The Chhattisgarh Anadhikrat Vikas ka Niyamitikaran Adhiniyam, 2002

Act 21 of 2002

Keyword(s):
Builder, Road Line, Unauthorized Development

Amendments appended: 4 of 2003, 7 of 2022
An Act to regularize the unauthorized developments in the planning area in the State of Chhattisgarh, by vesting certain powers specified herein, in an authority to exercise, perform and discharge the duties entrusted to them within specified duration of time.

Be it enacted by the Chhattisgarh Legislative Assembly in the Fifty third year of the Republic of India as follows:—

CHAPTER-I—PRELIMINARY

1. Short Title, Extent and Commencement.

   (1) This Act may be called the Chhattisgarh Anadihikrit Vikas Ka Niyamitiikaran Adhiniyam, 2002 (No. 21 of 2002).

   (2) It extends to the whole of Chhattisgarh.

   (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Application.

   The provisions of this Act shall apply to such unauthorized developments which were in existence on or before the date notified by the State Government.

3. Definition.

   (1) In this Act, unless the context otherwise requires—

   (i) "Authority" means an authority constituted under section 4 of the Act.

   (ii) "Builder" means and includes, a person or group of persons engaged in construction of building or creation of any other engineering structure in, or on any piece of land, in the planning area.

   (iii) "Government" means State Government of Chhattisgarh.

   (iv) "Road line" means both limiting sides of any public road.
"Unauthorized development" means development of any site without any permission or contrary to the permission granted or deviation of land use or deviation from the permission granted under the provisions of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) or any of the acts for the time being in force or any rules or bye-laws made thereunder.

"Regularisation" for the purpose of this Act means, regularisation of the unauthorized development by the Authority under Section 5 (1) (ii).

Words and expressions used in this Act, but not defined herein, shall have the same meaning as given in the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and rules made thereunder.

CHAPTER II—CONSTITUTION OF AUTHORITY, PROCEDURE ETC.

4. (1) The State Government shall constitute for each district an authority to be called the "District Regularisation Authority" for the purpose of regularisation of unauthorized development.

(2) The District Regularisation Authority shall consist of the following members namely:

(a) Collector of the District - Chairman
(b) District Superintendent of Police - Member
(c) The Municipal Commissioner/Chief Municipal Officer of the concerned Urban Local body, for the cases of their respective areas - Member
(d) Chief Executive Officer of the concerned Development Authority, for their respective areas - Member
(e) Officer of Town & Country Planning Department in-charge of the district - Member

5. The authority may receive applications, through competent officer appointed for this purpose for regularisation of unauthorized development from the affected persons within the time limit and in the manner as prescribed by the Government under the rules framed for this purpose.

6. (1) The District Regularisation Authority shall have the following powers:

(i) On receipt of application under Section 5, it may call for any record or information regarding unauthorized developments in any planning area within the district. On the basis of such records and information, the Authority may either reject the application or take a decision for regularisation of unauthorized development in accordance with Section 7 of this Act.
(ii) In case, the Authority decides in favor of regularization, it shall, after due consideration, impose penalty on the applicant for such development. The Authority may collect such penalty in suitable installments together with interest, in case the applicant makes a written request for payments in installments, within 14 days of the order by the Authority.

(iii) For the purpose of imposing penalty, the Authority shall evaluate an unauthorized development on the basis of prevailing market value of the land, construction etc. The Authority shall also evaluate its monthly rent.

(iv) The Authority shall determine penalty on the basis of such evaluation done and the cost of development of basic infrastructure in the vicinity, which may be required because of the unauthorized development.

(v) Upon compliance of the order issued by the Authority, and deposit of the regularisation penalty, such development would cease to be unauthorized and a certificate to that effect will be issued to the applicant, by the Authority in such form as may be prescribed.

(2) The Authority shall have the same powers as are conferred on the High-Rise Building Committee under the provisions of the Chhattisgarh Nagar Nigam Nivesh Adhiniyam, 1973.

(3) The Authority may, if it consider necessary, take the services or opinion of any registered structural engineer, town planner or architect in deciding applications under Section 5.

(4) The Authority shall exercise such other powers as may be assigned to it by the Government for the purpose of regularization of unauthorized development.

