified in clause (b) to pay the development charge and such penalty, if any, as may be prescribed by the Rules, and, in particular, any such notice may, for the purpose aforesaid require –
 - (i) the demolition or alteration of any buildings or works ;
 - (ii) the carrying out on land, of any building or other operations ; or
 - (iii) the discontinuance to any use of land ;
- Provided that in the case the notice requires the discontinuance of any use of land the Local Planning Authority shall serve a notice on the occupier also.
- (2) any person aggrieved by such notice may, within the said period and in the manner prescribed –
- (a) apply for permission under section 29, of this Act 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 State Government/ State Urban and Country Planning Board.
- (3) (a) the notice shall be of no effect pending the final determining or withdrawal of the application or the appeal.

- (b) (i) the provisions of the foregoing sections 29 and 30 shall apply to such application with such modifications as may be necessary.
 - (ii) if such permission as aforesaid is granted on that application the notice shall not take effect, or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land, the notice shall not take effect regarding such buildings or works or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.
- (4) On an appeal made to the State Government/ State Urban and Country Planning Board under sub-section (2), the Director Town Planning/ Chief Town Planner, as the Secretary to the State Urban and Country Planning Board or any other person appointed by him in their behalf shall, after allowing a reasonable opportunity of being heard to the appellants and the Local Planning Authority concerned, submit his report to the State Government/ State Urban and Country Planning Board.
- (5) After considering the aforesaid report, the State Government/ State Urban and Country Planning Board may dismiss the appeal or accept the appeal by quashing or varying 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 the application for permission or the appeal under the sub-section (2), the notice or so much of it as continues to have effect, or the notice with variation made in appeal, is not complied with, the Local Planning Authority may –
- (a) prosecute the owner for not complying with the notice and in the case where the notice required the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice and;

(b) (i) in the case of a notice requiring the demolition or alteration of any building or works or carrying out of any building 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 as modified, by taking such steps as the Local Planning Authority may consider necessary including demolition or alteration of any building or works of carrying out of any building or other operations .

(ii) The Local Planning Authority shall 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 sub-section 6 (a) shall be punishable with a fine which may extend to twenty thousand rupees, and in the case of continuing offence, with a further fine of Rupees five hundred every passing day during which such offence continues or imprisonment of three months period after conviction for the first commission of the offence or both including confiscation of the said land.

37. (1) Where any development of land as described in Section 35 is being carried out but has not been completed, the Local Planning Authority may serve on the owner and the person carrying out the development a notice requiring the development of land to be discontinued from the time of the service of such notice. Power to stop unauthorized development and requisition of Police.

(2) where such notice has been served, the provisions of sub-sections (4) and (5) of section 36 shall apply with such modification as may be necessary:

Provided that provisions of clauses (a) of sub-section (3) of section-36 shall not apply and in spite of the filing of an application for permission for development or an appeal as provided in sub-section (2) of section 36, the notice shall continue to have full effect.

- (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, after such notice has been served shall be punishable with a fine which may extend to twenty thousand 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 serving of the notice during which the non-compliance has continued or continues or imprisonment of three months period from date of conviction for the first commission of the offence or both.
- (4) If such notice is not complied forthwith the Local Planning Authority or such officer of the Local Planning Authority, who may be authorized in this behalf, may requisition any police officer to remove such person and all assistants and workmen from the land at any time after the service of such notice and such police officer shall comply with the requisition accordingly.
- (5) After the requisition under sub-section (4) has been complied with, the Local Planning Authority or such officer of the Local Planning Authority who may be authorized in his behalf, may if he thinks fit, depute by a written order, a police officer or any officer or employee of the Local Planning Authority to watch the land in order to ensure that the development is not continued.
- (6) Where a police officer or an officer or employee of the Local Planning Authority has been deputed under sub-section (5) to watch the land, the cost of such deputation 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 arrears of land revenue.

Power to
require removal
of authorized
development of
use.

38. (1) If it appears to a Local Planning Authority that it is expedient in the interest of proper planning of its areas (including the interests of amenities) having regard to the Development Plan prepared or under preparation, or to be prepared, and to any other material consideration –

- (a) that any use of land should be discontinued ;
or
- (b) that any conditions should be imposed on the
continuance thereof ; or
- (c) that any buildings or works should be altered
or removed the Local

Planning Authority may, by notice served on
the owner, -

- (i) require the discontinuance of that use; or
 - (ii) impose such conditions, as may be speci-
fied in the notice on the continuance
thereof ; or
 - (iii) require such steps, as may be specified
in the notice to be taken for the alteration
or removal of any buildings or works, as
the case may be, within such period,
being not less than one month, as may
be specified therein, after the service of
the notice.
- (2) Any person aggrieved by such notice may within
the said period and in the manner prescribed,
appeal to the Board / Authority.
- (3) If an appeal is filed under the last foregoing sub-
section the provisions of clause (a) of sub-section
(3) and sub-section (4) and (5) of Section 36 shall
apply with such modifications as may be neces-
sary.
- (4) If any person -
- (i) 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 to or by being
disturbed in his enjoyment of the land or
 - (ii) who has carried out any works in
compliance with the notice claims from
the Local Planning Authority, within the
time and in the manner 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) to (5) of section 33 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 under this section claims that by the reason of the 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 State Government, and acquiring his interest in the land to be acquired.
- (b) When a notice is served under the last foregoing sub-section the provisions of sub-sections (2) to (5) of section 32 shall apply with such modifications as may be necessary.

CHAPTER-VIII

Levy, Assessment and Recovery of Development Charge.

Levy of
development
charge..

39. (1) Subject to the provisions of this Act, and the rules so made under it and with previous sanction of the State Government/ State Urban and Country Planning Board, every Local Planning Authority shall by a notification published in the Official Gazette, levy a charge (hereinafter called Development Charge) on the carrying out of any development or the institution or change of use of land, for which permission is required under Chapter VI of this Act, in the whole or any part of the planning area, at rates specified in section 40:

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

- (2) The charge shall be leviable on any 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 development or institution of or change of use of any land vested in or under the control or possession of the Central Government/State Government or any Local Authority.
- (4) The State Government/ State Urban and Country Planning Board, may by rules provide for the exemption from the levy of the development charge any development, or institution or change of any use of any land specified in the rules;

40. The Development Charge shall not exceed;	Rates of the development charge.
(1) (a) For the institution of use:	
(i) for residence Rs..... 5/- per.sq. meter.	
(ii) for industry Rs..... 50/- per.sq. meter.	
(iii) for commerce Rs..... 25/- per.sq. meter.	
(b) For change of use:	
(i) from agriculture to residence... Rs.25/- per.sq. meter.	
(ii) from agriculture to industry ... Rs.50/- per.sq. meter.	
(iii) from agriculture to commerce... Rs.25/- per.sq. meter.	
(iv) from residence to industry ... Rs.50/- per.sq. meter.	
(v) from residence to commerce ... Rs.25/- per.sq. meter.	
(vi) from industry to residence ... Rs.50/- per.sq. meter.	
(vii) from industry to commerce ... Rs.25/- per.sq. meter.	
(2) For carrying on of development ... Rs.5/- per cu by erection or re-erection of any building of works.	bic meter of the content of such building or works.

Note: The amount may be reviewed by the Government from time to time.

Assessment of
development
charge.

41. (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 VI 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 Planning Authority /Local Planning Authority in the manner prescribed for the assessment of development charge payable in respect thereof.
- (2) The State Urban and Country Planning Board / Local Planning 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 whether or not and if so, what development charge is leviable in respect of that development or use.
- (3) The Special Officer nominated for the purpose 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 Local Planning Authority and State Urban and Country Planning Board.
- (4) After taking into consideration the aforesaid report the Local Planning Authority and State Urban and Country Planning Board 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 District Urban Development and State Urban and Country Planning Board may postpone the assessment of the development charge;
- (b) where the application relates to the carrying out of any development, the Local Planning Authority and State Urban and Country Planning Board 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 Local Planning Authority and State Urban and Country Planning Board considers appropriate;

- (c) Where the application relates to the institution or change of any use the Local Planning Authority and State Urban and Country Planning Board may refuse to assess the amount of development charge in respect thereof unless it is satisfied that the use will be instituted within such period as the Local Planning Authority considers appropriate.
- (5) The Local Planning Authority and State Urban and Country Planning Board shall deliver or serve a copy of such order on the applicant or the person liable for the development charge
- (6) Such order of assessment, subject to provisions of section 42, shall be final and shall not be questioned in any court.
42. (1) If any person, liable for such development charges is dissatisfied with the order of assessment, he may, within such time and in such manner as may be prescribed appeal to the State Government/ State Urban and Country Planning Board. Appeals against assessment.
- (2) On an appeal made to the State Government/ State Urban and Country Planning Board under subsection (1), the Director Town Planning/ Chief Town Planner, as the Secretary to the State Government/ State Urban and Country Planning Board, shall after giving reasonable opportunity of being heard to such person and the Local Planning Authority concerned make a report to the State Government/ State Urban and Country Planning Board.
- (3) The State Government/ State Urban and Country Planning Board may after taking into consideration

the aforesaid report and if it deems necessary, giving a reasonable opportunity of being heard to such person and the Local Planning Authority concerned, pass such order as it deems fit.

