

Haryana Shehri Vikas Pradhikaran Act, 1977

(Haryana Act No. 13 of 1977)

Last Updated 5th September, 2019 [hl737]

An Act to provide for the establishment of [Shehri Vikas Pradhikaran] for undertaking urban development [and the Local Development [Pradhikaran] for the development of local area] in the State of Haryana and for matters ancillary thereto.

Be it enacted by the Legislature of the State of Haryana in the Twenty-eighth year of the Republic of India as follows :

Received the assent of the President of India on the 30.4.1977 and was published in the Haryana Gazette (Extra.) Leg. Supp. Part I, dt. 2.5.1977.

LEGISLATIVE HISTORY 6

- Amended by Haryana Act No. 4 of 1979
- Amended by Haryana Act No. 18 of 1984
- Amended by Haryana Act No. 26 of 1984
- Amended by Haryana Act No. 9 of 1988
- Amended by Haryana Act No. 26 of 2002
- Amended by Haryana Act No. 23 of 2003
- Amended by Haryana Act No. 11 of 2004
- Amended by Haryana Act No. 12 of 2004
- Amended by Haryana Act No. 23 of 2004
- Amended by Haryana Act No. 41 of 2008
- Amended by Haryana Act No. 31 of 2010
- Amended by Haryana Act No. 28 of 2019

CHAPTER I

Preliminary

1. Short title and extent. - (1) This Act may be called the Haryana [Shehri Vikas Pradhikaran] Act, 1977.

Object & Reasons⁶

Statement of Objects and Reasons. - It has been felt necessary to constitute a statutory [Pradhikaran] in place of department of Urban Estates for ensuring speedy and economic development of urban areas in the State of Haryana. At present, the work of land acquisition and development of urban areas at various places throughout Haryana is being done by the Urban Estates Department.

While the Planning of the urban areas is done by the Town and Country Planning Department, the land is acquired by the Urban Estates Department and the development of the land so acquired is carried out by the various departments and bodies like the Public Health

Department, B & R Department, Electricity Board, etc.

It has been observed that the involvement of several agencies in the development of urban estates at various places gives rise to problems of coordination; with the result that the growth of most of the urban estates becomes slow and causes unnecessary dissatisfaction among the plot-holders, in particular, and the public in general. Further, as the department has to follow the financial rules and regulations of the Government, the arrangement of finances and sanctions of estimates take a long time and the development works have not kept pace with the required physical development of the estates.

Being a Government department, the Urban Estates Department is unable to raise resources from various lending institutions although, there are various financial institutions in the country willing to finance urban land development programme which can be made self-financing.

In order to overcome all these difficulties and to achieve expeditious development of the estate, it has been felt necessary that an [Shehri Vikas Pradhikaran] should be set up.

This Bill seeks to achieve the aforesaid objects.

Published vide Haryana Government Gazette dated 23.03.1977 page 412.

Statement of Object and Reasons - Haryana Act No. 4 of 1979. - The Haryana [Shehri Vikas Pradhikaran] Act, 1977, came into force in the State of Haryana on the 10th January, 1977. Before the constitution of Haryana [Shehri Vikas Pradhikaran], the Development of urban Estates in the State was looked after by the Urban Estates Department. For the speedy development of Urban estates, the department of Urban Estates was converted into an [Pradhikaran] known as Haryana [Shehri Vikas Pradhikaran]. In the implementation of the Act, certain difficulties have been experienced which are intended to be removed through this proposed amendment.

2. Under Section 17, any person aggrieved by an order of Estate Officer, may prefer an appeal with the Chief Administrator who can hear and decide the appeal. In practice, it has been found, in view of the large number of cases involved, that it is not possible for one officer to dispose of all these appeal cases. Besides, the urban estates are spread through out the State and the litigant public are put to a lot of inconvenience since they have to come to Chandigarh for filing and pursuing the appeals. In view of this, it Administrator, any other officer of [Pradhikaran], as the Government may, by notification, appoint, can hear and decide the appeal. Hence the proposed amendment in section 51 of the Haryana [Shehri Vikas Pradhikaran] Act, 1977.

3. At present, the only remedy against any unauthorised construction in the resumption of the plot allotted. This measure is too drastic and hence it has been considered necessary to make a suitable provision in the Act to empower the officers of the [Pradhikaran] to require any building erected in contravention of the Building Regulations to be demolished or altered or to compound the offence. Keeping in view a suitable provision has accordingly been proposed in Section 55 of the Haryana Urban Development Act, 1977.

Published vide Haryana Government Gazette Extraordinary dated 26.12.1978 page 1762.

Statement of Objects and Reasons - Haryana Act 18 of 1984. - In the judgement of the Supreme Court in the case of Food Corporation of India versus Union of India reported in A.I.R. 1981 S.C. 1694 it has been held that Food Corporation of India is a Company and the procedure under part VII of the Land Acquisition Act should have been adopted for the acquisition of the land for the Food Corporation of India. In view of the judgement of the

Supreme Court so many writ petitions have been filed in the Punjab and Haryana High Court alleging that H.U.D.A. is also a company and procedure under part VII of the Land Acquisition Act 1984 should have been adopted for acquiring the land for H.U.D.A.

In order to meet this lacuna, it has become necessary to substitute Section 14 of the Haryana [Shehri Vikas Pradhikaran] Act and to declare H.U.D.A. as a 'Local [Pradhikaran]' for the purposes of the Land Acquisition Act, 1894.