7. The District Regularisation Authority shall not regularise an unauthorized development if,

(i) the land belongs to Government, local authority or a statutory body.

(ii) the construction is affecting the defined building line or is falling within the Road-lines.

(iii) the land has been allotted by the Government, local authority or statutory body for a specific purpose, other than the one for which development has been done.

(iv) the area of construction is on tank bed or tank bank or natural drainage.

(v) in case of multi-storied buildings, the building is obstructing the view of any heritage building, site or is violating the prescribed norms for fire safety or structural stability.

(vi) the area is earmarked for industries which use or produce hazardous substances.

(vii) it is not in public interest to do so.
10. (1) The Government may either suo-mano, or on an application filed by any person, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by Divisional Commissioner or Authority under this Act, call for the records and may also direct that pending examination of the record, such order be held in abeyance.

(2) The Government may modify or reverse the orders of the Divisional Commissioner or Authority under this Act as it may deem fit. No such order shall be passed by the Government unless the interested parties have been given an opportunity of being heard.
11. The penalty, rental value and other accruals received under the provisions of this Act shall be credited to the Government treasury.

12. (1) Notwithstanding anything contained in any law for the time being in force, no suit, prosecution or other legal proceedings shall lie against any officer or Authority for anything which has been done in good faith or intended to be done in pursuance of the provisions of this Act or rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government or any authority under the Government for any damage caused or likely to be caused by anything which has been done or any action taken in good faith or intended to be done in pursuance of this Act or rules made thereunder.

13. The Government may make rules for the purposes of effectively carrying out the provisions of this Act. Such rules may provide for all or any of the following matters, namely:—

(i) procedure to be followed in regularisation of unauthorized development;

(ii) norms for imposition of regularisation penalty;

(iii) procedure for collection and utilisation of penalty for regularisation;

(iv) procedure for exercise of powers conferred to the Authority under Section 6 of this Act.

CHAPTER-IV—SAVINGS

14. Notwithstanding anything contained in Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956), Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) or Chhattisgarh Panchayatraj Adhiniyam, 1993 (No. 1 of 1993) any local government, as the case may be, in relation to the unauthorized development under the provisions of this Act, from the date of commencement of this Act, shall cease to exercise the powers, perform the functions, and discharge duties which the State Government, Divisional Commissioner, and the Authority is competent to exercise, perform and discharge under this Act.

15. No civil suit of any nature against any of the orders passed under the provisions of this Act will be maintainable before any court.

16. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provision of this Act, remove the difficulty.
CHHATTISGARH ACT
(No. 4 of 2003)

THE CHHATTISGARH ANADHIKRIT VIKAS KA NIYAMITIKARAN
(SANSODHAN) ADHINIYAM, 2003

An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran
Adhiniyam, 2002 (No. 21 of 2002).

Be it enacted by the Chhattisgarh Legislature in the Fifty-fourth year of the Republic of India
as follows:

1. (1) This Act may be called the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran
(Sansodhan) Vidhoyak, 2003 (No. 4 of 2003).

(2) It shall come into force from date of its notification in the official Gazette.

2. In Sub-section (1), (2) and (3) of Section 9 of the Chhattisgarh Anadikrit Vikas Ka
Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002) hereinafter called Principal Act, for words
"Divisional Commissioner" the words "Director Urban Planning and Development" shall be
substituted.

3. In Sub-section (1) and (2) of Section 10 of the Principal Act, for words "Divisional Commissi-
oner" the words "Director Urban Planning and Development" shall be substituted.
छत्तीसगढ़ राजपत्र
(असाधारण)
प्राधिकार से प्रकाशित

प्रमाण 435] राजपुर, कुमकरे, विणाक 14 जुलाई 2022 — आवाद 23, जन 1944

विज्ञापनाधीन कार्य विभाग
मंत्रालय, महान्याय भवन, नवा राजपुर अटल नगर
अटल नगर, विणाक 14 जुलाई 2022

क. 7998/डी. 70/21-अ/भै. 79.ग./22 — छत्तीसगढ़ विधान सभा का निर्देशित अधिनियम जिल पर
निर्देश 06-07-2022 को सम्पर्क से संपर्क सम्बन्धी की चाहत को दिया जाता है।