- Development charge to be a charged on land to be recoverable as arrears of land revenues.
43. (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 provision of this chapter, 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 in the land on which development has been commenced or carried out or the use has been instituted or changed, and also in any other land in which such person has any interest.
- (2) The development charge shall be recoverable as arrears of land revenue.

CHAPTER – IX

Finance, Accounts, and Audit

- Funds of the Local Planning Authority.
44. (1) Every Local Planning Authority shall have and maintain its own fund to which shall be credited –
- (a) All moneys received by the Local Planning Authority from the State Government by way of grants, loans, advances, or otherwise;
 - (b) All development charges or other charges or fees received by the Local Planning Authority under this Act or rules or regulations made thereunder;
 - (c) All moneys received by the Local Planning Authority from any other source.
- (2) The fund shall be applied towards meeting –
- (a) The expenditure incurred in the administration of this Act;
 - (b) The cost of acquisition of land in the planning area for purposes of development ;
 - (c) The expenditure for any development of land in the planning area, and
 - (d) The expenditure for such other purposes as the State Government/ State Urban and Country Planning Board may direct.

- (3) Every Local Planning Authority may keep in current account of the State Bank of India or any other bank approved by the State Government/ State Urban and Country Planning Board in this behalf such sum of money out of its funds as may be prescribed by the rules and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government/ State Urban and Country Planning Board.
- (4) The State Government/ State Urban and Country Planning Board may, make such grants, advances and loans to any Local Planning 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 State Government/ State Urban and Country Planning Board may determine.
45. Every Local Planning Authority shall prepare in such form and at such time every year as may be prescribed by the rules a budget in respect of the financial year next ensuring showing the estimated receipts and expenditure of the Local Planning Authority and shall forward to the State Government/ State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board such number of copies thereof as may be prescribed by rules.
46. (1) Every Local Planning Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as the State Government may by rules prescribe.
- (2) The accounts of every Local Planning Authority shall be subjected to audit annually by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the Local Planning Authority to the Accountant General.
- (3) The Accountant General or any person appointed by him in connection with the audit of accounts of the Local Planning Authority shall have the same right, privilege and authority in connection with
- Budget of the Local Planning Authority.
- Accounts and Audit.

such audit as the Accountant General has in connection with the Government accounts and in particular shall have the right to demand the production of books accounts, connected vouchers and other documents and papers and to inspect the office of the Local Planning Authority.

- (4) The accounts of every Local Planning Authority as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government/ State Urban and Country Planning Board .

Annual Reports.

47. (1) The State Government/ State Urban and Country Planning Board shall prepare for every year a report of its activities during that year and submit the report to the State Government/ State Urban and Country Planning Board in such form and on or before such date as may be prescribed by rules and the Government shall cause a copy of the report to be laid before the State Legislature.

- (2) Every Local Planning Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government/ State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board in such form on or before such date as may be prescribed by rules.

Pension and provident funds.

48. (1) Every Local Planning Authority shall constitute for the benefit of its whole time paid members and of its officers and other employees, in such manner and subject to such conditions as may be prescribed by rules, such pension and provident funds as it may deem fit.

- (2) Where any such pension or provident fund has been constituted, the State Government/ State Urban and Country Planning Board may declare that the provisions of the Government Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER-X

Supplemental and Miscellaneous Provisions

49. (1) The Director Town Planning/ Chief Town Planner, as the Secretary to State Urban Development & Planning Authority or any other Officer of Local Planning Authority or any person authorized by the State Government/ State Urban and Country Planning Board or any Local Planning Authority in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of -
- Power on entry.
- (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 market 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 acts 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 a building no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least 24 hours notice in writing of the intention to enter;
 - (ii) sufficient opportunity shall in every instance 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 power of the Director Town Planning/ Chief Town Planner, as the Secretary, State Urban Development & Planning Authority under sub-section (1) shall extend to the whole of the State and the power of any other officer of any Local Planning Authority under sub-section (1) shall extend only to its planning area and such other area which the State Government/ State Urban and Country Planning Board may have directed to be included in a Development Plan.

(3) Any person who obstructs the entry of a person empowered or authorized 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 five thousand rupees, or with both.

Service of
Notice etc.

50. (1) All documents including notices and orders required by this Act or any rule or regulation made there under to be served upon any person shall, save as otherwise provided in this Act or rule or regulation, 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 any other body at its Principal branch, local or registered office as the case may be and is either –

- (i) sent by registered post to such office ;or
- (ii) delivered at such office;

- (b) Where the person to be served is 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 authorized to be served on the owner or occupier of any land or building may be addressed “the owner” or “the 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 sent or delivered 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 State Urban and Country Planning Board/Local Planning Authority/Sub-divisional Planning Authority or any other officer authorized by the State Urban and Country Planning Board/Local Planning Authority/Sub-divisional Planning 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 served upon the minor.
- (6) A servant is not a member of the family within the meaning of this section.

Public notice
how to be
made known.

51. Every public notice given under this Act or rules or regulations there under shall be in writing over the signature of the Chairman/ Secretary to the State Urban and Country Planning Board and Chairman/Member Secretary Local Planning Authority/Sub-divisional Planning Authority or such other officer who may be authorized in this behalf by the State Urban and Country Planning Board/ Local Planning Authority/Sub-divisional Planning Authority 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 Chairman/ Secretary to the State Urban and Country Planning Board and Chairman/Member Secretary , Local Planning Authority/Sub-divisional Planning Authority thinks fit.

Notices etc. to
fix reasonable
time.

52. Where any notice order or other document issued or made under this Act or any rule or regulation made there under requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations there under the notice order or other document shall specify a reasonable time for doing the same.

53. All permissions, orders, decisions, notices and other documents of the State Urban and Country Planning Board and any Local Planning Authority shall be authenticated by the signature of the Chairman/ Secretary to the State Urban and Country Planning Board or Chairman/ Member Secretary of the Local Planning Authority or such other officer as may be authorized by the State Urban and Country Planning Board, or the Local Planning Authority in this behalf. Authentication of orders and documents of the State Urban and Country Planning Board and the Local Planning Authority.
54. A copy of any receipt, application, plan, notice, order, entry in register, or other document in the possession of the State Urban and Country Planning Board or any Local Planning Authority, if duly certified by the legal keeper thereof, or other person authorized by the State Urban and Country Planning Board or the Local Planning Authority in this behalf, shall be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transaction therein recorded in every case where, and to the same extent as, the original entry or document would, if produced have been admissible to prove such matters. Mode of proof of records of the State Urban and Country Planning Board and the Local Planning Authority.
55. No Chairman/ Secretary/Member Secretary, member or officer or servant of the State Urban and Country Planning Board or any Local Planning Authority shall in any local proceeding to which the State Urban and Country Planning Board or Local Planning Authority is not a party be required to produce and register or document the contents of which can be proved under the preceding section by a certified copy, or to appeal as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause. Restriction on the summoning of officers and servants of the State Urban and Country Planning Board and Local Planning Authority.
56. (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; Offences by Companies.

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 of 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 convenience 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 officers shall be liable to be proceeded against and punished accordingly.

Explanation – For the purpose 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.

Penalty for obstructing Contractor or removing mark.

57. If any person –obstructs, or molests any person engaged or employed by the State Urban and Country Planning Board or any Local Planning Authority/Sub-divisional Planning Authority, or any person with whom the State Urban and Country Planning Board or the Local Planning Authority has entered into a contract in the performance or execution by such person of his duty or of any thing which he is empowered or required to do under this Act, or removes any mark set up for the purposes of indicating any level or direction necessary to the execution of works authorized under this Act, he/she shall be punishable with fine which may extend to ten thousand rupees or with imprisonment for a term which may extend to six months or both.

Sanction of prosecution.

58. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the State Urban and Country Planning Board or the Local Planning Authority concerned or any officer authorized by the State Urban and Country Planning Board or the Local Planning Authority in this behalf.

59. (1) The State Urban and Country Planning Board or the Local Planning Authority concerned or any person authorized in this behalf by general or special order may either before or after the institution of the proceedings compound any offence made punishable by or under this Act. Compound of offences.
- (2) When an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.
60. No Court inferior to that of a magistrate of the first class shall try an offence punishable under this Act. Jurisdiction of Courts.
61. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973; it shall be lawful for any Court of a Magistrate of the first class to pass any sentence authorized by this Act in exercise of its power under the said section. Magistrate's power to impose enhanced penalties.
62. All fines realized in connection with prosecution under this Act shall be paid to the Local Planning Authority concerned. Fine when realized to be paid to Local Planning Authority.
63. Every member and every officer and other employee of the State Urban and Country Planning Board and every Local Planning Authority/Sub-divisional Planning Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Members and officers to be public servants.
64. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulations made there under. Protection of action taken in good faith.
65. Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Urban and Country Planning Board / Chairman/ Secretary to the State Urban and Country Planning Board or order passed or notice issued by any Local Planning Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding. Finality of orders.

Validation of
acts and
proceedings.