Published vide Gazette Extra. Dated 27.3.1984 page 502.

Statement of Objects and Reasons - Haryana Act 26 of 2002. - It is necessary to make Amendments in Haryana [Shehri Vikas Pradhikaran] Act, 1977 for incorporating a provision for construction, establishment and operation of Sewage Treatment Plants in existing as well as in new Urban Estates.

In CWP No. 9603 of 1997, 'House Owners Social Welfare Association v/s State of Haryana' etc. interim order were passed by Hon'ble Punjab and Haryana High Court which read as under :-

'In the meantime, the Haryana [Shehri Vikas Pradhikaran] should take steps to amend the relevant rules and regulations for incorporating a provision for construction, establishment and operation of Sewage Treatment Plants in existing as well as in new Urban Estates, which may be established hereinafter'.

Similar directions were given in CWP No. 7203 of 2001 Citizen Welfare Society v/s Chandigarh Administration and others wherein it was directed that amendments in relevant statute for making the provision of Sewage Treatment Plants (STP's) as a condition precedent to the setting up of new Urban Estates and expansion of existing Urban Estates.

The CWP No. 7203 again came up for hearing on 24.4.2002 wherein Hon'ble High Court pointed out that two Governments (Punjab & Haryana) had not taken adequate steps for amendments of relevant statute for making the provision of STP as a condition precedent to the setting up of new Urban Estates and expansion of existing Urban Estates. Hon'ble Court granted one more opportunity to State Government to make necessary amendments in various statutes.

The case was again listed for 30.5.2002 and an affidavit was filed by the State Government wherein above amendments were highlighted and it was mentioned that these were under active consideration of State Government

Accordingly, amendments are being made in Haryana [Shehri Vikas Pradhikaran] Act, 1977, to achieve following objectives :

(a) Definition of Amenity at 2(a) does not specifically mention 'treatment and disposal of sewage, sullage and storm water' By introducing, 'treatment and disposal of sewage, sullage and storm water' in between 'sewerage' and 'public works', treatment of sewage and sullage becomes mandatory and above object is achieved.

(b) In Haryana Urban Development (Disposal of land and Buildings) Regulation, 1978; in Regulation 13, in form 'C', 'CC', 'C-I', and 'C-II', the possession of the land would be delivered as soon as completion of development works in the area. But definition of 'development works' does not appear in main act and hence is leading to a No. of disputes. The words and signs 'development works in the area' will be replaced by 'basic amenities within the area' in above regulation, which will be well defined in main Act now

and hence the new definition as 2a (i) of 'Basic Amenities' is proposed to be introduced. This will clarify that the possession will be given after completion of basic amenities within the area.

(c) In definition of 'Engineering operations' at 2 (j), provision of treatment and disposal is missing. By adding words and signs 'treatment and disposal of sewage, sullage and storm water' in between 'sewerage' and 'or of electricity cables', above object will be achieved.

(d) Similarly in objects and functions of [Pradhikaran], words 'treatment and disposal of sewage, sullage and storm water' replaces 'disposal of sewerage' to achieve above object.

Hence this Bill.

Haryana Government Gazette (Extraordinary), dated 29.10.2002, page 2105.

Statement of Objects and Reasons - Act 23 of 2003 - The Haryana [Shehri Vikas Pradhikaran] Act, 1977 was enacted in the year 1977 to constitute a statutory [Pradhikaran] in place of Deptt. of Urban Estates for ensuring speedy and economic development of urban areas in the State of Haryana as different functions like land acquisition, planning and development were being done by different departments and due to coordination problem between several agencies, the development of Urban Estates became very slow. Hence, to overcome all these difficulties and to achieve expeditious development of the Urban Estates, Act No. 13 of 1977 was enacted to constitute Haryana [Shehri Vikas Pradhikaran].

In the course of enforcement under Section 18 of this Act, it has been experienced in the past that the cases of unauthorised occupation/unauthorised constructions on HUDA's acquired lands have increased manifold as the period of 30 days prescribed in the notice is too long that certain bad elements complete buildings with advanced mechanized systems of construction and till such time the legal formalities are completed and the Estate Officers start eviction proceedings, these bad elements in the meantime approach the courts and obtain stays and lawful action of the Estate Officers becomes fruitless and ineffective during this period of 30 days. Therefore, in order to overcome this problem the provision of notice period specified as 30 days has been reduced to 7 days, so that the lands unauthorisedly occupied or buildings constructed thereon could be got vacated/ demolished quickly and target of expeditious development of the Estate is achieved.

Hence this Bill.

Haryana Government Gazette (Extraordinary), dated 8.9.2003, page 1954.

Statements of Objects and Reasons - Haryana Act 12 of 2004. - The proposed amendment in the Haryana [Shehri Vikas Pradhikaran] Act, 1977, envisages the establishment of Local Development Authorities for integrated Planning and development of potential towns and areas around them. The proposed Local Development Authorities would be by and large autonomous organisations having their own independent administrative set up, finances/budget and machinery for planning, enforcement, acquisition, development and disposal of land in the Local Development areas as may be declared and notified by the Government. Besides the development activities, the function of the Local Development Authorities would include enforcement, regulation and control on construction activities and for this purpose, the relevant powers under the Haryana Municipal Act, 1973, Punjab Scheduled

Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and the Haryana Development and Regulation of Urban Areas Act, 1975, are intended to be conferred upon them through the proposed Legislation.