छत्तीसगढ़ के पालघार के नाम से तथा आदेशमुस्लार,
उमेश कुमार कांटिया, अधिकारिक सचिव,
छत्तीसगढ़ अधिनियम
(क्रमांक 7 सन 2022)
छत्तीसगढ़ अनधिकृत विकास का नियमिति करण (संशोधन) अधिनियम, 2022

छत्तीसगढ़ अनधिकृत विकास का नियमिति करण अधिनियम, 2002 (क्र. 21 सन 2002)
को और संशोधित करने हेतु अधिनियम।

भारत गणराज्य के विभिन्न वर्ष में छत्तीसगढ़ विकासमंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो—

संधिष्ठ नाम, विस्तार तथा प्रारंभ:
1. (1) यह अधिनियम छत्तीसगढ़ अनधिकृत विकास का नियमिति करण (संशोधन) अधिनियम, 2022 कहलाएगा।

(2) इसका विस्तार संपूर्ण छत्तीसगढ़ राज्य में होगा।

(3) यह राज्य में इसके प्रकाशन की तारीख से प्रारंभ होगा।

धारा 4 का संस्थान:
2. छत्तीसगढ़ अनधिकृत विकास का नियमिति करण अधिनियम, 2002 (क्र. 21 सन 2002) (जो इसमें इसके परमाणु मूल अधिनियम के रूप में निर्दिष्ट है) की धारा 4 की उप-धारा (2) के खण्ड (पांच) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात—

"(पांच) नगर तथा ग्राम निगम विभाग का सदस्य संगठन" जिले का प्रमाणी अधिकारी/संचालक संचालक/उप संचालक/सहायक संचालक
3. गूल अधिनियम की धारा 5 की उप-धारा (1) के खण्ड (दक्षिण) के पश्चात, नियमित प्रारंभिक क्रियापट्ट किया जाये, अर्थात——

"(धारा (क) नियमित प्रयोजन से मिन्न भूमि के उपयोग परिवर्तन करने पर. इस क्षेत्र की भूमि के लिए दर्जन में प्रचलित कलेक्टर गाइड लाइन दर का 5 प्रतिशत अधिकता शारिफ़ के देव होगा।

(ख) (एक) यदि अनधिकृत विकास, नियमित पारित्यंत हेतु आरंभित भूखंड/स्थल पर किया गया हो, तो नियमितिकरण की अनुमति लाने दी जाये, जब अशेषक द्वारा पारित्यंत की कभी हेतु नियमित अधिकता शारिफ़ राशि का युग्मन कर दिया गया हो।

(दो) दिनांक 01.01.2011 के पूर्व अवसरव ने आये ऐसे अनधिकृत विकास/अन्तर्गत, जिनकी भवन अनुसार/विकास अनुष्ठान नीतिकृत हो, अथवा ऐसे अनधिकृत भवन, जिसके लिए संवर्धित स्वतंत्र कय में शासन द्वारा नियमिति दर से संयोजित कर का युग्मन किया जा रहा हो, ऐसे भवनो में, यदि छत्तीसगढ़ मिन्न भूमि विकास नियम, 1984 अधिकार संयोजित नगर के विकास योजनाओं के अनुसार पारित्यंत उपयोग नहीं है, तो पारित्यंत हेतु निम्नानुसार अधिकता शारिफ़ राशि दिये जाने पर, भवन का निम्नानुसार नियमितिकरण किया जा सकेगा।---
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(दीनदिन) दिनांक 01.01.2011 अथवा उसके पश्चात आश्चर्य में आये ऐसे अनशुद्ध विकास / निर्माण, जिनकी भवन अनुशा / विकास अनुशा स्वीकृति हो, अथवा ऐसे अनशुद्ध भवन, जिनके लिए वंशविरोधी स्थानीय विकास में शामिल हो, नियमित रूप से वंशविरोधी कर का गुणानुमान किया जा रहा हो, ऐसे भवनों में, यदि छत्तीसगढ़ मुनि विकास नियम, 1984 अथवा वंशविरोधी नगर के विकास योजना के अनुसार पाकिंग उपलब्ध नहीं है, तो पाकिंग हेतु निम्नापुरार अतिरिक्त रूप दिये जाने पर, भवन का नियमितकरण किया जा सकता है।