66. (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 State Urban and Country Planning Board or any Local Planning Authority;
 - (b) any person having ceased to be a member;
 - (c) any person associated with the State Urban and Country Planning Board or any Local Planning Authority under section 13 having voted in contravention of the said section; or
 - (d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or
 - (e) any omission, defect or irregularity not affecting the merits of the case.
- (2) Every meeting of the State Urban and Country Planning Board and any Local Planning Authority, the minutes of the proceedings of which have been duly signed as prescribed in sub-section (4) of section 6 and section (4) of section 12 shall be taken to have been duly convened and to be free from all defects and irregularity.

Power to
delegate.

67. (1) The State Urban and Country Planning Board may, by a resolution, direct that any power exercisable by it under this Act, rules or regulations there under may also be exercised by any Local Planning Authority, Local Authority, or any officer of the State Urban and Country Planning Board or the State Government with previous consent of State Government/ State Urban and Country Planning Board/ Local Planning Authority or Local Authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.
- (2) The Director Town Planning/ Chief Town Planner, in the capacity of Secretary to the State Urban and Country Planning Board, may by an order in writing delegate any power exercisable by him under this

Act, rules or regulations to any officer of the State Urban and Country Planning Board or the State Government or any Local Planning Authority or Local Authority in such case and subject to such conditions, if any, as may be specified therein.

- (3) Any Local Planning Authority may, by a resolution direct that any power exercisable by it under this Act, rules, or regulations there under 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 State Government/ State Urban and Country Planning Board with previous consent of State Government/State Urban and Country Planning Board or Local Authority as may be mentioned therein, in such cases and subject to such conditions, if any as may be specified therein.
- (4) The Officer from Directorate of Town Planning of any Local Planning Authority may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations to any officer of the Local Planning Authority or Local Authority concerned, in such cases and subject to such conditions, if any as may be specified therein.
68. (1) The Local Planning Authority shall carry out such directions as may be issued from time to time by the State Government/ Secretary to the State Urban and Country Planning Board for the efficient administration of this Act and every Local Planning Authority shall carry out such directions as may be issued from time to time by the Secretary to the State Urban and Country Planning Board for the purpose. Control by the State Government/State Urban and Country Planning Board.
- (2) If in connection with the exercise of its powers and discharge of its functions by any Local Planning Authority under this Act, any dispute arises between the Local Planning Authority and any other Local authorities or parties, the decision of the State Urban and Country Planning Board on such disputes shall be final.

- Returns and information. 69. Every Local Planning Authority shall furnish to the State Urban and Country Planning Board such reports, returns and other information as the State Urban and Country Planning Board may from time to time as required.
- Effect of the laws. 70. (1) Save as aforesaid, the provisions of this Act and the rules and regulations made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law.
- (2) Notwithstanding anything contained in any such 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 unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;
- (b) When permission for such development has not been obtained under this Act such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.
- Power to make rules. 71. (1) The State Government /State Urban and Country Planning Board may, by notification in the Official Gazette, 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 functions and powers of the State Urban and Country Planning Board and Local Planning Authority;
- (b) the term of office and conditions of service of the Chairman and members of the State Urban and Country Planning Board and Local Planning Authority .

- (c) the qualification and disqualification for being chosen as and for being members of the State Urban and Country Planning Board or Local Planning Authority.
- (d) the time and place of holding and the procedure to be followed in meetings of the State Urban and Country Planning Board ;
- (e) the functions and powers, duties of the Town Planners/Architects/Engineers or any other professionals hired under section 13; the term of his office and conditions of his service;
- (f) the manner of nomination of representatives of Local Authorities under section 9 (3)
- (g) The manner in which and the purposes for which any State Urban and Country Planning Board /Local Planning Authorities may associate with itself any persons under section 13.
- (h) the control and restriction in relation to the appointment of officers and other employees of the State Urban and Country Planning Board and of Local Planning Authority.
- (i) the time within which the State Urban and Country Planning Board is to direct modifications in, or to give its consent for publication of notice of preparation of and approval to any development plan;
- (j) the form and content of the interim development plan and the comprehensive development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form and the manner of publication of the notice relating to such plan;
- (k) the periodical amendment of development plans, the period on the expiration of which such an amendment may be taken up, procedure to be followed in making such amendment; *
- (l) the form in which any application for permission for development shall be made, the particulars to be furnished in such application and documents and plans which shall accompany such application;
- (m) the form of registration of application and the particulars to be contained in such register;

- (n) the manner of filing, and the fees to be paid for, and the procedure to be followed in, appeals;
- (o) the manner in which an acquisition notice is to be served and claim for compensation is to be made, the time within which such claim is to be made and the procedure to be followed for assessment of compensation;
- (p) procedure for the levy of development charges and exemption from it on any development or institution or change of any use of any land;
- (q) the manner in which application of the assessment of development charge is to be made;
- (r) the sum of money that may be kept in current account;
- (s) the form of the budget of Local Planning Authorities, the date on or before which it shall be prepared, the manner of preparing it, the number of copies that have to be sent to State Government/State Urban and Country Planning Board ;
- (t) the form of the annual statement of accounts and balance sheet;
- (u) the form of the annual report of the State Urban and Country Planning Board and the date on or before which it shall be submitted to the State Government;
- (v) the form of the annual report of Local Planning Authorities and date on or before which it shall be submitted to be State Government/State Urban and Country Planning Board;
- (w) the manner and the constitution of provident funds for the whole time paid members and officers and other employees of Local Planning Authorities/State Urban and Country Planning Board;
- (x) and the conditions subject to which such funds may be constituted;
- (y) the documents of which copies may be granted, the fees for such copies;

- (z) any other matter which has to be or may be prescribed by rules.
72. The State Government/State Urban and Country Planning Board may make regulations consistent with this Act and the rules made there under, to carry out the purpose of this Act and without prejudice to the generality of this power such regulations may provide for –
- Power to make regulation
- (a) the time and place of holding and procedure to be followed in meetings of the Local Planning Authority/Local Authority, the number of members necessary to form a quorum therein;
 - (b) the powers and duties of the officers and employees of the Local Planning Authority/Local Authority ;
 - (c) the salaries, allowances and conditions of service of its officers and employees;
 - (d) The terms and conditions for the continuance of use of any land use otherwise than in conformity with a development plan or perspective plan or an annual plan;
 - (e) The form of application, details of particulars, documents and plans and amount of fee to accompany the application.
 - (f) The principles, building bye-laws, guidelines, planning norms and standards, regulations, conditions and restrictions in accordance with which developments may be undertaken or regulated ; and
 - (g) Any other matter which has to be or may be prescribed by rules and regulations and or any matter for efficient administration of the objectives of this Act.
73. Every rule made by the Government of Arunachal Pradesh under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Arunachal Pradesh, while it is in session, for a total period of ten 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 session or the successive sessions aforesaid, the Legislative
- Laying of rules before state legislature

Assembly makes any modification in the rule or resolves 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 such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Dissolution of
Local Planning
Authority

74. (1) Where the State Government /State Urban and Country Planning Board is satisfied that the purposes for which any Local Planning Authority was established under this Act have been substantially achieved so as to render the continued existence of the Local Planning Authority in the opinion of the State Government /State Urban and Country Planning Board unnecessary the State Government/State Urban and Country Planning Board, may, by notification in the Official Gazette declare that the Local Planning Authority shall be dissolved with the effect from such date as may be specified in the notification and the Local Planning Authority shall be deemed to be dissolved accordingly.

(2) From the said date-

- (a) all properties, funds and dues which are vested in, or realizable by, the Local Planning Authority shall vest in, or be realizable by the State Government/ State Urban and Country Planning Board;
- (b) all liabilities which are enforceable against the Local Planning Authority shall be enforceable against the State Government/ State Urban and Country Planning Board; and
- (c) For the purpose of realizing properties, funds and dues referred to in clause (a), the functions of the planning authority shall be discharged by the State Government/ State Urban and Country Planning Board.

Sunil Choudhury,
Secretary to the
Government of Arunachal Pradesh,
Itanagar.



सबमेव जयते

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EXTRAORDINARY

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GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 7th May, 2026

No. LAW/LEGN-2/2026.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Sixth Session of the Eighth Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 5th May, 2026)

THE ARUNACHAL PRADESH URBAN AND COUNTRY PLANNING (AMENDMENT) ACT, 2026 (Act No. 10 of 2026)

An

Act

further to amend the Arunachal Pradesh Urban and Country Act, 2007 (No. 3 of 2008).

BE, it enacted by the Legislative Assembly of Arunachal Pradesh in the seventy-seventh year of Republic of India as follows :-

- | | |
|---|--|
| Short title and Commencement and application. | 1. (1) This Act may be called the Arunachal Pradesh Urban and Country (Amendment) Act, 2026.
(2) It shall come into force on the date of its publication in the Official Gazette. |
| Amendment of Section. | 2. In the Arunachal Pradesh Urban and Country Act, 2007 (Act No. 3 of 2008) hereinafter referred to as the principal Act, after sub-section (XXIX) of Section 2, the following sub-sections shall be inserted namely :-
(xxx) "Development Control Regulation" means regulations for development in proposed zones.
(xxxi) "final plot" means a plot reconstituted from an original plot and allotted in a town planning scheme as a final plot ;
(xxxii) "local area plan" means a statutory planning mechanism to guide and facilitate re-development of already developed areas of the city in a systematic and organised manner ;
(xxxiii) "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 :-
(a) Railway ;
(b) National highway ;
(c) National waterways ;
(d) Major ports ;
(e) Airways and aerodromes ;
(f) Posts and telegraphs, telephone, wireless, broadcasting and other like forms of communication ;
(g) Regional grid for electricity ; |

- (h) Any other service which the State Government may, if it is of opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause.

