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NOTIFICATION

Dated Kohima, the 27th January, 2025.

NO.LAW/ORD/1-2/2024 The Nagaland Town and Country Planning (Fourth Amendment) Ordinance, 2025 (Ordinance No. 1 of 2025) is hereby published for general information.

NAGALAND ORDINANCE NO. 1 OF 2025

Promulgated by the Governor on the 23rd January, 2025.

Published in the Gazette of Nagaland Extra-Ordinary issue dated 27th January, 2025.

THE NAGALAND TOWN AND COUNTRY PLANNING (FOURTH AMENDMENT)

ORDINANCE, 2025

**AN
ORDINANCE**

further to amend the Nagaland Town and Country Planning Act, 1966.

Whereas, the Legislative Assembly of Nagaland is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action:

Now, therefore, in exercise of the powers conferred by clause (I) of Article 213 of the Constitution, the Governor of Nagaland is pleased to promulgate in the Seventy fifth Year of the Republic of India the following Ordinance, namely. –

1. (1) It shall be called the Nagaland Town and Country Planning (Fourth Amendment) Ordinance, 2025.

Short title and commencement

2. (2) It shall have the like extent as the principal Act,
(3) It shall come into force from the date of notification in the Official Gazette.

2. After sub-section (16) of section 2, new sub-sections shall be inserted as follows:

Amendment of section 2 of Nagaland Town and Country Planning Act 1966.

17) "Town Planning Scheme" means a layout plan for a particular area within the designated planning area, conceived within the framework of the Master Plan. If any, providing detailed proposals, indicating the manner in which the use of land and development therein shall be carried out."

18) "Peri-Urban area" means Peri-urban is the zone which is within the planning area limits but outside the urbanisation limit of the Urban Local Bodies.

19) "Authorized Officer" means the Officer appointed by the State Government under section 14C or section 14E

21) "Arbitrator" means the Arbitrator appointed by the State Government, under section 14N

20) "Tribunal" means the Tribunal of Appeal constituted under section 14Q.

3. After Chapter III, a new Chapter III (A), with the title "Town Planning Schemes" shall be inserted as follows:

Amendment of Chapter III

14A (1) Subject to the provisions of this Act or any other Law for the time being in force-

Preparation and contents of Town Planning Scheme.

(a) The Authority may for the purpose of implementing the proposals in the final Master Plan/Peri-Urban Plan, prepare one or more Town Planning Schemes for the area within its jurisdiction, or any part thereof.

(b) A Town Planning Scheme may make provision for any of the following matters-

- (i) any of the matters specified in section 11.
- (ii) the laying out or re- laying out of land, either vacant or already built upon, including area of comprehensive development.
- (iii) such other matter not inconsistent with the object of this Act as may be directed by the State Government.

(2) In making provisions in a draft Town Planning Scheme for any of the matters referred to in clauses(b) of sub section (1), it shall be lawful for the Authority with the Approval of the Director, Urban Development and subject to the provisions of section 14J to provide for suitable amendment of the Master Plan.

14B (1) The Authority may by resolution declare its intention to make a Town Planning Scheme in respect of any part of the area within its jurisdiction.

Power of the Authority to resolve on declaration of intention to make Scheme.

(2) Not Later than thirty days from the date of such declaration of intention to make a Scheme (hereinafter referred to as the declaration), the Authority shall publish the declaration in the *Official Gazette* and in such other manner as may be prescribed and despatch a copy thereof (together with a copy of the Plan showing the area to be included in the Scheme) to the State Government and also to the Director, Urban Development.

(3) A copy of the Plan shall be open to the inspection of the public at all reasonable hours at the head office of the Authority.

14C (1) Not later than twelve months from the date of the declaration, subject however to sub section (3), the Authority shall in consultation with the Director, Urban Development make a draft Scheme for the area in respect of which the declaration was made, and published a notice in the *Official Gazette* and in such other manner as may be prescribed stating that the draft Scheme in respect to such area has been made. The notice shall state the name of the place where a copy thereof shall be available for inspection by the public and shall also state that copies hereof or any extract there from certified to be correct shall be available for sale to the public at a reasonable price.

Making and publication of Draft Scheme (by means of notice).