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(चार) शमन योग्य पाकिंग की गणना निम्नापुरार
(7) ऐसी गैर लाग अर्जन करने वाली सामाजिक संस्थाओं, जो लाग अर्जन के उद्देश्य से स्वार्थित न की गई हो, के अस्थिरता विवाद के प्रश्नक प्रकरण में शास्त्र स्रोतोंसहबत्र राशि के 50 (पचास) प्रतिशत की दर से देख होगा।

(8) उल्लेखनीय भूमिका विकास नियम, 1984 के नियम 39 में निर्दिष्ट प्रक्रियाओं के अनुसार, अर्जन की चोखाई उपलब्ध नहीं होने के कारण, राशि पर विशेष विशेषताओं में किसी प्रकार का लोकसंघ प्राप्ति न होने की स्थिति में, निषेधकान विधा जा सकती।

4. पूरा अंशित धारा 7 की उप-धारा (1) के खंड (बी) का लोक किया जायें।

5. (1) पूरा अंशित धारा 9 की उप-धारा (2) में, राशि "अर्जन के" धारा 9 का
संशोधन.

लंबित रहने की अवधि में, अपीलकार्य अनविभक्त विकास के नासिक भाग की रामी, जैसा कि प्रणिपाती द्वारा निर्देशित करेंगे,” के स्थान पर इन “अपील के लंबित रहने की अवधि में, अपीलकार्य द्वारा अनविभक्त विकास के नासिक भाग की रामी, जो एक वर्ष से अनधिक अवधि का देख होगा, जैसा कि प्रणिपाती द्वारा निर्देशित करेंगे, नियमित रूप से जमा करेंगे। यह प्रक्रिया समस्त लंबित एवं नवीन प्रक्रियाओं पर प्रभावित होगी।” प्रतिपादित किया जाये।

(2) मूल अधिनियम की धारा 9 की उप-धारा (3) के परन्तु के स्थान पर, निम्नलिखित प्रतिपादित किया जाए. अर्थातः –

“परंतु अपील के लंबित रहने की अवधि में, अपीलकार्य अनविभक्त विकास के नासिक भाग की रामी, जैसा कि इस अधिनियम के अंतर्गत प्रणिपाती द्वारा निर्देशित किया गया हो, नियमित रूप से एक वर्ष से अनधिक अवधि के लिए जमा करेंगे। यह परन्तु समस्त लंबित एवं नवीन प्रक्रियाओं पर प्रभावित होगी।”

अगल नागर, दिनांक 14 जुलाई 2022

क्र. 7988/वी. 70/21—अ/प्रस्त. /14 ग्न. /22. — गठन के लिए प्रविधि के अनुसार 348 के खंड. (3) के अनुसार में उक्ति समां अनविभक्त विकास का नियमितकरण (संशोधन) अधिनियम, 2022 [कार्यक. 7 सन् 2022] का अंशों अनुसार राज्यपाल के प्रविधि से प्रददेश प्रकाशित किया जाता है।

उक्तिसंगत के साक्षात्कार के नाम से हथ हर्देशानुसार,

उमेश कुमार कार्तिक, अधिनियम सचिव.
CHHATTISGARH ACT
(No. 7 of 2022)

THE CHHATTISGARH ANADHIKRIT VIKAS KA
NIYAMITIKARAN (SANSHODHAN) ADHINIYAM, 2022

An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka
Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002).

Be it enacted by the Chhattisgarh Legislature in the Seventy-Third
Year of the Republic of India, as follows :-

1. (1) This Act may be called the Chhattisgarh
Anadhikrit Vikas Ka Niyamitikaran
(Amendment) Adhiniyam, 2022.

(2) It shall extend to the whole State of
Chhattisgarh.

(3) It shall come into force with effect from the
date of its publication in the Official Gazette.

2. For clause (v) of sub-section (2) of Section 4
of the Chhattisgarh Anadhikrit Vikas Ka
Niyamitikaran Adhiniyam, 2002 (No. 21 of
2002), (hereinafter referred to as the Principal
Act), the following shall be substituted,
namely:-

Short title, extent and commencement.