Explanation - For the removal of doubts, it is hereby declared that the construction of-

- (a) New residential buildings (other than gate, lodges, quarters for limited essential operational staff and the like) roads and drains in railway colonies, hotels, clubs, institutes and schools, in the case of railways ;
and
- (b) A new building new structure or new installation or new extension thereof, in the case of any other service,
- (xxxiv) "outgrowth" means expansion of city/ town taken place beyond the statutory (Municipalities or Census town or city) limits but it is not qualified as an independent town.
- (xxxv) "owner" in relation to any property includes any person who is, for the time being, receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof ;
- (xxxvi) "plot" means a portion of land held in one ownership and numbered and shown as one plot in a town planning scheme ;
- (xxxvii) "reconstituted plot" means a plot which is in any way altered by the making of town planning scheme ;
- Explanation* - For the purposes of this clause "altered" includes the alteration of ownership of a plot.
- (xxxviii) "Regional Plan" means a plan for the region prepared under this Act and approved by the State Government ;
- (xxxix) "residence" includes the use for human habitation of any land or building or part thereof, the use of gardens, grounds, garages, stables and out-houses, if any appertaining to such land or building and the expression "residential" shall be construed accordingly ;
- (xl) "scheme" means a town planning scheme prepared under this Act, and includes a plan or plans, together with the descriptive matter, if any, relating to such scheme ;
- (xli) "site plan" means a detailed architectural drawing that exhibits the form, location and orientation of a building on a site.
- (xlii) "sponge city" means an area that acts like a sponge, soaking up and retaining water during rain and storms and releasing it slowly.
- (xliii) "Town Planning Scheme" means a comprehensive plan for a particular area within the framework of the Development Plan/ Master Plan, if any or for the local planning area. The planning process consists of merging and redistribution of land parcels in the urban expansion zone.
- (xliv) "Transit Oriented Development" is the integration of land use with Transport Systems, which is essentially any development, macro or micro that is focused around a transit node, and facilitates complete ease of access to the transit facility thereby inducing people to prefer walk and use public transport over personal modes of transport ;
- (xlv) "Transferable Development Right" means a development right to transfer the potential of a plot designated for a public purpose in a plan under this Act, expressed in terms of total permissible built-up space calculated on the basis of floor area ratio allowable for that plot, for utilization by the owner himself/ herself or by way of transfer by him/her to someone else from the present location to a specified area in the plan as additional built-up space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Urban Local Body (ULB) Development Authority.
- (xlvi) "urban areas" means a human settlement with a high population density and an infrastructure of built environment.

(xlvii) "zonal plan" - A Zonal Development Plan means a plan for each Zone (Division) containing information regarding the provision of social infrastructure, parks and open spaces, circulation system etc.

(xlviii) "zoning regulation" means regulation for the use of land, buildings built thereon, consistent with maintain the minimum standard of density of building, protection of open spaces, sanitation and environmental hygiene etc. for the different zones proposed in the Zoning Plan of the Development Plan.

Insertion of New Chapter VII-1 and sections.

3. In the principal Act, after Section 38, following chapter and sections shall be inserted.

“Chapter- VII-1

Town Planning Scheme

Preparation of town planning schemes.

38A. (1) Subject to the provisions of this Act or any other law for the time being in force-

(i) a Local Planning Authority may for the purpose of implementing the proposals in the final Development plan or in respect of any land which is likely to be in the course of development or which is already built upon, prepare one or more town planning schemes for the area within its jurisdiction, or any part thereof ;

(ii) a town planning scheme may make provision for any of the following matters, that is to say :

(a) any of the matters specified in sub-section (2) of Section 18 and sub-section (2) of Section 19 of the Act ;

(b) the laying out or re-laying out of land, either vacant or already built upon, including areas of comprehensive development ;

(1) the filling-up or reclamation of low-lying, swampy or unhealthy area, or levelling-up of land ;

(2) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications ;

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

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

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

(6) lighting ;

(7) water supply ;

(8) the preservation of objects of historical or national interest or natural beauty, and of building actually used for religious purposes ;

(c) the suspension, as far as may be necessary for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any law for the time being in force which the Legislature of the State is competent to make ;

(d) such other matter not inconsistent with the object of this Act, as may be directed by the State Government.

(2) In making provisions in a draft town planning scheme for any of the matters referred to in clause (ii) of sub-section (1), it shall be lawful for a Local Planning Authority with the approval of the Director of Town Planning/ Chief Town Planner and subject to the provisions of Section 38J to provide for suitable amendment of the Development Plan/ Master Plan.

Power of Local Planning Authority to resolve on declaration of intention

38B (1) A Local Planning Authority may by resolution declare its intention to make a town planning scheme in respect of any part of the area within its jurisdiction.

(2) Not later than thirty days from the date of such declaration of intention to make a scheme hereinafter referred to as the declaration, the Local Planning Authority shall publish the declaration in the Official Gazette, and in such other manner as may be prescribed and despatch a copy thereof (together with a copy of the plan showing the area to be included in the scheme) to the State Government or to the Director of Town Planning/ Chief Town Planner.

		(3) A copy of the plan shall be opened for inspection of the public at all reasonable hours at the head office of the Local Planning Authority.
Preparation and publication of draft scheme (by means of notice)	38C	<p>(1) Not later than nine months from the date of the declaration, subject, however, to sub-section (3) of Section-38C, the Local Planning Authority shall, in consultation with the Director of Town Planning/ Chief Town Planner, make a draft scheme for the area in respect of which the declaration was made, and publish a notice in the Official Gazette, and in such other manner as may be prescribed stating that the draft scheme in respect of such area has been made. The notice shall state the name of the place where a copy thereof shall be available for inspection by the public and shall also state that copies thereof or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.</p> <p>(2) If the Local Planning Authority fails to make a draft scheme and publish a notice regarding its making within the period specified in sub-section (1) or within the period extended under sub-section (3), the declaration shall lapse, unless the State Government appoints an Officer to prepare and submit the draft scheme to the State Government on behalf of the Local Planning Authority not later than [nine months] from the date of such appointment or the extended period under sub-section (3); but any such lapse of declaration shall not debar the Local Planning Authority from making a fresh declaration any time in respect of the same area.</p> <p>(3) The State Government may, on application made by the Local Planning Authority or, as the case may be, the officer, by notification in the Official Gazette, extend the period specified in sub-section (1) or (2) by such period not exceeding [three months] as may be specified in the notification.</p>
Inclusion of additional area in draft scheme	38D	If at any time before a draft scheme is prepared and submitted to the State Government for sanction, the Local Planning Authority or the officer is of the opinion, or on any representation made to it or him/her that an additional area be included within the said scheme, the Local Planning Authority or the officer may, after informing the State 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 Sections 38A, 38B and 38C shall apply in relation to such additional area as they apply to any original area of the scheme and the draft scheme shall be prepared for the original area and such additional area and submitted to the State Government for sanction.
Power of State Government to require Local Planning Authority to make scheme :	38E	<p>(1) Notwithstanding anything contained in this Act, the State Government may, in respect of any Local Planning Authority after making such inquiry as it deems necessary, direct that Authority to make and submit for its sanction, a draft scheme in respect of any land in regard to which a town planning scheme may be made after a notice regarding its making has been duly published in the prescribed manner.</p> <p>(2) If the Local Planning Authority fails to make the declaration of intention to make a scheme within three months from the date of direction made under sub-section (1), the State Government may by notification in the Official Gazette, appoint an officer to make and submit the draft scheme for the land to the State Government after a notice regarding its making has been duly published as aforesaid and thereupon the provisions of Sections 38B, 38C and 38D shall, as far as may be applicable, apply to the making of such a scheme.</p>
Contents of draft scheme.	38F	<p>A draft scheme shall contain the following particulars so far as may be necessary, that is to say, -</p> <p>(1) the ownership, area and tenure of each original plot ;</p> <p>(2) reservation, acquisition or allotment of land required under sub-clause (ii)(a) of sub-section (1) of Section 38A 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 ;</p> <p>(3) the extent to which it is proposed to alter the boundaries of the original plots by reconstitution ;</p> <p>(4) an estimate of the total cost of the scheme and the net cost to be borne by the Local Planning Authority ;</p> <p>(5) a full description of all the details of the scheme with respect to such matters referred to in clause (ii) of sub-section (1) of Section 38A as may be applicable;</p>

- (6) the laying out or re-laying out of land either vacant or already built upon including areas of comprehensive development ;
- (7) the filling up or reclamation of low-lying swamp or unhealthy areas or levelling up of land ;
 - (a) the allotment of land from the total area covered under the scheme, to the extent of, -
 - (i) the reservation of land to the extent of ten per cent. of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of economically weaker section and for lower income group and for persons dispossessed in the scheme ;
 - (ii) the allotment of land to the extent of forty per cent of the total area covered under the scheme, in the aggregate, for any or all of the following purposes, namely
 - (1) for roads ;
 - (2) for parks, playgrounds, garden and open spaces ;
 - (3) social infrastructure such as schools, dispensary, fire brigade and public utility place ;
 - (4) sale by Local Planning Authority for residential, commercial or industrial use depending upon the nature of development :

Provided that, -

- (i) the proceeds from the sale of land referred to in sub-clause 4(ii) of clause (a) of sub-section (7) shall be used for the purpose of providing infrastructural facilities in the area covered under the scheme ;
- (ii) the use of land allotted for the purposes referred to in 2 of clause (a) of sub-section (7) shall not be changed by variation of scheme for a purpose other than the purpose for which it is so allotted ;
- (iii) the land allotted for the purposes referred to in sub-clause 3 of clause (a) of sub-section (7) may be allowed to be developed, without variation of scheme, for any public purpose not contrary to the intent of the provisions of the draft scheme.

