



The Manipur Town and Country Planning Act, 1975

Act No. 11 of 1975

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THE MANIPUR TOWN AND COUNTRY PLANNING ACT, 1975
(MANIPUR ACT OF 1975)

AN
ACT

*to provide for planning the development, and use of rural, hill and urban lands
in the State of Manipur and for purposes connected therewith.*

Be it enacted by the Legislature of Manipur in the Twenty-sixth Year of the
Republic of India as follows:-

CHAPTER 1

Preliminary

1. (1) This Act may be called the Manipur Town and Country Planning Act,
1975.

Short title extent
and commence-
ment

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force in such area and on such date as the State
Government may by Notification in the Official Gazette, appoint, and different
dates may by such notification be appointed for different areas.

2. In this Act, unless there is anything repugnant in the subject or context,

Definitions

(i) "Authority" means the Planning and Development Authority constituted
under Section 13 of this Act.

(ii) "betterment charge" means the charge prescribed in respect of an increase
in the value of land resulting from the execution of a scheme ;

(iii) "Board" means the State Town and Country Planning Board constituted
under Section 3 of this Act ;

(iv) "building" means any construction for whatsoever purpose and of
whatsoever materials constructed and every part thereof, whether used for human
habitation or not, and includes plinth, walls, chimney, drainage work, fixed
platform, verandah, balcony, cornice, or projection, or part of a building or
anything affixed thereto, or any wall, earth-bank, fence or other construction
enclosing or delimiting or intended to enclose or delimit any land or space ;

(v) "building operation" includes rebuilding operations, structural alterations
of or additions to buildings and other operations normally undertaken in
connection with the construction or reconstruction of buildings;

*(v) (a) "Chairman" means the Chairman of the Authority.

(vi) "Chief Town Planner" means a person appointed by the State Government
to perform the duties of a Chief Town Planner of the Town & Country Planning
or any other officer empowered by the State Government as such Chief Town
Planner under this Act.

* Added by the Manipur Town & Country Planning (Third Amendment) Act, 1988
(Manipur Act. No. 5 of 1988)

(vii) “Chief Town Planning Officer” means the officer appointed under section 14(b) and shall be subordinate to the Chief Town Planner and shall be under the control and supervision of the Chief Town Planner.

(viii) “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 charge, in any building or land, or in the use of any building or land, and includes sub-division of any land; but does not include :-

- (a) the carrying out of works which affect only the interior of a building or which do not materially affect the use and the external appearance of the building ;
- (b) the carrying out by a local authority of any works within the boundaries of a road for the maintenance or improvement of the road ;
- (c) the carrying out by a local authority any works for the purposes of inspecting, repairing or renewing any sewers, main pipes, cables or other apparatus, including the breaking open of any, street or other land for that purpose ; and
- (d) the use of any building or other land within the curtilage of dwelling house for any purpose incidental to the enjoyment of the dwelling house as such ;

(ix) “development scheme” means a scheme prepared under section 29 and includes a plan or plans together with the descriptive matter, if any relating to such a scheme ;

(x) “engineering operation” includes the formation or laying out of means of access to a road or the laying out of means of water supply or the laying out of means of electric, telegraphic or telephonic connections ;

(xi) “factory” means a factory to which the provisions of the Factories Act, 1948 (Central Act No. 63 of 1948) shall apply ; 63 of 1948

(xii) “hill areas” means such areas in the hill tracts of Manipur as the State Government may, by notification in the Official Gazette, declare to be hill areas ;

(xiii) “industrial concern” means a factory workshop, mill or any concern or similar nature where materials are manufactured, repaired, altered or processed;

(xiv) “land” includes benefits arising out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;

(xv) “Legislative Assembly” means the Legislative Assembly of Manipur;

(xvi) “local authority” means a Municipal Board, Small Town Committee, Gram Panchayat, Hill Areas District Council or any other Village Authority of a village in Manipur;

(xvii) "Occupier" means an occupier of a land or building or any portion thereof and includes a tenant, an owner in occupation of (or otherwise using) his land, a rent free tenant of any land , a licensee in occupation of any land, and person who is liable to pay to the owner rent or any other charges for the use and occupation of any land ;

(xviii) "Official Gazette" means the Manipur Gazette ;

(xix) "open space" means any land, whether enclosed or not, which has been laid out for purposes of public recreation or lies waste or unoccupied, and in which the part covered by buildings, if any, does not exceed one-twentieth of it in area ;

(xx) "Plan" means a Master Plan prepared under Section 22 of this Act ;

(xxi) "prescribed" means prescribed by Rules made under this Act ;

(xxii) "re-constituted plot" means a plot which is in anyway altered by the implementation of a development scheme;

(xxiii) "road" means any highway, street, lane, pathway, alley, passage way, carriageway, square, bridge, whether private or public, whether thoroughfare or not, whether existing or proposed in any scheme, and includes all bunds, channels, ditches, drains, culverts, side-walks and traffic islands ;

* (xxiii) (a) "Secretary" means the Secretary of Authority.

(xxiv) "State Government" means the State Government of Manipur ;

(xxv) "Zone" means any one of the divisions in which the Master Plan areas may be divided for the purposes of uses of land or for the purposes of development under this Act ;

(xxvi) "Zoning Regulation" means a regulation made by the State Government in respect of a zone or a number of zones under a Master Plan.

* **Added by the Manipur Town & Country Planning (Third Amendment) Act, 1988 (Manipur Act. No. 5 of 1988)**

CHAPTER II
State Town And Country Planning Board

3. (1) The State Government shall, by notification in the official Gazette, constitute a Board to be known as the State Town and Country Planning Board for the purposes if this Act consisting of the following members :

Constitution of
the Board

- | | |
|---|---------------------|
| (a) Minister in charge of Town and Country Planning, Manipur | Chairman |
| (b) Secretary (Revenue), Manipur | Member |
| (c) Secretary (Finance), Manipur | -do- |
| (d) Secretary in charge of Town & Country Planning, Manipur | -do- |
| (e) Chief Engineer, PWD, Manipur | -do- |
| (f) Director of Medical, Health and Family Planning Services, Manipur | -do- |
| (g) Chief Town Planner of Town & Country Planning or a Chief Town Planning Officer or Executive Engineer, (Town Planning), Manipur | Member
Secretary |
| (h) Such Chairman of Municipal Board or Town Committees falling within the area covered by the Master Plan, not exceeding two, as may be co-opted by the Board by notification in the official Gazette. | Member |
| (i) Four other non-official members, half of whom shall be nominated by the Assembly and the rest by the State Government. | -do- |
| (j) Chief Engineer/Superintending Engineering Electricity Department, Manipur | -do- |
| (k) Two Officers of the State Government to be nominated by the State Government | Members |

(2) The State Government shall publish, by notification in the official gazette, the names of the person co-opted or nominated under clause(h), or clause (i), of sub-section (1) of this section.

4. (1) The Board shall meet at such time and at such place and, subject to the provisions of this section, observe such procedure as may be prescribe in regard to the transaction of its business at such meeting.

Meetings of the
Board

(2) The Chairman shall preside over the meetings of the Board, and in the absence of the Chairman, the members present shall choose one from among themselves to preside over that particular meeting.

* Added by the Manipur Town & Country Planning (Amendment) Act, 1976 (Manipur Act. No. 4 of 1976)

(3) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting, and all members of Board, including the co-opted members, shall have one vote each, and the Chairman or the person presiding over a meeting shall have a second or casting vote in the case of equality of votes.

(4) The quorum of a meeting of the Board shall be five. and if at any meeting there is no quorum the Chairman or the person presiding over the meeting shall adjourn the meeting or suspend it until there is quorum.

(5) The Board shall have power to act notwithstanding any vacancy in the membership thereof.

5. (1) The Board may associate with itself, in such manner and for such purposes as may be prescribed, any persons whose assistance or advice it may require in performing any of its functions under this Act.

Temporary association of persons with the Authority for particular purposes.

(2) Any person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions in a meeting of the Board, but shall not have the right to vote.