2. In order to augment the resources of the State, it has been proposed in the Legislation that each Local Development [Pradhikaran] would deposit 50% of the sale proceeds of the site/plots/developed land, buildings sold through open auction in the State exchequer in the manner prescribed by the Government.

The bill seeks to achieve the above object.

Published vide Haryana Government Gazette (Extraordinary), dated March 11, 1989 Page 573.

Statement of Objects and Reasons - Act No 23 of 2004. - HUDA Act No. 12 of 2004 provides for an insertion of Chapter-IX in the HUDA Act, thereby, providing for the constitution of Local Development [Pradhikaran]. Since the Bill in this regard was passed by the State legislature in the year 1989, it has been observed that the said HUDA Act No. 12 of 2004 makes several references which are not relevant as on date, and need to be appropriately amended in order to be relevant in the present context. In brief the amendments that need to be carried out may be summarised as follows:

1. Keeping in view the proposed constitution of Leisure Development [Pradhikaran], the reference to sectors and sector development plans in the said Act, is proposed to be amended as sector/zones and sectoral/ zonal development plan respectively.
2. There are several references to the Faridabad Complex Administration and the Faridabad Complex Administration Act, 1971 and the controlled areas declared under the said Act. Such references are proposed to be appropriately amended since the functions of the erstwhile Faridabad Complex Administration are being carried forward by the Municipal Corporation Faridabad at present.
3. The Haryana State Electricity Board no longer exists for which necessary amendments are proposed.
4. Amendments are also proposed for rationalisation of provisions pertaining to chairing of [Pradhikaran] meeting and appointment of Vice-chairman.

Hence this Bill.

Haryana Government Gazette (Extraordinary), dated 28.9.2004, page 2826.

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

(a) "*amenity*" includes roads, water supply, street lighting, drainage, [sewerage, treatment and disposal of sewage, sullage and storm water], Public works, tourist spots, open spaces, Parks, landscaping and Play fields, and such other conveniences as the State Government may, by notification, specify to be an amenity for the purposes of this Act;

[(ai) "*basic amenities*" include metalled roads, wholesome water, sewerage and electrification;]

[***]

(c) "*building*" includes -

- (i) a house, out-house, stable, latrine, godown, shed, hut, wall and any other structure whether of masonry, bricks, mud, wood, metal or any other material whatsoever;
 - (ii) a structure on wheels or simply resting on the ground without foundations;
 - (iii) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any articles or goods; and
 - (iv) the gardens, grounds, carriages and stables, if any, appurtenant to any building which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;
- (d) "*building operations*" include re-building operations, structural alterations of, or additions to, buildings and other operations normally undertaken in connection with the construction of buildings;
- (e) "*Chief Administrator*" means the Chief Administrator of the [Pradhikaran];
- (f) "*Collector*" means the Collector of the district and includes any other person appointed by the State Government for performing the functions of the Collector under this Act;
- (g) "*Development*" with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change, in any building or land and includes re-development;
- (h) "*development plan*" means a plan prepared under the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963, or the Faridabad Complex (Regulation and Development) Act, 1971;
- (i) "*Director*" means the Director of Town and Country Planning, Haryana, and includes any person for the time being appointed by the State Government, by notification to exercise and perform all or any of the powers and functions of the Director under this Act and the rules and regulations made thereunder;
- (j) "*engineering operations*" include the formation or laying out of means of access to a road or the laying out of means of water-supply, drainage, [sewerage, treatment and disposal of sewage, sullage and storm water] or of electricity cables or lines or of telephone lines;
- (k) "*erect or re-erect any building*" includes
- (i) any material alteration or enlargement of any building;

- (ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
 - (iii) the conversion into more than one place for human habitation of a building originally constructed as one such place;
 - (iv) the conversion of two or more places of human habitation into a greater number of such place;
 - (v) such alterations of a building as effect its drainage or sanitary arrangements, or materially affect its security;
 - (vi) the addition of any rooms, buildings, out-houses or other structures to any building;
 - (vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;
- (l) "*Estate Officer*" means person appointed by the [Pradhikaran] to perform the functions of an Estate Officer under this Act in one or more than one urban area;
- (m) "*Land*" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (n) "*Local [Pradhikaran]*" means a Municipal Committee, a Notified Area Committee, a Town Improvement Trust, the Faridabad Complex Administration [the Haryana [Shehri Vikas Pradhikaran]] or other [Pradhikaran] legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;
- (o) "*means of access*" includes any means of access, whether private, or public, for vehicles or for pedestrians and includes a road;
- (p) "*member*" means a member of the [Pradhikaran] and includes the Chairman, the Vice-Chairman and the Chief Administrator thereof;
- (q) "*occupier*" means a person including a firm or other body of individuals, whether incorporated or not, who occupies land or building sold, leased or transferred in any manner whatsoever under this Act and includes his successors and assignees;
- (r) "*operational construction*" means any construction, whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely :-
- (i) railways;
 - (ii) national highways;
 - (iii) national waterways;

- (iv) major ports;
- (v) airways and aerodromes;
- (vi) posts and telegraphs, telephones, wireless broadcasting and other like forms of communication;
- (vii) regional grid for electricity;
- (viii) any other service which the State Government may, if it is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause.