Reconstituted plot

- 38G (8) any other prescribed particulars.
- (1) In the draft scheme, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes and where a plot is already built upon, to ensure that the buildings as far as possible comply with the provisions of the scheme as regards open spaces.
 - (2) For the purpose of sub-section (1), a draft scheme may contain proposals-
 - (a) to form a final plot by reconstitution of an original plot by alteration of the boundaries of the original plot, if necessary ;
 - (b) to form a final plot from an original plot by the transfer wholly or partly of the 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 severally or in joint ownership shall hereafter, with or without alteration of boundaries be held in ownership in common as a final plot ;
 - (d) to allot a final plot to any owner dispossessed of land in furtherance of the scheme ; and
 - (e) to transfer the ownership of an original plot from one person to another.

Compensation for discontinuance of use

- 38H Where under clause (ii)(a) of sub-section (1) of section 38A the purposes to which the buildings or areas may not be appropriated have been specified, then the building or area shall cease to be used for a purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme ; and the person affected by this provision shall be entitled to such compensation, from the Local Planning Authority as may be determined by the Arbitrator :

Provided that, in ascertaining whether compensation be paid, the time within which the person affected was permitted to change the user shall be taken into consideration.

Objections to draft scheme to be considered	38I If within thirty days from the date of the publication of notice regarding the preparation of the draft scheme, any person affected thereby communicates in writing any objection relating to such scheme, the Local Planning Authority, or the officer appointed under sub-section (2) of Section 38 C or Section 38E shall consider such objection and may, at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it or he/she thinks fit.
Power of State Government to sanction draft scheme	<p>38J (1) The Local Planning Authority or, as the case may be, the officer aforesaid shall, not later than [three months] from the date of the publication of the notice in the Official Gazette, regarding the making of the draft scheme, submit the same with any modifications which it or he/she may have made therein together with a copy of objections received by it or him /her to the State Government and shall at the same time apply for its sanction.</p> <p>(2) On receiving such application, after making such inquiry as it may think fit and consulting the Director of Town Planning/Chief Town Planner, the State Government may, not later than [three months] from the date of its submission, by notification in the Official Gazette, either sanction such draft scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.</p> <p>(3) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public and the State Government shall also state therein that copies of the scheme or any extract therefrom certified to be correct shall on application be available for sale to public at a reasonable price.</p>
Effect of sanction draft scheme	<p>38K (1) Where a draft scheme has been sanctioned by the State Government under sub-section (2) of Section 38J (hereinafter in this section, referred to as "the sanctioned draft scheme"), all lands required by the Appropriate Authority for the purposes specified in sub-clauses (b)(2), (b)(5), (b)(6) and (b)(7) of clause (ii) of sub-section (1) of Section 38A shall vest absolutely in the Appropriate Authority free from all encumbrances.</p> <p>(2) Nothing in sub-section (1) shall affect any right of the owner of the land vesting in the Appropriate Authority under that sub-section.</p> <p>(3) The provisions of Sections 38 ZF and 38ZG shall, mutatis mutandis applies, to the sanctioned draft scheme as if, -sanctioned draft scheme were a preliminary scheme.</p>
Restrictions on use and development of land after declaration for town planning scheme	<p>38L (1) On or after the date on which a declaration of intention to make a scheme is published in the Official Gazette-</p> <p>(a) no person shall within the area included in the scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the Local Planning Authority in the prescribed form ;</p> <p>(b) the Local Planning Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and</p> <p>(i) in the case of a Local Planning Authority other than a municipal corporation, after inquiry and where an Arbitrator has been appointed in respect of a draft scheme after obtaining his/her approval ; or</p> <p>(ii) in the case of a municipal corporation/council, after inquiry, may either grant or refuse such certificate, or grant it subject to such conditions as the Local Planning Authority may, with the previous approval of the State Government thinks fit to impose.</p> <p>(2) If a municipal corporation gives permission under clause (b) of sub-section (1), it shall inform the Arbitrator/State Government accordingly, and shall send him/her a copy of the plan :</p> <p style="padding-left: 40px;">Provided that, a municipal corporation/council shall not grant a commencement certificate for any purpose which is in conflict with the provisions of the draft scheme, unless the corporation/council first obtains concurrence of the Arbitrator/State Government for the necessary change in the proposal of the draft scheme.</p> <p>(3) If a Local Planning Authority communicates no decision to the applicant within two months from the date of such acknowledgment, the applicant shall be deemed to have been granted such certificate.</p>

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- (4) If any person contravenes the provisions contained in clause (a) or clause (b) of sub-section (1), the Local Planning Authority may direct such person by notice in writing to stop any development in progress, and after making inquiry in the prescribed manner, remove, pull down or alter any building or other development or restore the land in respect of which such contravention is made to its original condition.
- (5) Any expense incurred by the Local Planning Authority under sub-section (4) shall be a sum due to the Local Planning Authority under this Act from the person in default or the owner of the plot.
- (6) The provisions of Chapter VII shall, mutatis mutandis apply in relation to the development and use of land included in a town planning scheme in so far as they are not inconsistent with the provisions of the Chapter.
- (7) The restrictions imposed by this Section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the event of the withdrawal of the scheme under section 38ZD or in the event of the declaration lapsing under sub-section (2) of Section 38C.
- Power of State Government to suspend rule, bye- law, etc. 38M (1) Where a Local Planning Authority has published a declaration under Section 38C the State Government may, on an application of the Local Planning Authority by order published in the Official Gazette, suspend to such extent only 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 law which the Legislature of the State is competent to amend.
- (2) Any order issued under sub-section (1) shall cease to operate in the event of the State Government refusing to sanction the scheme, or in the event of the withdrawal of the scheme under Section 38ZD or in the event of the coming into force of the final scheme or in the event of the declaration lapsing under sub-section (2) of Section 38C.
- Disputed ownership 38N (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which a declaration of intention to make a town planning scheme has been made and any entry in the record of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the Local Planning Authority or the Arbitrator at any time prior to the date on which the arbitrator draws up the final scheme under sub-section (3) of Section 38O by such officer as the State Government may appoint for the purpose of deciding who shall be deemed to be owner for the purposes of this Act.
- (2) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.
- (3) Such decision 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 Local Planning Authority either by the Civil Court or by some person affected by such decree.
- (4) Where such a decree of the civil court is passed after final scheme has been sanctioned by the State Government under Section 38ZC, such final scheme shall be deemed to have been suitably varied by reason of such decree.
- The Arbitrator and the Tribunal of appeal 38O (1) Within one month from the date on which the sanction of the State Government to the draft scheme is published in the Official Gazette, the State Government shall for purposes of one or more planning schemes received by it for sanction appoint any person possessing such qualifications as may be prescribed to be an Arbitrator with sufficient establishment and his/her duties shall be as hereinafter provided.
- (2) The State Government may, if it thinks fit at any time, remove for incompetence or misconduct or replace for any good and sufficient reason an Arbitrator appointed under this section and shall forthwith appoint another person to take his/her place and any proceeding pending before the Arbitrator immediately before the date of his/her removal or replacement shall be continued and disposed of by the new Arbitrator appointed in his/her place.
- (3) The Arbitrator shall, after following the prescribed procedure, sub-divide the town planning scheme into a preliminary scheme and a final scheme. The Arbitrator shall prepare preliminary scheme within nine months and as far as possible the final scheme within eighteen months, from the date of his appointment :

Provided that, the State Government may, by an order in writing, extend the said period by such further period not exceeding three months in the aggregate and any such order extending the period may be made so as to have retrospective effect :