6. (1) Subject to the provisions of this Act and the Rules made there under, the functions of the Board shall be to guide, direct, and assist the Planning and Development Authorities, to advise the State Government in matters relating to planning, the development and use of rural, hill and urban land in the State, and to perform such other functions as the State Government may, from time to time, assign to the Board.

Functions and powers of board.

(2) In particular and without prejudice to the generality of the forgoing provisions, the Board may, and shall, if required by the State Government.

- (a) direct the preparation of development schemes by the Authorities ;
- (b) undertake, assist and encourage the collection, maintenance and publication of statistics, bulletins and monographs on planning 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.

7. The State Government may provide the Board with such number of staff as is sufficient to enable the Board to discharge its functions properly under such terms and conditions as may be specified by the Government.

Staff of the Board

8. Any non official member may at any time resign his office, provided that his resignation shall not take effect until accepted by the State Government.

Resignation of non official members.

Explanation :- In this Chapter, “non official member” means any person co-opted or nominated under clause (h) or clause (i) of Sub section (1) of Section (3).

9. The term of office of any non-official member shall be ordinarily three years, and they may be given such allowance as may be fixed by the State Government :

Term of office and conditions of service.

Provided that the terms of office of the non-official members shall terminate as soon as they cease to be members of the Legislative Assembly or the local authority, as the case may be.

10. (1) The term of office of non-official members shall commence on such date as may be notified in this behalf by the State Government.

(2) A person ceasing to be a member by reason of the expiry of his term of office as described in section 9, shall be eligible for re-nomination or re-co-option.

Commencement of the term of office of non-official members.

11. I [{1}] The State Government may remove from the Board any member who

Removal of non-official members

(a) refuses to act, or becomes incapable of acting or absents himself from three consecutive meeting of the Board and is unable to explain such absence to the satisfaction of the Board ; or

(b) has so flagrantly abused in any manner his position as a member of the Board as to render his continuance detrimental to the public interest.

Provided that when the State Government proposes to take action under the foregoing provisions of this section, an opportunity shall be given to the member concerned to represent against the proposed action, and when such action is taken the reasons thereof shall be placed on record.

(2) A member removed under claused (a) and (b) of sub-section (1) shall not be eligible for re-appointment or re-nomination, as the case may be.

12. (1) When the office of a member nominated or co-opted becomes vacant on account of his resignation, removal or death, it shall be filled up as soon as possible by nomination or co-option, as the case may be.

Filling of casual vacancies.

(2) The term of office of a member nominated or co-opted under sub-section (1) shall be the remaining terms of his predecessor.

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1. Numbered by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act, No. 25 of 1976)
 2. Added by the Manipur Town and Country Planning (Second Amendment) Act, 1976 (Manipur Act, No. 25 of 1976).

CHAPTER—III

Planning and Development Authority

13. (1) The State Government may, by notification in the Official Gazette, constitute an Authority to be known as the Planning and Development Authority (hereinafter referred to as the Authority) for the purposes of this Act, with jurisdiction over such area as may be specified in the said notification, and different Authorities may be constituted for different areas. Constitution of the Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both moveable and immovable, and to enter into any agreement, and shall, by its name, sue and be sued.

14. The Authority shall consist of the following members, namely:- Composition of the Authority.

- | | | |
|---|--|-------------------|
| * | (a) A Chairman to be appointed by the State Government | Chairman |
| | (b) A Vice-Chairman to be appointed by the State Government | Vice-Chairman |
| | (c) The Commissioner/Secretary to the State Government, in-charge of Municipal Administration, Housing and Urban Development | Ex-Officio Member |
| | (d) The Commissioner/Secretary to the Government in-charge of Finance | -do- |
| | (e) The Chief Town Planner, Government of Manipur | -do- |
| | (f) The Chief Engineer, Public Health Engineering Deptt., Government of Manipur | -do- |
| | (g) The Chief Engineer, Public Works Department Government of Manipur | -do- |
| | (h) The Chief Engineer, Electricity Department, Government of Manipur | -do- |
| | (i) The District Magistrate of the District who has jurisdiction over the whole or part of the area | -do- |
| | (j) The Chief Executive Officer of the Municipal Board of Municipality falls wholly or partly within the area of jurisdiction of the Authority. | -do- |
| | (k) Two prominent persons having sufficient knowledge or practical experience in Urban Development matters and residing within the area of jurisdiction of the authority to be nominated by the State Government | Member |
| | (l) A Secretary to be appointment by the State Govt. | Member Secretary |

* Substituted by the Manipur Town & Country Planning (Third Ammendment) Act, 1988 (Manipur Act No. 5 of 1988)

15. A person shall be disqualified for appointment or nomination as a member, if he—

Disqualifica-
tion for ap-
pointment as
member

(a) has been convicted of any offence involving moral turpitude ;

(b) is an undischarged insolvent or an applicant for being adjudicated and insolvent;

(c) holds any office of profit under the Authority other than those mentioned in clauses (a), (b), (c), (d) and (e) of section 14 ;

(d) has, directly or indirectly, by himself or by any member of his family, any share or interest, in any contract or employment with, by or on behalf of the Authority ; or

(e) is a Director, or a Secretary, Manager or other salaried Officer of any incorporated company which has any share or interest in any contract or employment, with, by or on behalf of the Authority.

16. (1) The State Government may remove from the Authority any member (including the Chairman and Vice-Chairman) who—

Removal of
members.

(a) refuses to act or becomes incapable of acting or absents himself from three consecutive meetings of the authority and is unable to explain such absence to the satisfaction of the Authority ;

Or,

(b) has so flagrantly abused in any manner, his position as a member of the Authority as to render his continuance detrimental to the public interest :

Provided that when the State Government propose to take any action under any of the above provisions, an opportunity shall be given to the member concerned to show cause why such action should not be taken against him.

(2) A member removed under clauses (a) and (b) of sub-section (1) shall not be eligible for re-appointment dor re-nomination, as the case may be.

17. (1) The term of office and conditions of service of the Chairman, the Vice-Chairman and the other members of the Authority shall be such as may be prescribed, and they shall be entitled to receive such salaries and allowances as may be fixed by the State Government.

Terms of office
and condition
of service of the
chairman and
other members

(2) The Chairman or the Vice-Chairman or any member may resign his office by giving notice in writing to the State Government and, on the resignation being accepted by the State Government, he shall cease to hold his office in the Authority.

(3) Any vacancy caused by resignation or removal or otherwise shall be filled by fresh appointment or nomination by the State Government, as the case may be.

18. (1) The function and powers of the Authority shall be to promote and secure development of the area according to the Master Plan or the Development Scheme and to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage, looking after drainage system and other services and generally to do any thing necessary or expedient for purposes of such development and for purposes incidental thereto.

1 [(1A) The Authority shall have the power to execute public Housing projects and to dispose of the houses so constructed on terms and conditions approved by the State Government.]

(2) On the constitution of Planning and Development Authority [.....] all State Khas-lands within the master plan area shall be deemed to have vested in the Authority :

* 19. (1) Each Authority shall meet at least once in a month at such time and place and shall, subject to the provisions of this Section, observe such procedure in regard to the transaction of business at its meetings, as may be prescribed by bye-laws framed under Section 91 of this Act.

Meeting of the Authority

(2) The Chairman, or in his absence, the Vice-Chairman shall preside over any meeting of the Authority and in the absence of both the Chairman and the Vice-Chairman the members present shall choose one from amongst themselves to preside over such a meeting.

(3) The quorum for a meeting of the Authority shall be five, and if at any meeting there is no quorum the Chairman or the person presiding over the meeting shall adjourn the meeting or suspend until there is quorum.

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

20. (1) The Authority may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may require in performing any of its functions under this Act.

Temporary Association of persons with the Authority for particular purposes.

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1. Added by the Manipur Town & Country Planning (Second Amendment) Act 1976 (Manipur Act. No. 25 of 1976)
 2. Deleted by the Manipur Town & Country Planning (Second Amendment) Act 1976 (Manipur Act No. 25 of 1976)
 3. Added by the Manipur Town & Country Planning (Second Amendment) Act 1976 (Manipur Act No. 25 of 1976)
 4. *Deleted by the M.T. & C.P. (Fourth Amendment) Act, 1989 (Manipur Act, No. 7 of 1989).