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

- (i) new residential buildings (other than gate lodges and quarters for limited essential operational staff and the like), roads and drains in railway colonies, hospitals, clubs, institutions and schools, in the case of railways; and
 - (ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be deemed to be construction within the meaning of this clause;
- [(ra) "*Pradhikaran*" means the Haryana Shehri Vikas Pradhikaran constituted under sub-section (1) of section 3.]
- (s) "*prescribed*" means prescribed by rules made under this Act;
 - (t) "*public place*" means any place or building which is open to the use and enjoyment of public whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charge or not;
 - (u) "*regulation*" means a regulation made under this Act by the [Pradhikaran];
 - (v) "*Secretary*" means the Secretary of the [Pradhikaran];
 - (w) "*transfer*" includes a sale or lease of land or building under section 15;
 - (x) "*transferee*" means a person, including a firm or other body of individuals, whether incorporated or not, to whom land or building is sold, leased or transferred in any manner whatsoever under this Act, and includes his successors and assignees;
 - (y) "*urban area*" means -
 - (i) the area comprised within the jurisdiction of any local [Pradhikaran] and also any such area in the vicinity as the State Government may, having regard to the extent of, and the

scope for, the urbanisation of that area or other relevant consideration, specify in this behalf by notification; and

- (ii) such other area as the State Government may, by notification declare to be an urban area, which in the opinion of the State Government is likely to be urbanized, and includes any area declared as controlled area under the provisions of the Punjab Scheduled Roads and Controlled Areas (Restriction of Unregulated Development) Act, 1963, or the Faridabad Complex (Regulation and Development) Act, 1971.

CHAPTER II

Establishment of [Pradhikaran]

3. Establishment and constitution of [Pradhikaran]. - (1) With effect from such date as the State Government may, by notification, specify in this behalf, the State Government shall establish, for the purposes of this Act, an [Pradhikaran] to be known as the Haryana [Shehri Vikas Pradhikaran] with headquarters at such place as the State Government may specify.

(2) The [Pradhikaran] shall be a body corporate [as well as a local [Pradhikaran]] by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract; and shall, by the said name, sue and be sued.

(3) The [Pradhikaran] shall consist of a Chairman, a Vice-Chairman, a Chief Administrator and such other members, not more than twelve and not less than six, as the State Government may, from time to time, by notification appoint :

Provided that the number of non-official members shall not, at any time, exceed three.

4. Terms of office and conditions of service of members. - (1) The terms of office and conditions of service of the members shall be such, as may be prescribed.

(2) The Chief Administrator shall be entitled to receive from the fund of the [Pradhikaran] such salary and such allowances, if any, as may be prescribed.

(3) Any member, other than the Chief Administrator, may be paid from the fund of the [Pradhikaran] such allowances, if any, as may be prescribed.

(4) The members shall hold office during the pleasure of the State Government.

(5) The member may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by the State Government, he shall cease to be a member.

5. Power to remove members. - The State Government may remove, from office, any member -

- (i) who, without excuse, sufficient in the opinion of the State Government, is absent for more than four consecutive meetings of the [Pradhikaran];
- (ii) who has, in the opinion of the State Government, so abused his position as a member as to render his continuance on the [Pradhikaran] detrimental to the interest of the [Pradhikaran].

6. Filling of vacancies. - Upon occurrence of any vacancy in the office or Chairman, Vice-Chairman, Chief Administrator or member, a new Chairman, Vice-Chairman, Chief Administrator or member, as the case may be, shall be appointed.

7. Meetings. - (1) The [Pradhikaran] shall meet at such times and places and subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to the transaction of its business at such meetings as may be provided by regulations.

(2) At every meeting of the [Pradhikaran], the Chairman, if present, or in his absence, the Vice-Chairman, and if there be no Chairman or Vice-Chairman, present, then, any one of its members, whom the members present may elect, shall preside.

(3) All questions at a meeting of the [Pradhikaran] shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the member presiding shall have a second or casting vote.

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

(5) For the transaction of business at a meeting of the [Pradhikaran], the quorum shall be one third of the number of members actually serving for the time being but shall not, in any case, be less than four.

8. Appointment of committees. - Subject to any rules made in this behalf, the [Pradhikaran] may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of the functions of the [Pradhikaran] and in particular for the purpose of ensuring the efficient maintenance of public amenities and development projects.

9. Temporary association of persons. - (1) The [Pradhikaran] or any committee appointed under section 8 may associate with itself in such manner and for such purpose, as may be prescribed, any person whose assistance or advice it may require in performing any to its functions under this Act.

(2) Any person associated with it by the [Pradhikaran] under sub-section (1) for any purpose shall have a right to take part in the discussion of

the [Pradhikaran] relevant to that purpose but shall not have a right to vote at a meeting.

10. Validation of acts and proceedings. - No act done or proceedings taken under this Act shall be questioned on the ground merely of -

- (a) the existence of any vacancy in, or any defect in the constitution of, the [Pradhikaran];
- (b) any person, associated under section 9, having voted in contravention of the provisions of this Act in this behalf;
- (c) the failure to serve a notice on any person where no substantial injustice has resulted from such failure;
- (d) any omission, defect or irregularity not affecting the merits of the case.

11. Staff. - (1) Subject to such control and restrictions, as may be prescribed, the [Pradhikaran] may appoint such number of officers and other employees including experts for technical and legal work, as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and other employees of the [Pradhikaran] shall be entitled to receive, from the fund of the [Pradhikaran], such salaries and allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

(3) The exercise of any powers or discharge of any duties or functions under sub-section (1) by any officer or other employee shall be subject to such restrictions, conditions and limitations, if any, as may be laid down by the [Pradhikaran], and shall also be subject to its control and supervision.