(2) If the Authority fails to make a draft Scheme and publish a notice regarding its making within the period specified in sub section (1) or within the period extended under sub section (3), the declaration shall lapse, unless the State Government appoints an Officer to prepare and submit the Draft Scheme to the State Government on behalf of the Authority not later than twelve months from

the date of such appointment or the extended period under sub section (3) but any such lapse of declaration shall not debar the Authority from making a fresh declaration any time in respect of the same area.

(3) The State Government may, on application made by the Authority or as the case may be, the Officer, from time to time by notification in the *Official Gazette*, extend the period specified in sub section (1) or (2) by such period not exceeding six months as may be specified in the notification.

14D If at any time before a draft Scheme is prepared and submitted to the State Government for sanction, the Authority or the Officer is of the opinion, or on any representation made to it or him that an additional area be included within the said Scheme, the Authority or the Officer may, after informing the State Government and giving a notice in the *Official Gazette* and also in one or more local newspapers, include such additional area in the Scheme and thereupon all the provisions of section 14A, 14B, and 14C shall apply in relation to such additional area as they apply to any original area of the Scheme and the draft Scheme shall be prepared for the original area and such additional area and submitted to the State Government for sanction.

Inclusion of additional area in Draft Scheme.

14E (1) Notwithstanding anything contained in this Act, the State Government may, in respect of any Authority after making such inquiry as it deems necessary, direct the Authority to make and submit for its sanction, a draft Scheme in respect of any land in regard to which a Town Planning Scheme may be made after a notice regarding its making has been duly published in the prescribed manner.

Power of State Government to require the Authority to make Scheme

(2) If the Authority fails to make the declaration of intention to make a Scheme within three months from the date of direction made under sub- section (1), the State Government may by notification in the *Official Gazette* appoint an Officer to make and submit the draft Scheme for the land to the State Government after a notice regarding its making has been duly published as aforesaid and thereupon the provisions of sections 14B, 14C and 14D shall, as far as may be applicable , apply to the making of such a Scheme.

Contents of Draft Scheme.

14F A draft Scheme shall contain the following particulars so far as may be necessary that is to say –

- a) The Ownership, Area and Tenure of each original plot.
- b) Reservation, Acquisition or Allotment of land required under sub clause(i) of clause (b) of section 14A with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses.
- c) The extent to which it is proposed to alter the boundaries of the original plots by reconstitution.
- d) An estimate of the total cost of the Scheme, source of funding, cost recovery statement if any.
- e) A full description of all the details of the Scheme with respect to such matters referred to in clause (b) of section 14A as may be applicable.
- f) The laying out or re-laying out of land either vacant or already built upon including areas of comprehensive development.

- g) The filling up or reclamation of low laying, swamp or unhealthy areas or levelling up of land.
- h) Manner of disposal of assets, if any
- i) Management and maintenance mechanism and
- j) Any other prescribed particulars.

14G (1) In the draft Scheme, the size and shape of every reconstituted plot shall be determined, so far as may be to render it suitable for building purposes and where a plot is already built upon, to ensure that the buildings as far as possible comply with the provisions of the Scheme as regards open spaces.

Reconstituted Plot.

14H Where under sub- clause (i) of clause (b) of section 14A, the purposes to which the buildings or areas may not be appropriate or used in pursuance of section 11 have been specified, then the building or area shall cease to be used for a purpose other than the purposes specified in the Scheme within such time as may be specified in the final Scheme and the person affected by this provision shall be entitled such compensation from the Authority as may be determined by the Arbitrator.

Compensation for discontinuance of use.

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

14I If within thirty days from the date of the publication of notice regarding the preparation of the draft Scheme, any person affected thereby, communicates in writing any objection relating to such Scheme, the Authority or the Officer appointed under sub- section (2) of section 14E, shall consider such objection and may at any time before submitting the draft Scheme to the State Government as hereinafter provided, modify such Scheme as it or he thinks fit.

Objections to Draft Scheme to be considered.

14J (1) The Authority or as the case may be, the Officer aforesaid shall, not later than six months from the date of the publication of the notice in the *Official Gazette* regarding the making of the draft Scheme, submit the same with any modifications which it or he may have made thereon together with a copy of objections received by it or him to the State Government , and shall at the same time apply for its sanction.

Power of State Government to sanction Draft Scheme.

(2) On receiving such application, after making such inquiry as it may think fit and consulting the Director, Urban Development, the State Government may, not later than six months from the date of its submission by notification in the *Official Gazette* or not later than such further time as the State Government may extend, either sanction such draft Scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.