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

21. (1) Subject to such control and restrictions as may be prescribed by Rules the Authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

Staff of the
Authority

(2) The officers and employees of the Authority shall be entitled to receive such salaries and allowances, if any, as may be fixed by the Authority and shall be governed by such terms and conditions of service as may be determined by rules and regulation made in this behalf.

CHAPTER IV MASTER PLAN

22. A Master Plan (hereinafter referred to as “Plan” in this Act) for the Development of any area within Manipur which the State Government may consider necessary, shall be drawn up by the Chief Town Planner in consultation with the local authority or authorities concerned and submitted to the State Government for approval.

Preparation of
the Master Plan

23. (1) On receiving the Plan from the Chief Town Planner, the State Government shall have it, as soon as may be, published in the Official Gazette and in not less than one registered local news paper available in the locality to be affected by such Plan in the manner prescribed for wide publicity inviting opinion and objections, if any, to be submitted within a period of not more than two months.

Publication of
the Master Plan

(2) After considering all objection, suggestions and representation that may have been received and after getting the advice of the Board, the State Government may approve the Plan and adopt it.

(3) The Plan so adopted shall be published by the State Government by notification in the Official Gazette.

24. The Plan to be prepared under Section 22, may include :-

- (a) a general land use plan, for residential, commercial, industrial, recreational and public and semi-public purposes;
- (b) zoning plan;
- (c) transportation plan including roads, railways, canals etc.
- (d) Public utilities plan;
- (e) a report giving relevant data and information in respect of the proposals in the Plan, Zoning Regulation and any other matter which the State Government may deem necessary.

Contents of
Master Plan
and zoning
Regulations.

25. After the adoption of the Plan by notification in the official gazette, the State Government shall sent it to the authority for implementation thereof.

Implementation
of the Plan.

26. (1) After the Plan has been adopted by the State Government in the foregoing manner no person shall use any land, sub-divide any land or set up any new structure on any land, covered by the Plan or change the existing structure of any building or use of any building or land within the area except on the permission of the Authority.

(2) Each such application shall be accompanied by the layout plan drawn to scale showing the actual dimension of the parcel of the land and the building to be built upon it, the site and the position of the building to be erected and in case of alteration in the use or structure of building or land, the nature and extent of such alternation.

(3) The Authority may also call for such other information as if may deem necessary to examine the application.

(4) The Authority shall not refuse the permission except on the ground of contravention of proposals contained in the plan or the Zoning Regulation, and unless the permission has been refused within a period of one month from the receipt of the application or such other information as may be called for by the Authority under sub-section (3) it shall be presumed that the permission has been given.

27. (1) Where any deed or document required to be registered under the Indian Registration Act, 1908 proposes to sub-divide any land covered by the plan, no registering officer shall register any such document unless the party presenting the deed document for registration produces a no objection certificate from the Authority to the effect that the Authority has no-objection to the registration of such deed or document.

Prohibition of allotment of land & registration in certain cases.

(2) In Plan area, no land should be allotted without no-objection certificate from the Town Planning Department, Manipur.

28. The State Government shall review the Plan once for every ten years, and may modify it any time, in the prescribed manner.

Power of the State Govt. to modify the plan.

CHAPTER V
DEVELOPMENT SCHEME

29. (1) On or after the commencement of this Act, the Authority may by notification in the official Gazette, declare any area to be a Scheme area and shall thereafter prepare a scheme. Where no Authority has been constituted, the State Government may, by notification in the official Gazette, declare any area to be a Scheme area and the Chief Town Planner shall thereafter prepare a Scheme.

Preparation of
the Develop-
ment Scheme.

(2) Notwithstanding anything contained in subsection (1) the State Government may, after making such enquiry as it may deem necessary by notification in the Official Gazette, direct any local authority to prepare, and submit a Scheme under this section for an area specified in such notification for sanction before an appointed date.

(3) While preparing the scheme, the Authority or, the Chief Town planner or the local authority, as the case may be, shall issue a notice inviting the names of all the claimants of any interests on any land or building within the area under the scheme to be submitted within a period of not more than *twenty one days.

(4) Save as provided in this Act, the Authority, the Chief Town planner or the local authority shall not undertake or carry out any development of land in any area which is not within the area under the scheme.

(5) After the commencement of this Act, no development of land shall be undertaken or carried out in the area under the scheme by any person or body of persons except in the manner prescribed under section 26(1).

30. (1) The Authority, the Chief Town Planner or the local authority, as the case may be shall have the Scheme and the report if any, published in not less than five leading local daily newspapers and also have served a copy of the said scheme and the report on the persons who preferred claims under sub-section 29 above inviting objections, if any, to be filed within a period of not more than one month. The Authority or the Chief Town Planner or the local authority as the case may be, shall have specified the place where copies of the scheme and report may be made available for the inspection of the person who is likely to be affected.

Publication of
the Develop-
ment Scheme.

(2) After the expiry of aforesaid period, the Authority, the Chief Town Planner or the local authority, as the case may be, shall examine the Scheme in the light of such objection and shall adopt the Scheme or refuse to adopt it or adopt it with such modification as may be necessary after giving sufficient opportunity for hearing, to all such interested person.

(3) After, the Authority, the Chief Town Planner or the local authority, as the case may be, has adopted the Scheme, it shall be forwarded to the State Government for its approval, and thereafter the Scheme shall come into force from the date on which it is approved by the State Government.

1. Substituted by the Manipur Town & Country Planning (second Amendment) Act, 1976 (Manipur Act No. 25 of 1976).
... 2. Substituted by the M. T. & C. P. (Third Amendment) Act, 1988.

31. (1) The scheme approved by the State Government under sub-section (3) of Section 30 shall be implemented by the Authority as soon as possible.

Implementation of the Development Scheme.

(2) No person shall within any area where a Scheme has come into force erect or proceed with any building or work or remove or alter or make additions or make any substantial repair to a building or a part thereof, a compound wall or any drainage work, or remove any earth or change the use of any land or building except on permission of the Authority.

32. (1) A Scheme made in accordance with the provisions of the Act may be in respect of any land which is –

Scope of the Development Scheme.

- (a) in the course of development.
- (b) likely to be used for building purposes, or
- (c) already built upon.

Explanation :- The expression “Land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreational grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a scheme whether in the nature of a building work or not.

- (2) The Scheme may make provisions for any of the following matters:-
- (a) the laying-out or re-laying out of land, either vacant or already built upon;
 - (b) the filling up of or reclamation of low-lying swamp or un-healthy or unhealthy areas or leveling up of land;
 - (c) the laying out of new streets or roads, construction, diversion, alteration improvement and stopping of streets, roads and communications;
 - (d) the construction, alteration and removal of buildings;

Explanation :- The building constructed by the Authority can be let out and the expenses for the maintenance of the buildings shall be borne by the Authority.

- (e) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds;
- (f) drainage inclusive of sewerage, surface or sub soil drainage and sewage disposal;

- (g) lighting;
- (h) water supply;
- (i) the preservation of objects of historical importance or natural beauty and of buildings actually used for religious purposes;
- (j) the imposition of condition and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purposes to which buildings or specified area may or may not be appropriate; the sub-division of plots, the discontinuance of objectional uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;
- (k) such other matters not inconsistent with the objects of this Act.

(3) The Scheme shall contain the following particulars:-

- (a) the area, ownership and tenure of each original plot;
- (b) the land allotted or reserved under clause (e) of sub-section (2) with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such lands is to be put to such cases;
- (c) the extent to which it is proposed to alter the boundaries of original plots;
- (d) an estimate of the net cost of the schemes;
- (e) a full description of all details of the scheme under such clause of such section (2) as may be applicable;
- (f) the laying out or relaying out of land either vacant or already built upon;
- (g) the filling up or reclamation of low -lying swamp or unhealthy areas or levelling up of land, and
- (h) any other prescribed particulars.