- (4) In the preliminary scheme, the Arbitrator shall, -
 - (i) after notice given by him/her in the prescribed manner, define, demarcate and decide the areas allotted to, or reserved for the public purpose or purposes of the Local Planning Authority and also the final plots ;
 - (ii) after notice given by him/her in the prescribed manner, decide the person or persons to whom a final plot is to be allotted ; when such 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 ;
 - (iii) provide for the total or partial transfer of any right in an original plot to a final plot or provide for the transfer of any right in an original plot in accordance with the provisions of Section 38ZR.
 - (iv) determine the period within which the works provided in the scheme shall be completed by the Appropriate Authority.
- (5) The Arbitrator shall submit the preliminary scheme so prepared to the State Government for sanction and shall also prepare and submit to the State Government the final scheme for sanction in accordance with the provisions of sub-section (6).
- (6) In the final scheme, the Arbitrator shall, -
 - (i) estimate the amount of compensation payable under Section 38H ;
 - (ii) 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 38ZN ;
 - (iii) estimate the value of and fix the difference between the values of the original plots and the values of the final plots included in the final scheme, in accordance with the provisions contained in clause (f) of sub-section (1) of Section 38ZN ;
 - (iv) 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 38ZN in respect of any original plot which is wholly acquired under the scheme ;
 - (v) 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 38ZO ;
 - (vi) 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 38ZQ ;
 - (vii) estimate in reference to claims made before him/her, after the notice given by him/her in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town planning scheme in accordance with the provisions contained in Section 38ZS ;
 - (viii) determine whether the areas allotted or reserved for the public purpose or purposes of the Local Planning Authority are beneficial wholly or partly to the owners or residents within the area of the scheme ;
 - (ix) estimate the proportion of the sums payable as compensation of each plot used, allotted or reserved for the public purpose or purposes of the Local Planning 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 cost of the scheme ;
 - (x) determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Local Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public ;
 - (xi) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for religious or charitable purposes on the date on which the final scheme is drawn up under sub-section (7) ;

- (xii) calculate the contribution to be levied on each final plot included in the final scheme ;
- (xiii) 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.
- (7) The Arbitrator shall draw in the prescribed form the preliminary and final schemes in accordance with the draft scheme :

Provided that, -

- (a) he/she may make variation in the draft scheme ;
- (b) he/she may, with the previous sanction of the State Government, after hearing the Local Planning Authority and any owners who may raise objections, make substantial variations in the draft scheme.

Explanation - For the purposes of clause (b) of this provision, "substantial variation" means increase in the total cost of the draft scheme by more than twenty per cent. or, two lakhs' rupees, whichever is higher, on account of the provision of new works or the reservation of additional sites for public purposes included in the final scheme drawn up by the Arbitrator.

Except in matters arising out of [clauses (i), (ii), (iv), (v) and clauses (vii) to (xiii) (both inclusive) of sub-section (6)] of Section 38O, every decision of the Arbitrator shall be final and conclusive and binding on all parties including the Local Planning Authority.

Certain decisions of Arbitrator to be final.	38P	Any decision of the Arbitrator under [clauses (i), (ii), (iv), (v) and clauses (vii) to (xiii) (both inclusive) of sub-section (6)] of Section 38O, shall be forthwith communicated to the party concerned including the Local Planning Authority ; and any party aggrieved by such decision may, within two months from the date of communication of the decision, apply to the Arbitrator to make a reference to the Tribunal of Appeal for decision of the appeal.
Appeal	38Q	(1) The provisions of Sections 5, 12 and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this Section.
Constitution of Tribunal of Appeal.	38R	(1) The Tribunal of Appeal shall consist of a President and two Assessors. (2) The President shall- be the District Judge or the Civil Judge of the Senior Division as may be appointed by the State Government on the recommendation of the District Judge :
		Provided that, the State Government may, if it thinks fit, appoint as President any person who has held the post (i) Judge of the High Court and (ii) elsewhere of a Judge of the District Court.
		(3) The President shall appoint fit and proper persons as Assessors, who shall as far as possibly have knowledge, or experience of town planning, valuation of land or civil engineering.
		(4) The President and the Assessors shall be appointed members of the Tribunal of Appeal for such period as may be required by such Tribunal to decide an appeal made against the decision under clauses (ii), (v), (vii), (ix) or clause (x) sub-section (6) of Section 38O.
		(5) The State Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason any Assessor appointed under sub-section (3).
		(6) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the President shall appoint forthwith a fit and proper person to take the place of such Assessor.
Arbitrator to assist Tribunal in advisory capacity and his/her remuneration	38S	(1) The Arbitrator shall be present at the proceedings before the Tribunal of Appeal. He/she shall not be required to give evidence in such proceedings but the President may require him/her to assist the Tribunal in an advisory capacity. (2) Where the Arbitrator is required under sub-section (1) to assist the Tribunal of Appeal, he/she shall, save where he/she is a salaried officer of Government, be entitled to such fees as the State Government may from time to time determine.
Place where Tribunal may sit	38T	The Tribunal of Appeal may sit either at the headquarters of the President or at any other place within the local limits of his/her jurisdiction which he/she may deem convenient for the consideration and decision of any matter before such Tribunal.

Decision of question of law and other questions	38U	All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by a majority.
Powers of Tribunal to decide matter finally	38V	<p>(1) The Tribunal of Appeal shall, after making such inquiry as it may think fit, decide all matters arising out of clauses (ii), (v), (vii), (ix) or clause (x) sub-section (6) of Section 38O in respect of appeals referred to the Tribunal: and may either confirm the proposals of the Arbitrator or direct him/her where necessary to reconsider, vary or modify his/her proposals only in respect of such matters aforesaid.</p> <p>(2) Every decision of the Tribunal of Appeal shall be final and conclusive and binding on all persons and parties including the Planning Authorities.</p>
Tribunal not to be Court	38W	Nothing contained in this Act shall be deemed to constitute the Tribunal of Appeal to be a Court.
Remuneration of Arbitrator and Assessors and payment of incidental expenses of Tribunal	38X	<p>(1) The President and the Assessors shall, save where they are salaried Government Officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the State Government may, from time to time, decide :</p> <p style="padding-left: 40px;">Provided that, in exceptional cases where the scheme is a large one or the work involved is complicated, the State Government may authorise the President and the Assessors, even if they are salaried Government Officers to receive such special salary or remuneration, as the State Government may by order, decide from time to time.</p> <p>(2) The salary of the President of the Tribunal of Appeal or an Assessor who is a salaried Government Officer and any remuneration payable under sub-section (1) of this Section and fees payable to an Arbitrator under sub-section (2) of Section 38S and all expenses incidental to the working of the Tribunal of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the Local Planning Authority and shall be added to the cost of the scheme.</p>
Decision of Arbitrator to be final in certain matters	38Y	<p>(1) Where no appeal has been made under Section 38Q, the decisions of the Arbitrator under clauses (ii), (v), (vii), (ix) or clause (x) sub-section (6) of Section 38O shall be final and binding on the parties.</p> <p>(2) The Tribunal of Appeal shall send a copy of its decision in appeal to the Arbitrator who shall then, where necessary, make variation in the scheme in accordance with such decision and may also rectify such errors or omissions, if any, as may have been brought to his/her notice after publication of the final scheme as drawn up by him/her under sub-section (1) and (2) of Section 38V ; and the Arbitrator shall forward such final scheme together with a copy of his/her decisions under Section 38O and a copy of the decision of the Tribunal of Appeal in appeal to the State Government for the sanction of the final scheme.</p>
Possession of land in advance of town planning scheme	38Z	<p>(1) Where a Local Planning Authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works included in a draft scheme for a public purpose, the Local Planning Authority shall make an application through the Arbitrator to the State Government to vest in it the land without any building shown in the draft scheme.</p> <p>(2) The State Government may, if satisfied that it is urgently necessary in the public interest to empower the Local Planning Authority to enter on such land for the purpose of executing any of such works, direct the Arbitrator, by notification in the Official Gazette, to take possession of the land, or may, after recording its reasons refuse to make any such direction :</p> <p style="padding-left: 40px;">Provided that, no such direction shall be made without the Arbitrator giving a hearing to any person or Local Planning Authority affected by such direction, and considering the report of the Arbitrator in that behalf.</p> <p>(3) The Arbitrator shall then give a notice in the prescribed manner to the person interested in the land the possession of which is to be taken by Arbitrator requiring him/her to give possession of his/her land to the Arbitrator or any person authorised by him/her in this behalf within a period of one month from the date of service of notice ; and if no possession is delivered within the period specified in the notice, the Arbitrator shall take possession of the land and shall handover the land to the Local Planning Authority. Such land shall thereupon, notwithstanding anything contained in this Act, vest absolutely in the Local Planning Authority free from all encumbrances.</p>