(3) If the State Government sanctions such Scheme, it shall in such notification state at what place and time the draft Scheme shall be open to the inspection of the Public and the State Government shall also state therein that copies of the Scheme or any extract there from certified to be correct shall in application be available for sale to the public at a reasonable price.

Restrictions on use and development of land after declaration for Town Planning Scheme.

14K (1) On or after the date on which a declaration of intention to make a Scheme is published in the *Official Gazette* –

(a) No person shall within the area included in the Scheme, institute or change the use of any land or building or carry out any development, unless such persons has applied for and obtained the necessary permission, which shall be contained in a commencement certificate granted by the Authority in the prescribed form.

(b) The Authority on receipt of such application shall at once furnish the applicant with a written acknowledgement of its receipt and

i. In case of the Authority other than Urban Local Bodies, after inquiry and where an arbitrator has been appointed in respect of a draft Scheme after obtaining his approval or

ii. In case of the Urban Local Body after inquiry, may either grant or refuse such certificate or grant it subject to such conditions as the Authority may, with the previous approval of the State Government, think fit to impose.

(2) If the Urban Local Body gives permission under clause (b) of sub section (1), it shall inform the Arbitrator accordingly and shall send him a copy of the Plan.

Provided that, the Urban Local Body shall not grant a commencement certificate for any purpose which is in conflict with the provisions of the draft Scheme, unless the Urban Local body first obtains concurrence of the Arbitrator for the necessary change in the proposal of the draft Scheme.

(3) If the Authority communicates no decision to the applicant within two months from the date of such acknowledgement, the applicant shall be deemed to have been granted such certificate.

(4) If any person contravenes the provisions contained in clause (a) or clauses (b) of sub section (1) the Authority may direct such person by notice in writing to stop any development in progress and after making inquiry in the prescribed manner, remove, pull down or alter any building or other development or restore the land in respect of which such contravention is made to its original condition.

(5) Any expense incurred by the Authority under sub section (4) shall be a sum due to the Authority under this Act from the person in default or the owner of the plot.

(6) The provisions of Chapter III shall, mutatis mutandis, apply in relation to the development and use of land included in Town Planning Scheme in so far as they are not inconsistent with the provisions of this chapter.

(7) The restrictions imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft Scheme or the final Scheme or in the event of the withdrawal of the Scheme under section 14AB or in the event of the declaration lapsing under section (2) of section 14C

14L (1) Where the Authority has published a declaration under section 14C the State Government may, on an application of the Authority by order published in the *Official Gazette*, suspend to such extent only as may be necessary for the proper carrying out of the scheme any rule, bye law, regulation, notification or order made or issued under any law which the legislature of the State is competent to amend.

Power of State Government to suspend rule, bye-law etc.

(2) Any order issued under sub section (1) shall cease to operate in the event of the State Government refusing to sanction the Scheme or in the event of the withdrawal of the Scheme under section 14AB or in the event of the coming into force of the final Scheme or in the event of declaration lapsing under section (2) of section 14C.

Disputed Ownership

14M (1) Where there is disputed claim as to the ownership of any piece of land included in the area in respect of which a declaration of intention to make a Town Planning Scheme has been made and any entry in the record of rights or mutation register relevant to such disputed claim is inaccurate or inclusive, an inquiry may be held on an application being made by the Authority or the Arbitrator at any time prior to the date on which the Arbitrator draws up the final Scheme under clause (xviii) of sub section (3) of section 14N by such Officer as the State Government may appoint for the purpose of the deciding who shall be deemed to be owner for the purpose of this Act.

(2) Such decision shall not be subject to appeal but it shall not operate as a bar to regular suit.

(3) Such decision shall, in the event of a civil court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Authority either by the Civil court or by some person affected by such decree.

(4) where such a decree of the civil court is passed after final Scheme has been sanctioned by the State Government under section 14AB, such final Scheme shall be deemed to have been suitably varied by reason of such decree.

14N (1) Within one month from the date on which the sanction of the State Government to the draft Scheme is published in the *Official Gazette*, the State Government shall for purposes of one or more Planning Schemes, received by it for sanction appoint any person possessing such qualifications as may be prescribed to be an Arbitrator with sufficient establishment and his duties shall be as hereinafter provided.