(4) In the 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 the plot is already built upon, to ensure that the building, as far as possible, complies with the provisions of the scheme as regards open spaces.

(5) In order to render original plots more suitable for building purposes the Scheme may further contain proposals:

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

(b) to provide with the consent of the owners, for holding in common ownership as reconstituted plot with or without alteration of boundaries, in place of two or more original plots each or which is held in one ownership is severally or in joint ownership.

33. (1) If, after the scheme has come into force, the Authority considers that the scheme is defective on account of an error or irregularity or any other reason, it shall refer to the State Government to modify or withdraw the Scheme and give reasons therefore.

Amendment & alterations of the Development Scheme.

(2) The ¹[State Government] may withhold the modification, or withdrawal referred to him or in approving it.

²= [.....]

³= [Provided that in case the State Government approves the modification, it shall cause the modification to be published in the Official Gazette by the Chief Town Planner, in the prescribed manner,

Provided further that in case the State Government approves of the withdrawal, it shall cause the fact to be notified in the Official Gazette by the Chief Town Planner.]

(3) Within one month of the date of publication of the modification, any person affected thereby may communicate in writing his objection to the Chief Town Planner.

(4) On receiving the objection under sub-section (3), the Chief Town Planner may, after making such enquiry as he may think fit, approve the proposed modification with or without any further modification thereof.

(5) The Chief Town Planner shall thereafter submit the modified scheme to the State Government for approval and the modified Scheme shall be published after such approval in not less than one registered local newspaper available in the locality to be affected by the modified scheme.

(6) Such modification approved and published under sub-section (5) shall be deemed to take effect from the date when the original Scheme was enforced.

34. (1) Notwithstanding anything contained in Section 33 a Scheme may at any time be modified or revoked by a subsequent Scheme made, published and approved in accordance with this Act.

Power of revoke the Development Scheme.

(2) The State Government, may, at its own initiative or on the application of the Authority, at any time, by notification in the Official gazette, revoke a Scheme, if it is satisfied that under the special circumstances of the case the scheme should be so revoked :

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1. Subsequent by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act No. 25 of 1976).
 2. Deleted by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act No. 25 of 1976)
 3. Added by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act No. 25 of 1976)

Provided that where revocation or modification under section ⁴[28] or this section is ordered by the State Government after a Scheme has been partially or wholly implemented, compensation shall be paid for the necessary alteration in accordance with law for the time being in force.

35. For the purposes of the Master Plan, the Zoning Regulation of the Scheme, the Authority may impose reasonable restrictions on the use of the land and building including the regulating of the open spaces to be maintained around the building or buildings, the percentage of the plot area to be covered by buildings, the number of buildings on each plot, height and character of building or buildings allowed in specified areas, the purpose for which building or buildings of the specified areas may or may not be used, the sub-division of plots, parking space and loading and unloading space for any building and the size of projections and such other matters not inconsistent with the provisions of this Act.

Power of Authority to impose restriction

4. Substituted by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act No. 25 of 1976)

CHAPTER VI
ROADS AND SUB-DIVISIONS

36. (1) The Authority shall, from time to time, with the sanction of the State Government, specify the minimum width for different classes of public roads according to the nature of the traffic likely to be carried there, the localities in which they are situated, the heights up to which buildings abutting thereon maybe erected and other similar considerations.

Width of Public roads.

(2) The width of a new public road shall not be less than that prescribed in sub-section (1) or that shown on the plan for the class to which it belongs in areas for which a plan has been prepared.

37. (1) The Authority may, by bye laws made in this behalf, prescribe a road line on one side or both sides of any public road :

Power to prescribe road lines.

Provided that prior notice of the proposals for prescribing such a road line shall be issued by the Authority in such manner as may be prescribed.

(2) No person shall construct or re-construct any building or any portion of a building lying on the land within road-line.

38. (1) If any building or any part of a building abutting on a public road is within the road line, the Authority may require such building to be set back to the prescribed line, whenever it is proposed—

Setting back buildings to the prescribed road line.

(a) to rebuild such building or to take down such building; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of, such building as is within the regular line of the road.

(2) When any building or any part thereof within the road-line falls down or is burnt down or is taken down under the provisions of this Act or otherwise, the road line formerly occupied by the said building and, if necessary, clear the same.

(3) The land taken possession of under sub-section (2) shall henceforward be deemed to be a part of the public road.

39. If any land lies within the prescribed line or a public road and is not occupied by a building, is within the line of such road the Authority may, after giving the owner of the land a notice of the intention to do so, take possession of the said land which is within the prescribed line of the road.

Acquisition of land within the lines of road.

40. If a building or land is partly within the road-line, and if the Authority is satisfied that the building or land remaining after the exclusion of the portion within the said line will not be suitable or fit for human habitation or for construction of an independent building, the Authority shall acquire the remaining portion of the land, if so desired by the owner, and such an acquisition shall be done in accordance with the provisions under Chapter VII of this Act.

Acquisition of the remaining parts of building and land.

41. (1) Every person who intends to sub-divide any plot of land within the Plan area shall give notice in writing to the Authority of his intention to do so, and any such notice shall be accompanied by the layout plans and statements in triplicate.

Sub Division of private land.

(2) All layout plan for sub-divisions of land shall, subject to the provisions of section 40, be in accordance with the standards prescribed by the State Government.

42. A layout plan accompanying a notice under section 41 shall be drawn to a suitable scale and shall contain the following particulars, namely :

Layout plans accompanying notice.

- (a) the location of the land;
- (b) the boundaries of the proposed land shown on the layout plan and sufficient description to define it;
- (c) name and address of the owner of the land;
- (d) location, name and widths of the adjacent roads and lanes;
- (e) the major physical characteristics of the land proposed to be sub-divided, including topography, the approximate location and width of the water course and location of any area subject to inundation of flood;
- (f) the complete layout of the proposed sub-division showing the location and widths of all the proposed roads dimensions and uses of all the plots;
- (g) the locations of all drains, sewers and other utilities;
- (h) building lines permissible;
- (i) scale and north line ; and
- (j) key plan

43. (1) The Authority may either approve or reject the layout plans or may approve them with such modification as it may deem fit and there upon shall communicate its decision to the person giving the notice within three months from the date of notice.

Sanction with or without modification or rejection.

(2) No person shall be allowed to construct a building on any plot of land, the sub-division of which has not been previously approved by the Authority.

44. If the Authority determine at any stage that the layout or the construction is not proceeding according to the layout plan approved under section 41^[43] or is in violation of any provision of this Act, it shall serve a notice on the applicant requiring him to stay further execution until correction has been effected in accordance with the approved layout plan.

Layout not according to plan.

45. Whoever contravenes, or resists the enforcement of any provision of this Act or any rules or bye-law made thereunder shall, if no other penalty is provided for the offence under any law in force for the time being, be punishable with fine which may extend to two hundred and fifty rupees for every subsequent offence.

Penalty for violation.

46. 2[... ..]

Cognizance of offences.

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1. Substituted by the Manipur Town & Country Planning (Second Amendment) Act. (Manipur Act. No. 25 of 1976).
 2. Deleted by the Manipur Town & Country Planning (Second Amendment) Act. (Manipur Act. No. 25 of 1976.)

CHAPTER VII
TRANSFER AND ACQUISITION OF LAND

47. The State Government may, for the purposes of enabling the Authority to execute the scheme, transfer to the Authority any Government land within or adjoining the area covered by the scheme.

Transfer of Government land to the Authority

Explanation :- In this section, "Government land" means any land belonging to the State Government.

48. Whenever the acquisition of any land, whether within or without an area is required to enable an Authority to execute a Scheme, the State Government may at the request of the Authority and in consultation with the Board, acquire the land and transfer it to the Authority, if so desired by the Authority.

Power of the State Government to acquire land.

49. Subject to the provisions of section 48, the provisions of the land Acquisition Act, 1894 relating to acquisition of land and payment of compensation shall be applicable to acquisition of land under this Act.