12. General disqualifications of officers and Employees. - No person who has, directly or indirectly, by himself or through his partner or agent, any share or interest in any contract, by or on behalf of the [Pradhikaran], or any employment under, by or on behalf of the [Pradhikaran], otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the [Pradhikaran].

13. Objects and functions of [Pradhikaran]. - The objects of the [Pradhikaran] shall be to promote and secure development of all or any of the areas comprised in an urban area and for that purpose, the [Pradhikaran] shall have the power to acquire by way of purchase, transfer, exchange or gift, hold, manage, plan, develop and mortgage or otherwise dispose of land and other property, to carry out by itself or through any agency on its behalf, building, engineering, mining and other operations, to execute works in connection with supply of water, [treatment and disposal of sewage, sullage and storm water], control of pollution and any other services and amenities and generally to do anything, with the

prior approval, or on direction, of the State Government, for carrying out the purposes of this Act.

CHAPTER III

Acquisition and disposal of land

[14. Acquisition of the land. - (1) When any land, other than the land owned by the Central Government, is required for the purposes of this Act, the State Government may, at the request of the [Pradhikaran], proceed to acquire it under the provisions of the Land Acquisition Act, 1894 [as amended from time to time] and on payment by the [Pradhikaran] of the compensation awarded under that Act and of any other charges incurred in acquiring the land, the land shall vest in the [Pradhikaran].

(2) For the purposes of the Land Acquisition Act, 1894 [and any other law for the time being in force] the [Pradhikaran] shall be deemed to be a local [Pradhikaran].]

15. Disposal of land. - (1) Subject to any directions given by the State Government under this Act and the provisions of sub-section (5), the [Pradhikaran] may dispose of -

- (a) any land acquired by it or transferred to it by the State Government without undertaking or carrying out any development thereon; or
- (b) any such land after undertaking or carrying out such development as it thinks fit, to such persons, in such manner and subject to such terms and conditions, as it considers expedient for securing development.

(2) Nothing in this Act shall be construed as enabling the [Pradhikaran] to dispose of land by way of gift, but subject to this condition, reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

(3) Subject to the provisions hereinbefore contained, the [Pradhikaran] may sell, lease, or otherwise transfer whether by auction, allotment or otherwise, any land or building belonging to it on such terms and conditions as it may, by regulations, provide.

(4) The consideration money for any transfer under sub-section (1) shall be paid to the [Pradhikaran] in such manner as may be provided by regulations.

(5) Notwithstanding anything contained in any other law, for the time being in force, any land or building or both, as the case may be, shall continue to belong to the [Pradhikaran] until the entire consideration money together with interest and other amount, if any, due to the [Pradhikaran], on account of the sale of such land or building or both is paid.

(6) Until the conditions provided in the regulations are fulfilled, the transferee shall not transfer his rights in the land or building except with the

previous permission of the [Pradhikaran], which may be granted on such terms and conditions, as the [Pradhikaran] may deem fit.

16. Imposition of penalty and mode of recovery of arrears. - (1)

Where any person makes default in the payment of -

- (i) any rent due in respect of any lease of any land or building or both, as the case may be, under section 15; or
- (ii) any fee or contribution payable under this Act in respect of any land or building or both, the Estate Officer may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the person by way of penalty :

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(2) Where any person makes default in the payment of any amount, being the arrears or penalty or both directed to be paid under sub-section (1), such amount may be recovered from him, in the same manner as arrears of land revenue.

17. Resumption and forfeiture for breach of conditions of transfer. -

(1) Where any transferee makes default in the payment of any consideration money, or any instalment, on account of the sale of any land or building, or both, under section 15, the Estate Officer may, by notice in writing, call upon the transferee to show cause within a period of thirty days, why a penalty which shall not exceed ten percent of the amount due from the transferee, be not imposed upon him.

(2) After considering the cause, if any, shown by the transferee and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded in writing, make an order imposing the penalty and direct that the amount of money due alongwith the penalty shall be paid by the transferee within such period as may be specified in the order.

(3) If the transferee fails to pay the amount due together with the penalty in accordance with the order made under sub-section (2), or commits a breach of any other condition of sale, the Estate Officer may, by notice in writing, call upon the transferee to show cause within a period of thirty days, why an order of resumption of the land or building, or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten per cent of the total amount of the consideration money, interest and other dues payable in respect of the sale of the land or building, or both, should not be made.

(4) After considering the cause, if any, shown by the transferee in pursuance of a notice under sub-section (3) and any evidence that he may produce in support of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer, may for reasons to be recorded in

writing, make an order resuming the land or building or both, as the case may be, and directing the forfeiture as provided in sub-section (3) of the whole or any part of the money paid in respect of such sale.

(5) Any person aggrieved by an order of the Estate Officer under section 16 or under this section may, within a period of thirty days of the date of the communication to him of such order, prefer an appeal to the Chief Administrator in such form and manner, as may be prescribed :

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(6) The Chief Administrator may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such order as he deems fit.