Superintendent of Police or Magistrate to enforce delivery of possession of land	38ZA	<p>(1) If the Arbitrator is opposed or impeded in taking possession of the land under Section 38Z, he/she shall request the Superintendent of Police, or as the case may be, the District Magistrate to enforce the delivery of possession of the land to the Arbitrator. The Superintendent of Police or the District Magistrate, as the case may be, shall take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for securing the delivery of possession of the land to the Arbitrator.</p> <p>(2) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (1) includes the power to enter upon any land or other property whatsoever.</p>
Owner of land of which possession is taken entitled to interest	38ZB	<p>(1) Where possession of land is taken by the Arbitrator under Section 38Z or 38ZA, the person interested in such land shall be entitled to interest at the rate of 4 per cent per annum on the amount of compensation payable to him/her under the final scheme in respect of the said land from the date on which such possession is taken till the date on which amount of compensation is paid to him/her by the Local Planning Authority.</p> <p>(2) The Local Planning Authority may, at the request of the person interested, pay after consulting the Arbitrator, where possession of land is taken, the Local Planning Authority, or Development Authority, or as the case may be, the Appropriate Authority may, at the request of the person interested, pay an advance not exceeding two-thirds of the amount estimated to be payable to such person on account of the land after executing an agreement.</p> <p>(3) Unless otherwise provided in this Act, a Local Planning Authority or Development Authority shall be competent to make any agreement with any person or party in respect of any matter which is provided for under this Act subject to the right of the State Government to modify or disallow such agreement.</p> <p>(4) Such agreement shall not in any way affect the rights of the State Government or third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the State Government :</p> <p style="padding-left: 40px;">Provided that, if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.</p>
Sanction of State Government to preliminary or final scheme	38ZC	<p>(1) On receipt of the preliminary scheme or, as the case may be, the final scheme, the State Government may, -</p> <p>(a) in the case of the preliminary scheme, within a period of two months from the date of its receipt, and</p> <p>(b) in the case of the final scheme, within a period of three months from the date of its receipt, by notification in the Official Gazette, sanction the preliminary scheme or the final scheme or refuse to give such sanction, provided that in sanctioning any scheme, the State Government may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality.</p> <p>(2) Where the State Government sanctions the preliminary scheme or the final scheme, it shall state in the notification,</p> <p>(a) the place at which the scheme shall be kept open for inspection by the public ; and</p> <p>(b) a date (which shall not be earlier than one month after the date of the publication of the notification) in which all the liabilities created by the scheme shall come into force:</p> <p style="padding-left: 40px;">Provided that, the State Government may, from time to time, by notification in the Official Gazette, extend such date, by such period, not exceeding three months at a time, as it thinks fit.</p> <p>(3) On and after the date fixed in such notification, the preliminary scheme or the final scheme, as the case may be, shall have effect as if it were enacted in this Act.</p>
Withdrawal of scheme	38ZD	<p>(1) If at any time before the preliminary scheme is forwarded by the Arbitrator to the State Government, a representation is made to the Arbitrator by the Local Planning Authority and a majority of the owners in the area that the scheme should be withdrawn, the Arbitrator shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, to the State Government.</p>

		(2) After making such inquiry as it may think fit, the State Government may, by notification in the Official Gazette, direct that the scheme shall be withdrawn; and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.
Effect of preliminary scheme	38ZE	<p>On and after the day on which a preliminary scheme comes into force-</p> <p>(a) all lands required by the Local Planning Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Local Planning Authority free from all encumbrances ;</p> <p>(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 Arbitrator ;</p>
Power of Local Planning Authority to evict summarily	38ZF	<p>(1) On and after the day on which a preliminary scheme comes into force, any person continuing to occupy any land which he/she is not entitled to occupy under the preliminary scheme may, in accordance with the prescribed procedure, be summarily evicted by the Local Planning Authority or any of its officers authorised in that behalf by that Authority.</p> <p>(2) If the Local Planning Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the Superintendent of Police, or as the case may be, the District Magistrate shall at the request of the Local Planning Authority enforce the eviction of such person or secure delivery of possession of the land to the Local Planning Authority as may be necessary.</p>
Power to enforce scheme.	38ZG	<p>(1) On and after the day on which a preliminary scheme comes into force, the Local Planning Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme, -</p> <p>(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 of which or carrying out of which, any provision of the scheme has not been complied with;</p> <p>(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 Local Planning Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.</p> <p>(2) Any expenses incurred by the Local Planning Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of sums due to the Local Planning Authority under the provisions of this Act.</p> <p>(3) If any action taken by the Local Planning Authority is questioned, the matter shall be referred to the State Government or any officer authorised by the State Government in this behalf; and the decision of the State Government or of the officer, as the case may be, shall be final and conclusive and binding on all persons.</p> <p>(4) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Appropriate Authority under the provisions of this section except in respect of the building constructed or work begun before the date referred to in sub-section (1) and only in so far as such building or work has proceeded until that date :</p> <p style="padding-left: 40px;">Provided that, any claim to compensation, which is not barred by this sub-section shall be subject to the condition of any agreement entered into between the claimant and the Appropriate Authority.</p> <p>(5) The provisions of this section shall not apply to any operational construction undertaken by the State Government or the Central Government.</p>
Power to vary scheme on ground of error, irregularity or informality.	38ZH	<p>(1) If after the final scheme has come into force, the Local Planning Authority considers that the scheme is defective on account of an error, irregularity or informality or that the scheme needs variation or modification of a minor nature, the Local Planning Authority may apply in writing to the State Government for variation of the scheme.</p> <p>(2) If, on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall, by notification in the Official Gazette, authorise or direct the Local Planning Authority to prepare a draft of such variation and publish a notice in the Official Gazette and in such other manner as may be prescribed stating that a draft variation has been prepared.</p>

		<p>(3) The notice of preparation of 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 sub-clauses (a) to (b) of clause (ii) of sub-section (1) of Section 38A, the draft variation shall also contain such other particulars as may be prescribed.</p> <p>(4) The draft variation shall be open to the inspection of the public at the office of the Local Planning Authority during office hours and copies of such draft variation or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.</p> <p>(5) Not later than one month of the date of the publication of the notice regarding preparation of draft variation, any person affected thereby may communicate in writing his/her objections to such variation to the State Government, and send a copy thereof to the Local Planning Authority.</p> <p>(6) After receiving the objections under sub-section (5), the State Government may, after consulting the Local Planning Authority and after making such enquiry as it may think fit, by notification in the Official Gazette, -</p> <p>(a) appoint an Arbitrator, and thereupon the provisions of this Chapter shall, so far as may be, apply to such draft variation, as if it were a draft scheme submitted to the State Government for sanction;</p> <p>(b) sanction the variation with or without modifications ; or</p> <p>(c) refuse to sanction the variation.</p> <p>(7) From the date of the notification sanctioning the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.</p>
Power to vary town planning scheme	38ZI	<p>Notwithstanding anything contained in Section 38ZC, a town planning scheme may at any time be varied by a subsequent scheme made, published by means of notice and sanctioned in accordance with this Act ;</p> <p>Provided that, when a scheme is so varied, the provisions of this Chapter shall so far as may be applicable, apply to such variation and making of subsequent scheme; and the date of the declaration of intention of the Local Planning Authority to vary the scheme shall, for the purposes of Sections 38L, 38M, 38ZN, 38ZO and 38ZQ, be deemed to be the date of declaration of intention to make a scheme referred to in those sections.</p>
Apportionment of cost of scheme withdrawn or not sanctioned	38ZJ	<p>In the event of a town planning scheme being withdrawn or sanction to a final scheme being refused by the State Government, the State Government may direct that the costs of the scheme shall be borne by the Local Planning Authority or be paid to the Local Planning Authority by the owners concerned, in such proportion as the State Government may in each case determine.</p>
Right to appear by recognised agent	38ZK	<p>Every party to any proceeding before an Arbitrator or the Tribunal of Appeal shall be entitled to appear either in person or by his/her agent authorised in writing in that behalf.</p>
Power to compel attendance of witness	38ZL	<p>For the purpose of this Act, an officer appointed under sub-section (1) of Section 38N or an Arbitrator or the Tribunal of Appeal 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, 1908.</p>
Joint development plans and joint town planning schemes	38ZM	<p>(1) When the State Government or two or more Planning Authorities are of opinion that the interests of contiguous areas within the jurisdiction of such Planning Authorities can best be served by the making of a joint development plan or a joint town planning scheme, the Local Planning Authority, with prior approval of the State Urban and Country Planning Board constitute a Sub-Divisional Local Planning Authority under sub-section (5) of Section 9 of the Act.</p> <p>(2) Such Sub-Divisional Local Planning Authority, when duly constituted, shall make a declaration of the intention to make a joint development plan or a joint town planning scheme in respect of the contiguous areas in the manner provided in section 38B and thereafter, the Sub-Divisional Local Planning Authority shall have all the powers and be liable to all the duties of a Local Planning Authority under this Act and all the foregoing provisions of this Act in respect of the procedure to be followed in preparing, publishing and submitting a development plan, or, as the case may be, a town planning scheme for sanction of the State Government shall apply so far as may be applicable.</p>

- (3) The joint development plan or the joint town planning scheme shall specify the parts of the joint development plan or the joint town planning scheme to be executed by the several Planning Authorities in the several contiguous areas and the several parts of the joint development plan or joint town planning scheme shall, when the joint development plan or the joint town planning scheme is sanctioned by the State Government under Section 38ZC, have effect in the several contiguous areas as if they are separate development plans or town planning schemes :

Provided that, a joint development plan, or a joint town planning scheme may be executed partly or wholly by the two or more Planning Authorities concerned jointly as they may decide in this behalf.

Cost of schemes

- 38ZN (1) The cost of a town planning scheme shall include, -
- (a) all sums payable by a Local Planning 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 a Local Planning Authority with reference to the period during which the preliminary scheme is to be implemented, after it is sanctioned under Section 38ZC ;
 - (c) all sums payable as compensation for land reserved or allotted for any public purpose or purpose of a Local Planning Authority which is solely beneficial to the owners or residents within the area of the scheme ;
 - (d) such portion of the sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Local Planning 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 owner or residents within the area of the scheme from such reservation or allotment ;
 - (e) all legal expenses incurred by the Local Planning Authority in the making and in the execution of the scheme ;
 - (f) the 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 at the date of declaration of intention to make a scheme, with all the buildings and works thereon at that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.
 - (g) twenty per cent of the amount of the cost of the infrastructure provided in the area adjacent to the area of the scheme as is necessary for the purpose of and incidental to the scheme.
- (2) If in any case the total of the values of the plots included in the final scheme exceeds the total of the value 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 defined in sub-section (1).