Procedure for acquisition of land (1 of 1894)

50. Subject to the provisions of this Act and the rules made thereunder, and with the prior concurrence of the State Government, an Authority may transfer any land transferred to it, by way of sale, mortgage, lease or otherwise :

Disposal of land.

Provided that in case of a land transferred to the Authority under Section 48, the person from whose ownership the land was acquired by the State Government under that section shall have priority to be the transferee under this section.

51. (1) The Authority shall, in the first instance, make reasonable efforts to purchase by negotiation any land required by it for the execution of a Scheme.

Negotiation before acquisition.

(2) No request of the Authority to acquire any land shall be entertained by the State Government under section 48 if the State Government is not satisfied that the Authority made reasonable efforts to purchase the land by negotiation under sub section (1).

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

Payments to owner by adjustment.

CHAPTER VIII
COMPENSATION AND BETTERMENT

53. Any person whose land or buildings is injuriously affected in value by the implementation of a Scheme under section 31, shall, if he makes a claim for the purpose within a period of three months after the said injury is caused, be entitled to compensation in respect thereof from the State Government.

Right to Compensation.

Explanation :- For the purposes of this section, a land or building shall not be deemed to have been injuriously affected in value, if it is still fit for human habitation or any other uses.

54. (1) A person shall not be entitled to compensation under section 53 on account of any building erected on, or, contract made or other thing done, with respect to any land within the area included in a Scheme after the date of publication of the Scheme under sub-section (1) of section 30 :

No right to Compensation.

Provided that this sub-section shall not apply to any building erected, contract made or other thing done in accordance with the permission granted under section 26 or section 31 of this Act.

(2) No compensation shall be payable in respect of any property which may be injuriously affected by putting into operation of any provision of the Scheme which-

- (a) prescribed the space about buildings; or
 - (b) limits the number of buildings; or
 - (c) regulates the size, height, design or external appearance of buildings;
- or
- (d) prohibits or restricts building operations permanently or temporarily on the ground that erection of buildings thereon will be likely to be injurious to the health of occupants or the neighbours or likely to cause excessive expenditure of public money in making provision for road, sewers, water supply or other public services; or
 - (e) prohibits or restricts the use of land or buildings for a purpose which may involve danger or injury to public hygiene or the health of the occupants or their neighbours or for a purpose which is against the public policy and morals; or
 - (f) in the interest of safety, regulates the height and position of proposed walls and building, fences or hedges, near the corners or bends of roads; or
 - (g) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of parking vehicles.

(3) No compensation shall be payable for refusal of permission to make any alteration in any building which is not in conformity with the use specified in the Plan or in the Scheme.

55. (1) The owner of any land which is likely to be acquired for purposes of a Scheme may, at any time after the approval of the Scheme by the State Government under sub section (3) of section 30, by a written notice to the Authority in the prescribed manner, call upon it to purchase the land or to request the State Government to acquire it.

Right of owner to acquire Authority to acquire or purchase land.

(2) If within six months of the service of the notice under sub-section (1) the land is not purchased or the State Government is not requested to acquire it, the Scheme, in so far as that land is concerned, shall be deemed to have been withdrawn and all notice and orders in that connection shall lapse.

56. (1) Where, in the opinion of an Authority, as a consequence of a plan or a Scheme having been implemented in any Zone or in any other area, the value of any immovable property has increased, the Authority shall have power to levy upon the owner of the property or any person having an interest there in a betterment charge in respect of the increase in value of the property resulting from the implementation of the Plan or the Scheme :

Levy of betterment charge.

Provided that no betterment charge shall be levied in respect of the properties owned by the State Government or the Central Government ;

Provided further that where any such property belonging to any such Government has been let out any person, such person shall be liable to pay betterment charge under this section;

Provided further that no betterment charge shall be levied on any property belonging to public charitable, religious, recreational or educational institutions.

Provided also that no betterment charge shall be levied on any property belonging to an individual, if the State Government find him deserving for exemption.

(2) The betterment charge leviable under this section shall be—

(a) twenty five percent of the increase in value in respect of residential land.

(b) fifty percent of the increase in respect of non-residential land.

Explanation— The increase in value for the purpose of this section shall be increase in the market value in between the date just before the implementation of the plan or the Scheme and the date on which the execution of the works of such implementation has been substantially completed.

(3) Such betterment charges shall be assessed in such manner as may be prescribed, and a copy of the order of assessment shall be delivered to the person liable for the betterment charge.

(4) Such order of assessment subject to the provisions of section 57 shall be final and shall not be questioned in any court of law.

57. (1) Any person aggrieved by the decision of the Authority with respect to matters of compensation and betterment charge, may appeal to the Appellate Authority to be appointed under sub-section (1) of Section 58 within thirty days of the date on which the decision of the authority fixing the amount is communicated to the person. Appeal.

Explanation – In computing the period of one month under this sub-section, the time required for taking out copies of the order appealed against shall be excluded.

If the owner of any property objects to the amount of compensation or betterment charge determined by the Authority on any ground he shall also state the amount which he contends, would be correct, and may within thirty days of the date on which the decision of the Authority fixing the amount is communicated to him, request the Authority to purchase the property, or request the State Government to acquire it, together with any building or other works that may exist thereon.

(3) The Authority shall thereupon purchase the property or request the State Government to acquire it.

CHAPTER IX
APPEALS AND THE APPELLATE AUTHORITY

58. (1) Save as otherwise provided, the State Government shall appoint an Appellate Authority to hear all appeals arising out of the provision of this Act, and the appointment shall be on such terms and conditions as the State Government may decide.

Appointment of
Appellate
Authority.

(2) The person or persons appointed by the State Government as Appellate Authority shall have the qualification prescribed by article 233 of the Constitution of India.

59. (1) The duties and power of the Appellate Authority shall be —

Duties of the
Appellate
Authority.

(a) to hear and decide appeals against the order of the Authority;

(b) to decide and hear appeals in respect of such other matters and exercise such other powers as may be entrusted to, any conferred upon it by the State Government in accordance with the provision of this Act;

(2) The Appellate Authority shall not entertain appeals preferred after thirty days from the date of the order appeal against. However, the Appellate Authority may, in its discretion condone such delay in filing appeals for sufficient reasons.

60. (1) The Appellate Authority shall conduct its proceedings in the prescribed manner after giving the opposite party or any person interested in the order appealed against an opportunity of being heard.

Procedure
working of the
Appellate Au-
thority.

(2) The Appellate Authority may, at any time, call for any record of any proceeding of the State Government or the Authority and call for and return or statement or report concerning or connected with any matter with which the authority has been authorised to deal.

(3) The Appellate Authority shall have all the powers of a civil court for the purpose of taking evidence on oath and of enforcing the attendance of witness including the parties interested and compelling the production of documents and other things if considered necessary.

(4) The Appellate Authority in its direction may make any order regarding the cost to be paid by any of the parties in the proceedings and the Appellate Authority shall have full powers to determine by whom or out of what property and to what extent such costs are to be paid, and the Authority shall be bound to execute the orders of the Appellate Authority in accordance with the direction, if any, contained in the order, and such costs or amounts awarded by the Appellate Authority shall be realised as arrears of land revenue.

(5) The decision of the Appellate Authority shall be final.

61. Every party to any proceeding before the Appellate Authority shall be entitled to appear either in person or by his recognised agent.

Right to
appear by
recognised
agent.

CHAPTER X
FINANCE, ACCOUNTS AND AUDIT

62. The receipts of Authority under this Act shall form a separate development fund and all expenditure under this Act, or, any development scheme thereunder, shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of State Government, be expended for purposes not provided for by this Act.

Development
Fund.

63. Subject to the prior approval of the State Government, the Authority shall have the power of borrowing money, and it shall be deemed to be local authority as defined in the local Authorities Loans Act, 1914 for the purpose of borrowing money under that Act, and the making and execution of a Plan and Scheme shall be deemed to be a work which such local authority is legally authorised to carry out.

Powers of
borrow (9 of
1914)

I [“provided that the State Government may guarantee the repayment of the principal and the payment of the interest thereof in respect of loans borrowed by the Authority from the Life Insurance Corporation of India and other financial Institution, with the prior approval of the State Government for the execution of a plan and a Scheme”.]