Arbitrator: His powers and duties

(2) The State Government may, if it thinks fit at any time, remove for incompetence or misconduct or replace for any good and sufficient reason as Arbitrator appointed under this section and shall forthwith appoint another person to take his place and any proceeding pending before the Arbitrator immediately before the date of his removal or replacement shall be continued and disposed of by the new Arbitrator appointed in his place.

(3) In accordance with the prescribed procedure, every Arbitrator shall:

- i. After notice given by him in the prescribed manner define, demarcate and decide the area allotted to or reserved for the public purpose or purposes of the Authority and also the final plots.
- ii. After notice given by him in the prescribed manner, decide the person or persons to whom a final plot is to be allotted when such plot is to be allotted

and when such plot is to be allotted to persons in ownership in common, decide the shares of such persons.

- iii. Estimate the value of and fix the difference between the values of the original plots and the values of the final plots included in the final Scheme.
- iv. Estimate the compensation payable for the loss of the area of the original plot, in respect of any original plot which is wholly acquired under the Scheme.
- v. Determine whether the areas allocated or reserved for the public purpose or purposes of the Authority are beneficial wholly or partly to the owners or residents within the area of the Scheme.
- vi. Estimate the proportion of the sum's payable as compensation on each plot used, allotted or reserved for the public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the Scheme and partly to the general public, which shall be included in the costs of the Scheme.
- vii. Determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the Scheme and partly to the general public.
- viii. Determine the amount of exemption, if any from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for religious or charitable purposes at the date on which the final Scheme is drawn up under clause (xviii) of this sub section.
- ix. Estimate the value of final plots included in the final Scheme and the investment to accrue in respect of such plots.
- x. Calculate the proportion in which the increment in respect of the final plots included in the final Scheme shall be liable to contribution to the cost of the Scheme.
- xi. Calculate the contribution to be levied on each final plot included in the final Scheme.
- xii. Determine the amount to be deducted from or added to as the case may be the contribution leviable from a person.
- xiii. Provide for the total or partial transfer of any right in an original plot to a final plot or provide for the extinction of any right in an original plot.
- xiv. Estimate the amount of compensation payable under section 14H.
- xv. Where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee of one hand and the mortgagor or less or on the other.
- xvi. Estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a Town Planning Scheme.
- xvii. Determine the period in which the works provided in the Scheme shall be completed by the Authority.
- xviii. Draw in the prescribed form the final Scheme in accordance with the draft Scheme. Provided that,
 - (a) He may make variations from the draft Scheme.

(b) He may with the previous sanction of the State Government after hearing the Authority and any owners who may raise objections make substantial variations in the draft Scheme.

(4) The Arbitrator shall decide all matters referred to in sub section (3) within a period of twelve months from the date of his appointment and in the case of an Arbitrator appointed under the Nagaland Town and Country Planning Act 1966 or Town Planning Officer appointed under the Nagaland Town and Country Planning Act 1966.

Provided that, the State Government may, if it thinks fit, whether the said period has expired or not and whether all the matters referred to in sub section (3) have been decided or not, extend from time to time by a notification in the *Official Gazette* the period for deciding all the matters referred to in that sub section (3) or any extended period therefore.

14O Except in matters arising out of clause (iv) to (xi) both inclusive and clauses(xiv) (xv) and (xvi) of sub section (3) of section 14N, every decision of the Arbitrator shall be final and conclusive and binding on all parties including the Authority.

14P (1) Any decision of the Arbitrator under clause (iv) to (vi) both inclusive and clause(xiv) (xv) (xvi) of sub section (3) of section 14N, shall be forthwith communicated to the party concerned including the Authority and any party aggrieved by such decision may, within two months from the date of communication of the decision, apply to the Arbitrator to make a reference to the Tribunal of Appeal for decision of the appeal.

(2) The provisions of section 5, 12, and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this section.

14Q (1) The Tribunal of Appeal shall consist of a President and two Assessors.

(2) The President shall –

a. be the District Judge as may be appointed by the State Government on the recommendation of the High Court.

Provided that, the State Government may, if it thinks fit, appoint a President any person who has held the post of (i) a Judge of the High Court (ii) elsewhere as a Judge of the District Court.

(3) The president shall appoint fit and proper persons as Assessors who shall as far as possibly have knowledge or experience of Town Planning Valuation of land or Civil Engineering.