(7) The Chief Administrator may, either on his own motion or on an application received in this behalf, at any time within a period of six months from the date of the order, call for the record of any proceedings in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation thereto as he thinks fit :

Provided that the Chief Administrator shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

[(8) Any person aggrieved by an order of Chief Administrator under sub-section (6) may within a period of ninety days of the date of the communication to him of such order, prefer a revision petition to the Secretary to Government, Haryana, Town and Country Planning Department, in such form and manner as may be prescribed :

Provided that the Secretary to Government, Haryana, Town and Country Planning Department, may entertain the revision petition after the expiry of the said period of ninety days, if he is satisfied that the petitioner was prevented by sufficient cause from filing the revision petition in time.]

(9) The Secretary to Government, Haryana, Town and Country Planning Department, may, after hearing the revision, confirm, vary or reverse the order appealed from and may pass such order as he deems fit :

Provided that the Secretary to Government, Haryana, Town and Country Planning Department, shall not pass an order under this section without hearing the parties.

CHAPTER IV

Power to Evict Persons From Premises of the [Pradhikaran]

[18. Power to evict persons from premises/land of [Pradhikaran] or building constructed thereon. - (1) If the Collector or any officer authorised by him is satisfied-

(a) that any person authorised to occupy any premises of the [Pradhikaran] has -

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months; or

(ii) sublet, without the permission of the Estate Officer, the whole or any part of such premises; or

(iii) otherwise acted in contravention of any of the terms expressed or implied, under which he is authorised to occupy such premises; or

(b) that any person is in unauthorized occupation of any land of the [Pradhikaran] or building constructed thereon -

the Collector or any officer authorised by him may, notwithstanding anything contained in any law, for the time being in force, by notice served by post and if a person avoids service, or is not available for service of notice, or refuses to accept notice, then by affixing a copy of it on the outer door or some other conspicuous part of such premises/land or building or in such other manner as may be prescribed, call upon any person, who has committed a breach of the provisions of this Act or the rules framed thereunder, to vacate the said premises/land or building constructed thereon or demolish unauthorised construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, and if such person fails to show cause to the satisfaction of the Collector or any officer authorised by him within a period of seven days, the Collector or any officer authorised by him shall pass an order requiring him to vacate such premises/land or building constructed thereon or demolish unauthorised construction and restore to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, within a further period of seven days.

(2) If the order made under clause (a) or clause (b) of sub-section (1) is not carried out, within a specified period, the Collector or any officer authorised by him at the expiry of the period of this order, shall evict, that person from, and take possession of, the premises/land or building constructed thereon and shall for that purpose use such force as may be necessary and the cost incurred on such measures shall, if not paid on demand, being made to him, be recoverable from such person as arrears of land revenue.

(3) Even before the expiry of the period of seven days mentioned under sub-section (1), if the Collector or such officer authorised by him is satisfied that instead of vacation of premises/land or building constructed thereon or

demolition of unauthorised construction, as the case may be, the person continues with the contravention, the Collector shall himself or any officer authorised by him take such measures as may appear necessary to give effect to the order and the cost of such measures shall, if not paid on demand, being made to him, be recoverable from such person as arrears of land revenue.

(4) If a person, who has been ordered to vacate any premises under sub-clause (i) or sub-clause (iii) of clause (a) of sub-section (1), within a period of seven days of the date of service of the notice, pays to the Estate Officer the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the Collector or any officer authorised by him, as the case may be, the Collector or any officer authorised by him shall cancel his order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served upon him.]

[(5) The Estate Officer, or officer authorized by him may, -

- (i) confiscate any articles or material found in the premises or public place, rehri parked at any public place, any articles or materials in the corridors of the shops, pavements, parking areas, parks, open spaces, road berms or any other public places;
- (ii) grant permission in writing, on such conditions as may be approved by him for the safety or convenience of persons passing by, or dwelling or working in the neighbourhood, and withdraw the permission, to any person to -
 - (a) take up or alter the pavement or other materials for the fences of posts of any public street;
 - (b) deposit or cause to be deposited building materials, goods for sale, or other articles on any public street;
 - (c) make any hole or excavation on, in or under any street; or remove materials from beneath any street, so as to cause risk of subsidence; or
 - (d) erect or set up any fence, post, stall or scaffolding in any public street,

and may charge fees according to a scale to be approved by him for such permission.

(6) Whoever does any of the acts mentioned in sub-section (5) without the written permission of the Estate Officer or any officer authorized by him, shall be punishable with a fine which shall not be less than two hundred rupees and more than two thousand rupees and the Estate Officer or the officer authorized by him may, -

- (i) after reasonable opportunity has been given to the owner to remove his material and he was failed to do so, remove or cause to be removed

by the police, or any other agency, any such movable encroachments or overhanging structures and any such material, goods or articles of merchandise and any such fence, pot, stall or scaffolding;

(ii) take measure to restore the public places to the conditions it was in before any such alteration, excavation, encroachment or damage.

(7) If the material specified in clause (i) of sub-section (6) has not been claimed by the owner within a fortnight of its having been deposited for safe custody by the Estate Officer, or if the owner fails to pay the actual cost of removal or deposit in safe custody, the Estate Officer may have the material sold by auction at the risk of the owner, and the balance of the proceeds of such sale shall after deduction of the expenditure incurred by the Estate Officer be paid to the owner, or if the owner cannot be found, or refuses to accept payment, the balance shall be kept in deposit by the Estate Officer until claimed by the person entitled thereto, and if no claim is made within two years, the Estate Officer may credit the amount to the fund of [Pradhikaran].

Explanation. - For the purposes of this section 'movable encroachment' included a seat or settee, and 'movable overhanging structure' includes an awning of any materials.]