64. The State Government may make such grants, advance and loans to the Authority as State Government may deemed necessary for the performance of functions of the Authority under this Act.

G r a n t s
Advances
and loans.

65. Every Authority shall, every year prepare, in such form, and at such time as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of Authority and shall forward to the State Government and the Board such number of copies thereof as may be prescribed.

Budget of
Authority.

66. (1) Every Authority shall maintain proper accounts and other relevant records.

Accounts &
Audit

(2) The Accounts of the Authority shall be subject to annual audit by the Accountant General of Manipur and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General, Manipur.

(3) The Accountant General of Manipur or any person appointed by him in connection with audit of accounts of the Authority, shall have the same right, privilege and authority in connection with 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.

(4) The Accountant General of Manipur shall forward the annual audit report to the State Government.

1. Added by the Manipur Town & Country Planning (Second amendment) Act, (Manipur Act No. 25 of 1976).

CHAPTER XI
LEGAL PROCEEDINGS

67. (1) When a Plan or a Scheme has been approved under this Act any person who commits or knowingly permits a breach of any specified provisions of the Plan or the Scheme, or who neglect or fails to comply with, any such provisions shall be punishable under this Section.

Penalty for breach of the provisions of the Master Plan or Scheme.

(2) In case of any such breach or default, the Authority shall send to any such person a notice calling on him to discontinue the breach or cause it to be discontinued or to comply with such provision of the Plan or the Scheme within a time to be specified in the notice.

(3) If the person, after the lapse of the time specified in the notice under sub-section (2), continues to neglect or to cause a breach of any specified provisions of the Plan or of the Scheme, such persons shall be prosecuted and, on conviction by a Magistrate, be punishable notwithstanding anything contained in section 45.

- (i) with fine which may extend to Rs. 500/-
- (ii) if the breach, neglect or failure continues after such conviction, with fine which may extend to Rs. 30/- for every day during which the breach, neglect or failure continues after such conviction.

68. If a notice has been given under this Act to a person requiring him to execute a work in respect of any property, movable or immovable or to provide or do not refrain from doing anything within a time specified in the notice and if such person fails to comply with such notice then the Authority may, without prejudice to the provisions of section 67, cause such work to be executed or such thing to be provided or done and may recover all expenses incurred by it on such account from the said person as an arrear of land revenue.

Power to execute works on failure to comply with notice

69. When default is made by the owner of a building or land in the execution of any work required under this Act to be executed by him the occupier of such building or land may, with the prior approval of the Authority, cause such works to be executed, and the expenses thereof shall, in the absence of any contract to the contrary, be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Right to occupier to execute works in default of owner

70. (1) If after receiving information of the intention of owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to take action, the owner may apply to the District Magistrate or the Sub-Divisional Magistrate, as the case may be.

Procedure upon opposition to execution by occupier

(2) The District Magistrate or the Sub-Divisional Magistrate upon proof of such refusal, may make an order in writing requiring the occupier to allow the owner to execute all such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he thinks fit, order the occupier to pay the owner the cost relating to such application or order.

(3) If after the expiry of eight days from the date of the Magistrate's order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable, upon conviction, to a fine which may extend to Rs. 30/- for every day during which he has so continued to refuse.

(4) Every owner, during the continuance of such refusal, shall be discharged from any liability on account of such breach or default.

71. Whoever : —

- (a) obstructs or assaults any person with whom the Authority has entered into a contract for the execution of any Plan or Scheme or anything connected therewith or incidental thereto, or for doing anything which he is empowered or required to do under this Act, or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act, shall be punishable with simple imprisonment for a term which may extend to two months or with fine which may extend to Rs. 500/- or with both.

Penalty for obstructing contractor or removing mark.

72. Every Officer and servant of the Authority and every other officer employed by the State Government for the purposes of this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Officers under the Act to be public servant (15 of 1860)

73. 1[(1) No court inferior to the court of a Judicial Magistrate 1st Class shall take cognizance of an offence under this Act.]

Authority for prosecution

2[(2)] Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act, except on the complaint of, or upon information received from the Authority or some person authorised by the Authority by orders in this behalf.

- 74. (1) The offences under this Act shall be compoundable.
- (2) The Authority shall have powers
 - (a) to compound the offences under this Act, and
 - (b) to withdraw any claim made under this Act.

Offences compoundable

1. Added by the Manipur Town & Country Planning (Second Amendment) Act. 1976 (Manipur Act. No. 25 of 1976).

2. Numbered by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act. No. 25 of 1976).

75. Any sum recoverable by the Authority under this Act, or any fine imposed under this Act, if not paid on demand, shall be recoverable as an arrear of land revenue.

Power to recover dues & fines as arrear of land revenue

76. (1) No suit, prosecution or other legal proceeding shall lie against an Authority or its officer or servant or any person acting under its or his direction or any Govt. servant employed for the purposes of this Act for anything which is in good faith done or intended to be done under this Act or rules or bye-laws made thereunder.

Bar to suits and proceedings

(2) No suit, prosecution or other proceeding shall lie against the State Government for anything done or purported to be done by it under this Act.

(3) No suit or other legal proceeding, not being a criminal proceeding, shall be instituted against an Authority, or any of its officers in respect of any act purporting to be done by such officer in his official capacity, or any person acting under its or his direction, until the expiration of one month next after notice in writing has been properly served on.

(a) in the case of a suit against the Authority the Chairman;

(b) in the case of an officer, the officer against whom the suit or proceeding is instituted; and in the case of any person acting under the direction of the Authority or of any of its officers delivered to him at his place of residence or business; stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint or the petition shall contain a statement that such notice has been so served.

Explanation : — “Officer” in this section includes the Chairman and the Vice-Chairman.

77. Every officer or servant of an Authority or of the State Government shall be liable for the loss, waste or misapplication, of any money or property vested in the Authority, if such loss, waste or misapplication is a direct consequence of his wilful neglect or misconduct while such officer or servant was in the service of the Authority, and a civil case for compensation may be instituted against him by the Authority with the prior sanction of the State Government.

Liability for causing loss waste or misapplication of money or property of the Authority

78. No order made in exercise of any power conferred by or under this Act shall be called in question in any court except as provided in this Act.

Order under this Act not to be questioned in any Court.

79. Any order made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Effect of orders inconsistent with other enactment.

CHAPTER XII
Miscellaneous Provisions

80. Every notice issued under this Act shall be served in such manner as may be prescribed.

Service of notice

81. Subject to the provisions of this Act, every public notice required under this Act shall be deemed to have been given if it is published in some registered newspaper (if any and exhibited on a notice board open to the public at the building in which the meetings of the Authority are ordinarily held or if it is published in the official Gazette.

Method of giving public notice

82. No assessment list or other list, notice or other such document specifying, or purporting to specify with reference to any charge, or fee, any person's property, thing or circumstances shall be invalid only by reason of a clerical or technical mistake in the name, residence place of business or occupation, of the person or in the description of property, thing or circumstances if it is sufficient to identify the person, property, thing or circumstance.

Formal defects in assessments and demands

83. Every Police Officer, Chowkidar, or every officer of the local authority shall give immediate information to the Authority of the commission of an act coming to his knowledge which is an offence under this Act or under any Rule made thereunder, and shall be bound to assist all members, officers and servants of the Authority in the exercise of their lawful authority.

Power and duties of police in respect of assistance to Authority.

84. If a dispute arises between the Authority and any local authority on any matter in which they are jointly interested, such dispute shall be referred to the State Government, whose decision shall be final.

Decision of disputes between authorities

85. (III) If a body of individuals commit an offence under this Act, every person, who, at the time the offence was committed, was in charge of, or was responsible to, the body for the conduct of the business of the body, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offence by a body of individuals

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

Explanation :- For the purpose of this section, "body of individuals" means a company, firm, association, club or any such body by whatever name it is called.