(4) The President and the Assessor shall be appointed members of the Tribunal of Appeal for such period as may be required by such Tribunal to decide an appeal made against the decision under clause (iv) to (xi) both inclusive and clauses (xiv) (xv) and (xvi) of the sub section (3) of section 14N.

(5) The State Government may, if it thinks fit remove for incompetence or misconduct or any other good and sufficient reason any Assessor appointed under sub section (3).

Certain decision of Arbitrator to final.

Appeal.

Constitution of Tribunal of Appeal.

(6) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the President shall appoint forthwith a fit and proper person to take the place of such Assessor.

14R (1) The Arbitrator shall be present at the proceedings before the Tribunal of Appeal. He shall not be required to give evidence on such proceedings but the President may require him to assist the Tribunal in an advisory capacity.

Arbitrator to assist Tribunal in advisory capacity and his remuneration.

(2) Where the Arbitrator is required under sub-section (1) to assist the Tribunal of Appeal, he shall save where he is a salaried Officer of Government, be entitled to such fees as the State Government may from time to time determine.

14S The Tribunal of Appeal may sit either at the Headquarters of the President or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such Tribunal.

Place where Tribunal may sit

14T All questions of Law and procedure shall be decided by the President. All other questions shall be decided by the President and the Two Assessors or by a majority.

Decision of questions of law & other question.

14U (1) The tribunal of Appeal shall, after making such inquiry as it may think fit decide all matters arising out of clauses (iv) to (xi) both inclusive and clauses (xiv)(xv) and (xvi) only of sub section (3) of section 14N, in respect of appeals referred to the tribunal and may either confirm the proposal of the Arbitrator or direct him where necessary to reconsider, vary or modify his proposals only in respect of such matters aforesaid.

Power of Tribunal to decide matter finally.

(2) Every decision of the Tribunal of Appeal shall be final and conclusive and binding on all persons and parties including the Authority.

14V Nothing contained in this act shall be deemed to constitute the Tribunal of Appeal to be a court.

Tribunal not to be Court.

14W The Tribunal of Appeal shall send a copy of its decision in appeal to the Arbitrator who shall then, where necessary make variation in the Scheme in accordance with such decision and may also rectify such errors or omissions if any, as may have been brought to his notice after publication of the final Scheme as drawn up by him under clause (xviii) of sub section (3) of section 14N and the Arbitrator shall forward such final Scheme together with a copy of his decisions under section 14N and a copy of the decision of the Tribunal of Appeal in appeal to the State Government for sanction of the final Scheme.

Decisions of Arbitrator for sanction of final scheme.

14X (1) Where the Authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works included in a draft Scheme for a public purpose, the Authority shall make an application through the Arbitrator to the State Government to vest in it the land without any building shown in the draft Scheme.

Possession of land in advance of Town Planning Scheme.

(2) The State Government may, if satisfied that it is urgently necessary in the public interest to empower the Authority to enter on such land for the purpose of executing any of such works, direct the Arbitrator, by notification in the Official

Gazette, to take possession of the land or may after recording its reasons, refuse to make any such direction.

Provided that, no such direction shall be made without the Arbitrator giving a hearing to any person or Authority affected by such direction and considering the report of the Arbitrator in that behalf.

(3) The Arbitrator shall then give a notice in the prescribed manner to the person interested in the land, the possession of which is to be taken by the Arbitrator requiring him to give possession of his land to the Arbitrator or any person authorized by him in this behalf within a period of one month from the date of service of notice, and if no possession is delivered within the period specified in the notice, the Arbitrator shall take possession of the land and shall hand over the land to the Authority. Such Land shall thereupon, notwithstanding anything contained in this Act, vest absolutely in the Authority free from all encumbrances.

14Y (1) If the Arbitrator is opposed or impeded in taking possession of the land under section 14X, he shall request the District Deputy Commissioner to enforce the delivery of possession of the Land to the Arbitrator. The District Deputy Commissioner as the case may be shall take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for securing the delivery of possession of the land to the Arbitrator.

District Deputy Commissioner to enforce delivery of land

(2) For the avoidance of doubt, it is hereby declared that the power to take steps under sub section (1) includes the power to enter upon any Land or other Property whatsoever.