Amendment of Section 4.
Amendment of Section 6.

3. After clause (iii) of sub-section (1) of Section 6 of the Principal Act, the following shall be inserted, namely:

"(iv)(a) On changing the land use other than prescribed purposes, an additional penalty of 5 percent of the current prevailing collector guide line rate for the land of that area shall be payable.

(b) (i) if the unauthorized development is done on the plot/site reserved for the prescribed parking, then the regularization will be allowed only after the prescribed additional penalty amount for lack of parking has been paid by the applicant.

(ii) such unauthorized development /construction which came into existence before the date
01.01.2011, for which building permit/development permit is sanctioned, or such unauthorized buildings for which property tax is being paid at the rate determined by the Government in the concerned local body, if parking is not available in such buildings as per the Chhattisgarh Land Development Rules, 1984 or the development plan of the city concerned, then the building can be regularized on the payment of additional penalty amount for parking as follows:-

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Parking Decrease Percentage</th>
<th>Penalty Payable (for each car space constraint)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Up to 25 percent</td>
<td>Fifty thousand rupees for each car space</td>
</tr>
<tr>
<td>(2)</td>
<td>More than 25 percent and up to 50 percent</td>
<td>One lakh rupees for each car space</td>
</tr>
<tr>
<td>(3)</td>
<td>More than 50 percent and up to 100 percent</td>
<td>Rs.2 lakh for each car space</td>
</tr>
</tbody>
</table>
(iii) such unauthorized development
/construction which came into existence on or after the date
01.01.2011, for which building
permit/development permit is
sanctioned, or such
unauthorized buildings for
which property tax is being paid
at the rate determined by the
Government in the concerned
local body, if parking is not
available in such buildings as
per the Chhattisgarh Land
Development Rules, 1984 or the
development plan of the city
concerned, then the building
can be regularized on the
payment of additional penalty
amount for parking as follows:-

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<tr>
<th>S.No.</th>
<th>Parking Decrease Percentage</th>
<th>Penalty Payable (for each car space constraint)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 25 percent</td>
<td>Fiftieth thousand rupees for each car space</td>
</tr>
<tr>
<td>2</td>
<td>More than 25 percent and upto 50 percent</td>
<td>One lakh rupees for each car space</td>
</tr>
</tbody>
</table>
(iv) The calculation of compoundable parking shall be as under:-

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Occupancy</th>
<th>Built up area (in square metres)</th>
<th>Minimum Area Available for Parking (Per Car Space (ECS))</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2) Residential</td>
<td>(3) Up to 500</td>
<td>(4) Nil</td>
</tr>
<tr>
<td></td>
<td></td>
<td>More than 500</td>
<td>50 Percent</td>
</tr>
<tr>
<td>(2)</td>
<td>Non residential</td>
<td>Up to 500</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td></td>
<td>More than 500</td>
<td>50 Percent</td>
</tr>
</tbody>
</table>

(c) penalty in each case for unauthorized development of such non-profit making social institutions, which are not established for the purposes of making profits, shall be payable at the rate of 50 (fifty) percent of the estimated amount.

(d) As per the provision laid down in Rule 39 of the Chhattisgarh Land Development Rules, 1984, regularization may be done if public
interest is not affected by the existing activities at the site due to non-availability of width of the road."

Amendment of Section 7.

4. Clause (iii) of sub-section (1) of Section 7 of the Principal Act shall be omitted.

Amendment of Section 9.

5. (1) In sub-section (2) of Section 9 of the Principal Act, for the words "The applicant must deposit the monthly rent of the unauthorized development regularly, as decided by the Authority, during the pendency of the appeal.", the words "During the pendency of the appeal, the appellant shall regularly deposit the amount of monthly rent for unauthorized development, which shall be payable for a period not exceeding one year, as may be determined by the Authority under this Act. This provision shall apply to the all pending and new cases." shall be substituted.

(2) For the proviso of sub-section (3) of Section 9 of the Principal Act, the following shall be substituted, namely:-
“Provided that during the pendency of the appeal, the appellant shall regularly deposit the amount of monthly rent for a period not exceeding one year, for the un-authorised development, as decided by the Authority under this Act. This proviso shall apply to the all pending and new cases.”