86. For the purpose of implementation or execution of any Scheme, the authority or persons appointed by the State Government, their subordinates and contractors may enter into or upon any land, in order –

Power to enter into and for inspection etc.

- (a) to make any inspection, surveys, measure, valuation or enquiry;
- (b) to take levels;

- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of work;
- (e) to mark levels, boundaries and line by marks and cutting trenches; or
- (f) to do any other thing whenever it is necessary to do so, for any of the purposes of this Act or any Rules made or any Scheme approved thereunder or any Scheme which the State Government intends to frame thereunder.

Provided further that except when it is otherwise specifically provided by Rules made under this Act no such entry shall be made between sunset and sunrise;

Provided further that except when it is otherwise specifically provided by such Rules, no building which is used as human dwelling house shall be so entered unless with the consent of the occupier thereof, without giving the said occupier at least 24 hours previous notice in writing of the intention to make such entry; and

Provided also that due regard shall always be had, so far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the premises entered.

87. A copy of receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Authority shall, if duly certified by the person authorised by the Authority in this behalf shall be admissible in evidence.

Admissibility of certified copies.

88. An Authority may enter into and perform any contract necessary for any matter relating to a Plan or a Scheme or for any other purposes of this Act, and such a contract shall be signed by the *Secretary or a person authorised by the Authority on behalf of the Authority and shall be sealed with the common seal of the Authority.

Plan of Authority to enter into agreement

89. Whenever any difficulty arises in giving effect to any of the provisions of this Act, the rules, bye-laws and orders made thereunder, the State Government may issue such directions as may appear to it, necessary for the purposes of removing the difficulty.

Power of State Govt. to remove difficulties

90. (1) The State Government may, after previous publication in the Official Gazette, make rules for carrying out purposes of this Act.

Power of the State Govt. to make rules.

(2) In particular and without prejudice to the generally of the foregoing powers the State Government shall have power to make rules in respect of the following matters, namely —

*Substituted by the M.T. & C.P. (Third Amendment Act. 1988 (Manipur Act. 5 of 1988)).

- (i) the manner of publication of notification regarding the Schemes, their modifications, variations, revocations, submissions, and approval by the State Government;
- (ii) powers that may be delegated to any Authority established under this Act or to any Officer;
- (iii) procedure to be adopted for securing co-operation of various Government Departments, the owners or other persons or bodies interested in the Schemes;
- (iv) calculation, assessment and payment of compensation in respect of property which is injuriously effected within the meaning assigned to it in Section¹ [53] of this Act.
- (v) calculation, assessment and collection of betterment charge;
- (vi) procedure of filing, hearing and deciding objections and appeals under the Act and all matters connected therewith;
- (vii) the delegation of power to and the duties that shall be discharged by the Chief Town Planner and the matter on which and the manner in which he shall be consulted;
- (viii) matters other than those referred to in the foregoing clauses which are expressly or by implication required or allowed by this Act to be prescribed by Rules; and
- (iv) Creation and administration of fund for the purpose of implementing the provisions of this Act,

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

91. (1) The Authority shall have power to make bye-laws in respect of the matters enumerated under this Section and not inconsistent with the Rules made under this Act, namely —

Power of Authority to make bye-laws.

- (i) Sub-division of land and layout of public roads;
- (ii) width for different classes of public roads according to the nature of traffic to be carried thereon;
- (iii) roads, lands and setting back of buildings from the road line;

1. Substituted by the Manipur Town & Country Planning (Second Amendment) Act, 1976 (Manipur Act No. 25 of 1976)

- (iv) Zoning Regulations prescribing the type or description of buildings which may be constructed, the spaces to be kept unoccupied in a zone or a part thereof, or any other matter pertaining thereto;
- (v) regulation and display or advertisement in the interest of amenity, aesthetic, or public safety;
- (vi) regulations in any manner not specifically provided for in this Act, the erection of any enclosure, wall, fence, tent or other structures, on any land within the jurisdiction of the Authority;
- (vii) procedure and transaction of business of the meetings of the Authority.

(2) No such bye-laws shall come into force until it is confirmed by the State Government and thereafter published in the Official Gazette.

(3) The State Government may at any time cancel the confirmation of any such bye laws, and thereupon such bye-laws shall cease to have effect.

92. The Board and the Authority shall carry out such directions as may be issued from time to time by the State Government for the efficient administration of this Act, and the Authority shall carry out also such directions as may be issued from time to time by the Board for the purpose;

Control by the State Govt. & the Board.

Provided that if there be directions of the board divergent from those of the State Government for the same issue, the direction of the State Government shall prevail.

93. (1) Where the State Government is satisfied that the purposes for which any Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority unnecessary or the Authority has not functioned as properly as the State Government thinks it, may, by notification in the Official Gazette, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

Dissolution of the Authority.

- (2) From the date of such dissolution —
 - (a) all properties, funds and dues which are vested in or realisable by, the Authority shall vest in, or be realisable by, the State Government.
 - (b) all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and
 - (c) For the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the State Government.

94. All executive orders made and actions taken by the State Government in connection with Town and Country Planning in Manipur before the commencement of this Act shall, unless inconsistent with the provisions thereof, be deemed to have been made or taken under this Act and shall continue to be effective after such commencement.

Savings of
previous
orders &
actions of the
State Govt.

The Manipur Town and Country Planning Act,
1975
(Manipur Act 11 of 1975)


MANIPUR GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 527

Imphal, Thursday, March 23, 2023

(Chaitra 2, 1945)

**GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

NOTIFICATION

Imphal, March 20, 2023

No. 2/8/2023-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on March 18, 2023 is hereby published in the Official Gazette:

**THE MANIPUR TOWN AND COUNTRY PLANNING (FIFTH AMENDMENT) ACT, 2023
(MANIPUR ACT NO. 6 OF 2023)**

An

Act

*further to amend the Manipur Town and Country Planning
Act, 1975 (No. 11 of 1975).*

Be it enacted by the Legislature of Manipur in the Seventy-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Town and Country Planning (Fifth Amendment) Act, 2023.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Manipur.

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

2. (1) After sub-section (1) of section 29 of the Manipur Town and Country Planning Act, 1975 (herein after referred to as Principal Act), the following clauses may be inserted, namely:-

Amendment
of section 29.

“(a) Within twelve months from the date of the declaration of intention to make a scheme under section 29, the appropriate authority shall make a draft scheme of the area in respect of which the said declaration has been made and published the same in the Official Gazette, along with the draft regulations for carrying out the provisions of the scheme:

Provided that on application by the appropriate authority in that behalf, the State Government may, from time to time, by notification, extend the aforesaid period

by such period or periods as may be specified, therein so however, that period or periods so extended shall **not in** any case exceed six months in the aggregate.

- (b) The Authority or the Chief Town Planner as the case may be appoint a Town Planning Officer to prepare the scheme as per the provisions under this Act.”.

(2) For sub-section (5) of section 29 of the Principal Act, the following shall be substituted, namely:-

“(5) After the declaration of the Scheme, no development of land shall be undertaken or carried out in the area under the scheme by any person or body of person except in the manner prescribed under section 29(1).”.

Amendment of section 32. 3. (1) For sub-section (2)(e) of section 32 of the Principal Act, the following shall be substituted, namely:-

“(e) The allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, residential, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds.”.

(2) After sub-section 32(2)(k) of the Principal Act, the following sub-section may be inserted, namely:-

“(l) (a) Allotment of land from the total area covered under the scheme, to the extent of:

- (i) 15% (fifteen percent) for roads;
- (ii) 5% (five percent) for parks, play grounds, gardens and open space;
- (iii) 5% (five percent) for social infrastructure such as school, dispensary, fire brigade, public utility place;
- (iv) the reservation of land to the extent of 5% (five percent) or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of socially and economically backward classes of people [and of such other class of people as may be determined by the State Government]; and
- (v) 15% (fifteen percent) for sale by appropriate authority for residential, commercial or industrial use depending upon the nature of development provided that the percentage of the allotment of

land specified in sub-clauses (i) to (iii) may be altered depending upon the nature of development and for the reasons to be recorded in writing;

(b) the proceeds from the sale of land referred to in sub-clause (iv) of clause (a) shall be used for the purpose of providing infrastructural facilities; and

(c) the land allotted for the purposes referred to in sub-clause (ii) and (iii) of clause (a) shall not be changed by variation of schemes for the purposes other than public purpose;”.