14Z (1) Where possession of land is taken by the Arbitration under section 14X or 14Y, the persons interested in such land shall be entitled to interest at the rate of 5 per cent per annum on the amount of compensation payable to him under the final Scheme, in respect of the said land from the date on which such possession is taken till the date on which amount of compensation is paid to him by the Authority.

Owner of land of which possession is taken entitled to interest.

(2) The Authority may, at the request of the person interested pay after consulting the Arbitrator, an advance not exceeding two third of the amount estimated to be payable on account of the land.

14AA (1) The State Government may, within a period of four months from the date of receipt of the final Scheme under section 14W from the Arbitrator or within such further period as the State Government may extend by notification in the *Official Gazette*, sanction the Scheme or refuse to give such sanction, provided that in sanctioning the Scheme the State Government may make such modifications as may in its opinion be necessary for the purposes of correcting an error, irregularity or informality.

Sanction by State Government to final Scheme.

(2) If the State Government Sanctions such Scheme, it shall state in the notification-

(a) the place at which the final Scheme is kept open to inspection by the public and also state therein that copies of the Scheme or extracts therefrom certified

to be correct shall on application be available for sale to the public at a reasonable price.

(b) A date which shall not be earlier than one month after the date of the publication of the notification on which all the liabilities created by the Scheme shall take effect and the final Scheme shall come into force.

Provided that, the State Government may, from time to time postpone such date by notification in the *Official Gazette*, by such period not exceeding three months at a time as it thinks fit.

(3) On and after the date fixed in such notification, a Town Planning Scheme shall have effect as if it were enacted in this Act.

14AB (1) If at any time before the final Scheme is forwarded by the Arbitrator to the State Government, a representation is made to the Arbitrator by the Authority and a majority of the owners in the area that the Scheme should be withdrawn, the Arbitrator shall, after inviting from all persons interested in the Scheme objections to such representation, forward such representation together with the objections if any, to the State Government.

Withdrawal for Scheme.

(2) After making such inquiry as it may think fit, the State Government may, by notification in the *Official Gazette*, direct that the Scheme shall be withdrawn and upon such withdrawal no further proceeding shall be taken in regard to such Scheme.

14AC On and after the day on which a final Scheme comes into force.

Effect of final Scheme.

(a) all lands required by the Authority shall, unless it is otherwise determined in such Scheme, vest absolutely in the Authority free from all encumbrances.

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

(c) the Authority shall hand over possession of the final plots to the owners to whom they are allotted in the final Scheme.

14AD (1) On and after the day on which a final Scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the final Scheme may, in accordance with the prescribed produced, be summarily evicted by the Authority or any of its Officers authorised in that behalf by the Authority.

Power of the Authority to evict summarily.

(2) If the Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the District Deputy Commissioner shall at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority as may be necessary.

14AE (1) On and after the day on which a final Scheme comes into force, the Authority may, after giving the prescribed notice and in accordance with the provisions of the Schemes-

Power to enforce Scheme.

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

b) Execute any work which it is the duty of any person to execute under the Scheme in any case where it appears to the Authority that delay on the execution of the work would prejudice the efficient operation of the Scheme.

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

(3) If any action taken by the Authority is questioned, the matter shall be referred to the State Government or any Officer authorised by the State Government in this behalf and the decision of the State Government or of the Officer as the case may be shall be final and conclusive and binding on all persons.

14AF (1) If after the final Scheme has come into force, the Authority considers that the Scheme is defective on account of an error, irregularity or informality or that the Scheme needs variation or modification of a minor nature, the Authority may apply in writing to the State Government for variation of the Scheme.

Power to vary Scheme on ground of error, irregularity or informality.

(2) If, on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall, by notification in the *Official Gazette*, authorise or direct the Authority to prepare a Draft of such variation and publish a notice in the *Official Gazette* and in such other manner as may be prescribed stating that a Draft variation has been prepared.

(3) The notice preparation of Draft variation published under sub section (2) shall state every amendment proposed to be made in the Scheme, and if any such amendment relates to a matter specified in any of the sub clauses (i) to (iii) of clause (b) of section 14A, the Draft variation shall also contain such other particulars as may be prescribed.

(4) The Draft variation shall be open to the inspection of the public at the office of the Authority during office hours and copies of such Draft variation or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable.

(5) Not later than one month of the date of the publication of the notice regarding preparation of Draft variation, any person affected thereby may communicate in writing his objections to such variation to the State Government and send a copy thereof to the Authority.