19. Power to recover damages as arrears of land revenue. - Where any person is in unauthorised occupation of any premises of the [Pradhikaran], the Collector may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as he may deem fit and may by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises or in such other manner as may be prescribed, order that person to pay the damages within such time not being less than thirty days as may be specified in the notice. If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

20. Appeal. - (1) Any person aggrieved by an order of the Collector under section 18 or section 19 may, within a period of thirty days from the date of the service of notice under section 18 or section 19, as the case may be, prefer an appeal to the Director, or such other [Pradhikaran], as the State Government may appoint in this behalf:

Provided that the appellate [Pradhikaran] may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred under sub-section (1), the appellate [Pradhikaran] may stay the enforcement of the order of the Collector for such period and on such conditions, as, it deems fit.

(3) Every appeal under this section shall be disposed of by the appellate [Pradhikaran] as expeditiously as possible.

CHAPTER V

Finance, Accounts and Audit

21. Fund of [Pradhikaran]. - (1) The [Pradhikaran] shall have and maintain its own fund to which shall be credited -

- (a) all moneys received by the [Pradhikaran] from the State Government and the Central Government by way of grants, loans, advances or otherwise;
- (b) all moneys borrowed by the [Pradhikaran], from source other than the Government, by way of loans or debentures;
- (c) all fees received by the [Pradhikaran] under this Act;
- (d) all moneys received by the [Pradhikaran] from the disposal of lands, building and other properties, movable and immovable; and
- (e) all moneys received by the [Pradhikaran] by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting -

- (a) expenditure incurred in the administration of this Act;
- (b) cost of acquisition of land for purposes of this Act;
- (c) expenditure for development of land;
- (d) expenditure for such other purposes as the State Government may direct or permit.

(3) The [Pradhikaran] shall keep its fund in any Scheduled Bank.

(4) The [Pradhikaran] may invest any portion of its fund in such securities or in such other manner as may be prescribed.

(5) The income resulting from investments mentioned in sub-section (4) and proceeds of the sale of the same shall be credited to the fund of the [Pradhikaran].

22. Power of State Government to make grants, advances and loans to [Pradhikaran]. - The State Government may make such grants, advances and loans to the [Pradhikaran], as the State Government may deem necessary, for the performance of the functions under this Act and all grants, loans and advances so made shall be on such terms and conditions, as the State Government may determine.

23. Power of [Pradhikaran] to borrow on advance money. - (1) The [Pradhikaran] may, from time to time, borrow money by way of loans or debentures from such sources, other than the State Government, and on such terms and conditions as may be prescribed.

(2) The [Pradhikaran] may advance money for residential, industrial or commercial purposes on such terms and conditions, as may be prescribed.

24. Priority of payment for interest and repayment of loans. - All payments due from the [Pradhikaran] on accounts of interest on loans or the repayment of loans shall be made in priority to all other dues from the [Pradhikaran].

25. Budget. - The [Pradhikaran] shall prepare in such form and at such time every year, as may be prescribed, a budget, in respect of the financial year next ensuing showing the estimated receipts and expenditure of the [Pradhikaran] and shall forward to the State Government such number of copies thereof, as may be prescribed.

26. Accounts and audit. - (1) The [Pradhikaran] shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form, as may be prescribed.

(2) The accounts of the [Pradhikaran] shall be subject to audit annually by the Accountant General of the State Government and any expenditure incurred by him in connection with such audit shall be payable by the [Pradhikaran] to the Accountant General.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts of the [Pradhikaran] shall have the same right, privilege and [Pradhikaran] in connection with such audit as the Accountant General has in connection with the audit of 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 accounts of the [Pradhikaran] as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government.

27. Annual report. - The [Pradhikaran] shall prepare, for every year, a report on its activities during that year and submit the report to the State Government, in such form and on or before such date, as may be prescribed.

28. Provident fund. - The [Pradhikaran] shall constitute, for the benefit of its whole time paid members and of its officer and other employees in such manner and subject to such conditions, as may be prescribed, such provident fund as it may deem fit.

CHAPTER VI

Relations between the Government, the [Pradhikaran] and the Local Authorities, Etc.

29. Power of [Pradhikaran] to require local [Pradhikaran] to assume responsibility for amenities in certain cases. - Where any area has been developed by the [Pradhikaran], the [Pradhikaran] may entrust the

local [Pradhikaran] [discharging municipal functions] within whose local limits the area so developed is situated, with the responsibility for the maintenance of the amenities which have been provided in the area by the [Pradhikaran] and for the provision of the amenities which have not been provided by the [Pradhikaran] but which in its opinion should be provided on terms and conditions agreed upon between the [Pradhikaran] and the local [Pradhikaran], and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the State Government in consultation with the local [Pradhikaran] on a reference of the matter to the State Government by the [Pradhikaran].

30. Control by State Government. - (1) The [Pradhikaran] shall carry out such directions as may be issued to it, from time to time, by the State Government for the efficient administration of this Act.

(2) The State Government may, at any time either on its own motion or on application made to it in this behalf, call for the records of any case disposed of, or order passed by the [Pradhikaran] for the purpose of satisfying itself as to the legality or propriety or correctness of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it thinks fit :

Provided that the State Government shall not pass an order adversely affecting any person without affording such person an opportunity of being heard.