4. For sub-section (1) of section 54 of the Principal Act, the following shall be substituted, namely:-

Amendment of section 54.

“(1) A person shall not be entitled to compensation under section 53 on account of any building erected on, or, contract made or other thing done, with respect to any land within the area included in a Scheme after the date of notification of the Scheme under sub-section (1) of section 29:

Provided that this sub-section shall not apply to any building erected, contract made or other thing done in accordance with the permission granted under section 26 or section 31 of this Act.”.

5. For sub-section (2) of section 55 of the Principal Act, the following shall be substituted, namely:-

Amendment of section 55.

“(2) If within six months of the notice under sub-section (1), ~~the land is not purchased or the State Government is not~~ requested to acquire it, the Scheme, in so far as that land is concerned, may be deemed to have been withdrawn and all notice and orders in that connection may lapse.”.

6. After Chapter V of the Principal Act, the following new Chapter V-A shall be inserted, namely:-

Insertion of a new Chapter V-A.

“CHAPTER V-A

SPECIAL PROVISIONS FOR LOCAL AREA PLAN (LAP)

35A. (1) Subject to the provisions of this Act or any other law for the time being in force, the appropriate authority may make one or more Local Area Plan for the development area or any part thereof, regard being had to the proposals in the final development plan, if any.

Preparation, sanction, etc. of local area plan.

(2) The Local Area Plans may be made in respect of any land which is a part of the sanctioned preliminary scheme or not. However, before making the Local Area Plan, the appropriate

authority shall publish in the Official Gazette, the boundaries of area for which the Local Area Plan is to be made and in the local newspapers:

Provided that for making the Local Area Plan in respect of any land which is not a part of the sanctioned preliminary scheme, the prior permission of the State Government shall be necessary.

(3) The Local Area Plan may provide provisions for any of the following matters, namely:-

- (a) define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation;
- (b) lay down in detail the projected road and street furniture;
- (c) access, make projection for the future requirements of amenities, services and utilities such as transport, electricity, water, drainage, plantation and land scape;
- (d) prescribe in detail the foot print, height and building envelope, control over architectural features including elevation and frontage, numbers of stories, size of buildings, courtyard, pickup and drop off points, entry points to the basement, parking and such other requirement to integrate the building envelope in the vicinity;
- (e) indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;
- (f) access the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners;
- (g) make such provisions as are necessary which are enumerated in clause (j) of sub-section (2) of section 32;
- (h) indicate in the plan and other document, the land which shall vest with the appropriate authority.

(4) The appropriate authority, after making the draft Local Area Plan, shall-

- (a) for the purpose of making the Local Area Plan call a meeting or meetings of the persons affected by the Local Area Plan, by a public notice and notices to the individuals whose addresses are known, and explain the contents of the Local Area Plan for inviting their objections and suggestions on the said proposal.

(b) consider the objections and suggestions received under clause (a), and modify the plan as it thinks fit and publish it in the Official Gazette, inviting objections and suggestions from the person affected by the Local Area Plan within a period of thirty days.

(5) The appropriate authority may consider the objection and suggestions received under clause (b) of sub-section (4) and modify the plan if necessary and thereafter, the same shall be submitted to the State Government along with objections and suggestions; and its conclusion thereon.

(6) On receipt of the draft Local Area Plan under sub-section (5), the State Government may, by notification, -

- (a) sanction such local area plan with or without modification or subject to such conditions as it may think fit to impose; or
- (b) return the plan to the appropriate authority with directions as it may think fit; or
- (c) refuse to accord sanction.”.

7. After Chapter VIII of the Principal Act, the following new Chapter VIII-A shall be inserted, namely:-

Insertion of a new Chapter VIII-A.

“CHAPTER VIII-A

FINANCE FOR DEVELOPMENT SCHEMES

57A. (1) The costs of a town planning scheme shall include:-

Cost of development schemes.

- (a) all sums payable by the appropriate authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme;
- (b) all sums spent or estimated to be spent by the appropriate authority in the making and execution of the scheme;
- (c) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme;
- (d) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the appropriate authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the

owners of land or residents within the area of the scheme from such reservation or designation;

- (e) all legal expenses incurred by the appropriate authority in the making and in the execution of the scheme;
- (f) any amount by which the total amount of the values of the original plots exceeds the total amount 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 the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries; and
- (g) twenty percent of the amount of the cost of 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 amount of the values of the plots included in the final scheme exceeds the total amount of the values of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (1).

Calculation of increment. **57B.** For the purpose of this Act, the increments 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 the plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such value, 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. **57C. (1)** The costs of the scheme shall be met wholly or in part by a contribution to be levied by the appropriate authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer:

Provided that-

- (i) where the cost of the scheme does not exceed half the increment or where it exceeds half the increment, to the extent of half the increment, it shall be met by a contribution and the excess shall be borne by the appropriate authority;

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

(iii) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme; and

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

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

57 D. The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or, as the case may be, added to, 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 or the date of the notification issued by the State Government under sub-section (1)(a) of section 29 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Amounts to be added to or deducted from a contribution leviable from a person.

57E. Any right in an original plot which in the opinion of the Town Planning Officer 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 Town Planning Officer is not capable of being so transferred shall be extinguished:

Transfer of right original to final plot or extinction of such right.

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.

57F. The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Town Planning Officer within the

Compensation in respect of property or

prescribed time, be entitled to be compensated in respect thereof by the appropriate authority or by any person benefitted or partly by the appropriate authority and partly by such person as the Town Planning Officer may in each case determine: Compensation in respect of property or right injuriously affected by scheme:

right
injuriously
affected by
development
scheme.

Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the State Government under sub-section (1)(a) of section 29 without reference to improvements contemplated in the scheme, as the case may be.

Exclusion of
compensation
in certain
areas.

57G. (1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection. Exclusion of compensation in certain cases.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which imposes any conditions and restrictions in regard to any of the matters specified in clause (j) of sub-section (2) of section 32.

Provision for
cases in which
amount
payable to
owner exceeds
amount due
from him.

57H. If the owner of an original plot is not provided with a plot in the preliminary scheme or if the contribution to be levied from him under section 57C is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the appropriate authority in cash or in such other manner as may be agreed upon by the parties.

Provision for
cases in which
value of
developed plot
is less than the
amount
payable by
owner.

57I. (1) If from any cause the total amount which would be due to the appropriate authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Town Planning Officer shall at the request of the appropriate authority direct the owner of such plot to make payment to the appropriate authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the Town Planning Officer shall, if the appropriate 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

appropriate authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (1)(a) of section 29 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the appropriate authority free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the appropriate authority on account or the value of the original plot shall not be included in the costs of the scheme.

57J. All payments due to be made to any person by the appropriate authority under this Act shall, as far as possible, be made by adjustment in such account with the appropriate authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in cash or in such other manner as may be agreed upon by the parties.

Payments by adjustment of account.

57K. (1) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in lump-sum or in annual instalments not exceeding ten.

Payment of net amount due to appropriate authority.

(2) If the owner elects to pay the amount by instalments, interest at such rate as is arrived at by adding two percent to the bank rate published under section 49 of the Reserve Bank of India Act, 1934, from time to time, shall be charged per annum on the net amount payable.

(3) If the owner of a plot fails to exercise the option on or before the date specified in a notice issued to him in that behalf by the appropriate authority, he shall be deemed to have exercised the option of paying contribution in instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to exercise the option.

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

57 L. (1) The appropriate 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

Power of appropriate authority to make agreement.

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 Town Planning Officer as described in Chapter V 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 Town Planning Officer:

Provided that if the agreement is modified by the State Government, either party shall have the option of avoiding it, if it thinks fit.”.

NUNGSBITOMBIATHOKPAM,
Commissioner (Law),
Government of Manipur.