(6) After receiving the objections under sub section (5), the State Government may, after consulting the Authority and after making such enquiry as it may think fit, by notification in the *Official Gazette* –

- a) Appoint an Arbitrator and thereupon the provisions of this chapter shall so far as may be apply to such Draft variation as if it were a Draft Scheme submitted to the State Government for sanction.
- b) Sanction the variation with or without modifications or
- c) Refuse to sanction the variation.

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

14AG Notwithstanding anything contained in section 14AB, a Town Planning Scheme may at any time be varied by a subsequent Scheme made, published by means of notice and sanctioned in accordance with this Act.

Power to vary Town Planning Scheme.

Provided that, when a Scheme is so varied, the provisions of this chapter shall as far as may be applicable, apply to such variation and making of subsequent Scheme and the date of the declaration of intention of the Authority to vary the Scheme shall, for the purpose of section 14K, 14L be deemed to be the date of declaration of intention to make a Scheme referred to in those sections.

14AH In the event of a Town Planning Scheme being withdrawn or sanction to a final Scheme being refused by the State Government, the State Government may direct that the costs of the Scheme shall be borne by the Authority or be paid to the Authority by the owners concerned in such proposition as the State Government may in each case determine.

Apportionment of cost of Scheme withdrawn or not sanctioned.

After Chapter IV, a new Chapter IV (A), with the title "Peri Urban Development Plan" shall be inserted as follows:

Amendment of Chapter IV

21C Subject to the provisions of this section, the State Government may, by notification in the Official Gazette, establish any area in the State, by defining its limits, to be Peri Urban Area for the purposes of this Act.

Notification of Peri Urban area

21D A Plan for the development of any peri urban area within the State which the State Government may consider necessary, shall be drawn up by the Director, Urban Development in consultation with the local Authority/ authorities concerned not later than three years from the date of declaration of its intention to prepare Development plan for peri urban area, prepare such plan and publish a notice of such preparation in the Official Gazette and in such other manner as may be prescribed and submit the draft Development plan to the State Government for and submitted to the State Government for examination and approval.

Preparation of Development Plan for Peri Urban area.

Publication of the Peri Urban Development Plan

21E (a) On receiving the Draft Plan and the Regulation from the Director, Urban Development, the State Government shall have them, as soon as may be published in the official Gazetted, in some local newspaper and in the locality in the manner prescribed and deemed to be required for wide and sufficient publicity in the locality inviting public opinion, and objection, if any, to be submitted within a period not more than two months.

(b) After considering all objections, suggestions and representation, that may have been received, and after getting the advice of the Council, the State Government shall have the plan finally prepared by the Director, Urban Development.

21F The Plan to be prepared as defined under section 21D, may include

Contents of Per Urban Development Plan:

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

21G After the adoption of the Plan and the Regulations, they shall be sent for implementation to the Authority as may be declared or constituted by the State Government in this behalf.

Implementation of the Plan:

21H (a) The Plan as adopted by the State Government shall be published as prescribed in Section 21E, and after such publication no person shall use any land, sub-divide any land or set up and new structure on any land covered by the Development Plan or change the existing structure of any building or use of any building or land within the area except with the permission of the Authority on a written application submitted for that purpose.

Restrictions of use of land and buildings thereon after publication:

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

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

(c) The Authority shall not refuse the permission except on the ground of contravention of proposals contained in the Plan or the Regulations 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 the Authority under sub- section (c), it shall be presumed that the permission has been given.

(e) Prohibition of registration in certain cases: Where any deed or document required to be registered under the Indian Registration Act, 1908, [Act XVI of 1908] purports to subdivide any land covered XVI of by the Plan, no registering officer shall register any such document unless the party presenting the deed or 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.

21HA. Restriction on use of land prior to sanction: -

(1) The State Government by notification may impose the restriction under Section 21H from the date of publication of intention of Plan of any Town or Area.

(2) Such publication of intention as referred to in Sub-section (1), shall give detailed description of the boundary of the area concerned.

21I. The State Government may review the Plan and may modify the Plan and the regulations, from time, in such manner and in such procedure as followed for the preparation and approval of the original plan and the Regulations.

*Power of the
State
Government to
modify the Plan
and the
regulation.*

Sd/-
GOVERNOR
LA. GANESAN

Sd/-
SECRETARY LAW
THEJANGU-U KIRE