Calculation of increment

- 38ZO For the purposes of this Act, the increment shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme, the market value of any plot with reference to the improvements contemplated in the scheme 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 such improvements :

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.

Contribution towards cost of scheme

- 38ZP (1) The cost of the scheme shall be met wholly or in part by a contribution to be levied by the Local Planning Authority on each final plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Arbitrator :

Provided that-

- (i) no such contribution shall exceed half the increment estimated by the Arbitrator to accrue in respect of such final plot, subject to the condition that where the total cost of a scheme exceeded half the total amount of increments, the proportion of such contribution shall not be less than half the increment ;

		(ii) no such contribution shall be levied on a plot used, allotted or reserved, for a public purpose or purpose of the Local Planning Authority, such plot being solely for the benefit of the owners or residents within the area of the scheme ;
		(iii) the contribution levied on a plot used, allotted or reserved for a public purpose or purposes of the Local Planning 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 the proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.
		(2) The owner of each final plot included in a final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.
Certain amount to be added to or deducted from contribution leviable from person	38ZQ	The amount by which the total value of final plots included in a final scheme with all the buildings and works thereon allotted to the person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contribution leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contempt in the scheme other than improvements due to the alteration of its boundaries : Provided that, in lieu of the amount that qualifies to be deducted from the contribution leviable from a person, the Local Planning Authority or the Arbitrator may, at the request of such person, grant FSI (Floor Space Index) equivalent to the reduction in the area of his/her original plot resulting from reconstitution.
Transfer of right from original to reconstituted plot or extinction of such right	38ZR	Any right in an original plot which in the opinion of the Arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a town planning scheme to a final plot shall be so transferred and any right in an original plot which in the opinion of the Arbitrator 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 final plot without the consent of all the parties to such lease.
Compensation in respect of property or right injuriously affected by scheme.	38ZS	The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, subject to provisions of Section 38ZR, if he/she makes a claim before the Arbitrator within sixty days of the receipt of the notice from the Arbitrator, be entitled to obtain compensation in respect thereof from the Local Planning Authority or from any person benefited or partly from the Local Planning Authority and partly from such person as the Arbitrator may in each case determine.
Exclusion or limitation of compensation in certain cases.	38ZT	(1) No compensation shall be payable in respect of any property or private right of any sort 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, no compensation is payable for such injurious affection. (2) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in sub-section (2) of Section 38F.
Provision for cases in which amount payable to owner exceeds amount due from him/her.	38ZU	(3) If the owner of an original plot is not provided with a final plot in the final scheme or if the contribution to be levied from him/her under Section 38ZQ is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his/her loss shall be payable to him/her by the Local Planning Authority in cash or in such other way as may be agreed upon by the parties.
Provision for case in which value of developed plot is less than amount payable by owner.	38ZV	(1) If from any cause the total amount which would be due to a Local Planning Authority under the provisions of this Act from the owner of a final 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 Arbitrator shall, at the request of the Local Planning Authority, direct the owner of such plot to make payment to the Local Planning Authority of the amount of such excess.

- (2) If such owner fails to make such payment within the prescribed period, the Arbitrator shall, if the Local Planning Authority so requests acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Local Planning Authority of the value of such plot estimated as its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme ; and thereupon, the plot included in the final scheme shall vest absolutely in the Local Planning Authority free from all encumbrances but subject to the provisions of this Act :

Provided that, the payment made by the Local Planning Authority on account of the value of the original plot shall not be included in the costs of the scheme.

Payment by adjustment of account.

38ZW

All payments due to be made to any person by a Local Planning Authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the Local Planning Authority in respect of the final plot concerned or of any other plot in which he/she has an interest, and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment of net amount due to Local Planning Authority.

38ZX

- (1) The net amount payable under the provisions of this Act by the owner of a final plot included in a final scheme may at the option of the contributor be paid in one sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at 6 percent per annum shall be charged on the net amount payable. If the owner of a plot fails to elect the option on or before the date specified in a notice issued to him/her in that behalf by the Local Planning Authority, he/she shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he/she was required to make an election as aforesaid:

Provided that, where an owner elects to pay the amount in one sum but fails to do so, interest at 6 percent per annum shall be payable by him/her to the Local Planning Authority from the date specified in the notice to the date of payment.

- (2) Where two or more final plots included in a 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/her several final plots in proportion to the increment which is estimated to accrue in respect of each final plot unless the owner and the Local Planning Authority agree to a different method of distribution.

Power of Local Planning Authority to make agreement.

38ZY

- (1) A Local Planning 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 State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town planning scheme comes into force.

- (2) Such agreement shall not in any way affect the duties of the Arbitrator as stated in Section 38O or the rights of third parties, but it shall be binding on the parties to the agreement, notwithstanding any decision that may be passed by the Arbitrator :

Provided that, if any agreement contains any provisions which are inconsistent with the final scheme as drawn up by the Arbitrator under Section 38O or the final scheme as sanctioned by the State Government under Section 38ZC such an agreement shall be void :

Provided further that, if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.

Recovery of arrears.

38ZZ

- (1) Any sum due to a Local Planning Authority under this Act, rule 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 Local Planning Authority under this Act, rule or any regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed by the Local Planning Authority, shall be recoverable by the Local Planning Authority from the defaulter as if they were arrears of land revenue.

		(3) If any question arises whether a sum is due to the Local Planning Authority within the meaning of sub-section (2), it shall be referred to a tribunal constituted by the State Government consisting of one or more persons not connected with the Local Planning Authority or any authority subordinate to it or with the person by whom the sum is alleged to be payable which the tribunal shall, after making such inquiry at it may deem fit and after giving to the person by whom the sum is alleged to be payable, an opportunity of being heard, decided the question ; and the decision of the tribunal thereon shall be final and shall not be called in question in any court or before any other authority.
		(4) The procedure to be followed by the tribunal in deciding questions referred to it under sub-section (2) shall be such as may be prescribed by the State Government.
Disposal of surplus amount.	38ZAA	Where after completing and meeting all the costs of a scheme as provided in this Act, any amount from the sums paid to the Local Planning Authority under this Act remains as surplus, the Local Planning Authority shall, in consultation with the owners of the plots, spend such surplus amount for providing further amenities within the area of the scheme.
Execution of works in final scheme by Local Planning Authority.	38ZAB	(1) A Local Planning Authority shall complete all the works provided in a final scheme within the period prescribed in the final scheme by the Arbitrator under sub-section (3) of Section 38O. Provided that, in exceptional circumstances on application by the Local Planning Authority, the State Government may by an order in writing specifying those circumstances grant to the Local Planning Authority in this behalf further extension of time as it may think fit. (2) If the Local Planning Authority fails to complete the work within the prescribed period or within the period extended under sub-section (1), the State Government may, notwithstanding anything contained in subsection (1), require the Local Planning Authority to complete the works within a further period as it may consider reasonable or appoint an officer to complete such works at the cost of the Local Planning Authority and recover the cost from the Local Planning Authority in the manner provided as below ; - “Any expenses incurred by the State Government or by such person in exercising such power or performing such duty shall be paid out of the funds of such Board or Authority; and if the Board or Authority fails to pay the expenses, then the State 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”.
Penalty for removal of boundary stones	38ZAC	Whoever wilfully destroys or injures or without lawful authority removes, a boundary stone or mark lawfully fixed or constructed, the Collector, on receipt of the intimation from the Arbitrator or the Local Planning Authority, may order such person to pay a fine, not exceeding rupees ten thousand for each stone or mark so destroyed, injured or removed as may in his/her opinion be necessary to defray the expenses of restoring the same.
Power to make agreements	38ZAD	In the principal Act, after sub -section (2) of Section 70, the following sub-section (3) shall be inserted, namely, - (3) (a) Unless otherwise provided in this Act, a Local Planning Authority or Development Authority shall be competent to make any agreement with any person or party in respect of any matter which is provided for under this Act subject to the right of the State Government to modify or disallow such agreement. (b) Such agreement shall not in any way affect the rights of the State Government or third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the State Government : Provided that, if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.
Insertion of clause (za)		In the principal Act, after clause (z) of sub-section (2) of Section 71, the following clause shall be inserted, namely ; “(za) for the implementation of development schemes as per the provision of Development Plan/ Master Plan, may prepare policy documents for Town Planning Schemes/ Land Pooling Scheme, Local Area Plan, Transit Oriented Development, Transferable Development Right, Sponge City, New Town Development Authority, Greenfield cities, Neighbourhood improvement Plans, City Mobility/City logistics Plan, Risk Informed master Plan etc.

4. Repeal and saving

The Arunachal Pradesh Urban and Country Planning (Amendment) Ordinance, 2025 is hereby repealed.

Notwithstanding such repeal, any action taken or order issued under the said Ordinance shall be construed to have been validly taken or issued under the corresponding provisions of this Act.

Saugat Biswas, IAS
Commissioner to the
Government of Arunachal Pradesh,
Itanagar.