(3) The State Government may depute any officer to inspect or examine the office of the [Pradhikaran], or its development works and to report thereon and the officer so deputed may, for the purposes of such inspection or examination, call or -

- (a) any extract from any proceedings of the [Pradhikaran] or any committee constituted under this Act, record, correspondence, plan or other documents;
- (b) any return, estimates, statement of account or statistics;
- (c) any report, and the [Pradhikaran] shall furnish the same.

31. Returns and information. - The [Pradhikaran] shall furnish to the State Government such reports, returns, record and other information as the State Government, may, from time to time, require.

32. Power of State Government to transfer powers of Municipal Committees, Panchayats, Panchayat Samitis, Improvement Trust and Faridabad Complex Administration to [Pradhikaran]. -

Notwithstanding anything contained in any other law for the time being in force, where the State Government considers it expedient, it may, in the prescribed manner, suspend any of the powers of local [Pradhikaran] relating to the control on development and use of lands and building under the Haryana Municipal Act, 1973, the Punjab Gram Panchayat Act, 1952 the Punjab Panchayat Samitis Act, 1961, the Punjab

Town Improvement Act, 1922, or the Faridabad Complex (Development and Regulation) Act, 1971 and transfer such powers to the [Pradhikaran].

(2) Where such powers are transferred to the [Pradhikaran], the [Pradhikaran] shall be deemed to be the local [Pradhikaran] concerned, the Chief Administrator shall be deemed to be the committee of the municipality or the Sarpanch of the Gram Panchayat or the Chairman of the Panchayat Samiti or the Chairman of the Improvement Trust or the Chief Administrator of the Faridabad Complex Administration, as the case may be, and the Estate Officer shall be deemed to be the Executive [Pradhikaran] thereof, and the [Pradhikaran] shall strictly exercise the powers transferred to it under sub-section (1) within the area under the territorial jurisdiction of the local [Pradhikaran] concerned.

CHAPTER VII

Inspection and Penalties

33. Power of entry. - The [Pradhikaran] may authorise any person to enter into or upon any land or building other than the land or building owned by the Central Government with or without assistants or workmen for the purpose of -

- (a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil.
- (d) setting out boundaries and intended lines of work;
- (e) making levels, boundaries and lines by placing marks and cutting trenches;
- (f) doing any other thing necessary for the efficient administration of this Act:

Provided that -

- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
- (ii) sufficient opportunity shall in every instance be given to enable women, if any to withdraw from such land or building;
- (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

34. Penalties. - Any person who obstructs the entry of a person authorised under section 33 to enter into or upon any land or building other than the land or building owned by the Central Government or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

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

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

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

Explanation. - For the purpose of this section -

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

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

36. Fines when realised to be paid to [Pradhikaran]. - All fines realised in connection with prosecution under this Act shall be paid to the [Pradhikaran].

37. Composition of offences. - (1) Any offence made punishable under this Act may, either before or after the institution of proceedings, be compounded by the [Pradhikaran] or by any person authorised by the [Pradhikaran] in this behalf.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

CHAPTER VIII

Miscellaneous

38. Charge for extension of amenities. - Where, in the opinion of the State Government, it is necessary that the amenities provided by

the [Pradhikaran] in an urban area should be extended to any land or building situated within the said area or within such distance from the said area as it may deem expedient, such amenities shall be extended to such land or building and the owner of such land or building shall be liable to pay to the [Pradhikaran], in the manner prescribed, such development charges therefore, as may be fixed by the State Government having regard to the expenses to be incurred for providing such amenities and the benefits to be extended to the land or building.

38A. Registration of independent residential floor. - (1) The registration of independent residential floors for the purpose of transfer, sale, gift, exchange or lease in perpetuity of plots allotted by the [Pradhikaran], shall be permitted as independent dwelling unit :

Provided that no sub-division of land under the residential dwelling unit shall be permitted and the registration shall be limited to only one dwelling unit on each floor.

(2) The purchaser of floor desiring registration under sub-section (1) shall be liable to pay a duty, as notified by the State Government, from time to time, which shall not be less than one per centum and more than three per centum, in addition to the stamp duty payable under the Indian Stamp Act, 1899, as applicable in the State of Haryana.

(3) The said duty shall be collected by the Registrar or Sub- Registrar in the shape of non-judicial stamp paper at the time of registration of the document and intimation thereof shall be sent to the concerned Estate Officer immediately.

(4) The amount of the duty so collected shall be paid to the concerned Estate Officer and this amount shall be utilized towards defraying the cost of additional external development that may be incurred on providing extra basic amenities.

39. Members, officers and employees to be public servants. - All members, officers and other employees of the [Pradhikaran] shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

40. Jurisdiction of Courts. - No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

41. Sanction for prosecution. - No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the [Pradhikaran] or any officer authorised by the [Pradhikaran].

42. Service of notice etc. - (1) All notices, all orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served -

- (a) where the person to be served is a company, if the document is addressed to the Secretary of the said company, at its registered office or at its principal office or place of business and is either -

- (i) sent by registered post;
 - (ii) delivered at the registered office or at the principal office or place of business of the said company;
- (b) where the person to be served is a partnership firm, if the document is addressed to the said partnership firm, at its principal place of business, identifying it by the name or style under which its business is carried on and is either-
 - (i) sent by registered post; or
 - (ii) delivered at the said place of business;
- (c) where the person to be served is a public body, or a Corporation or Society or other Body, if the document is addressed to the Secretary, treasurer or other head of office of that Body, Corporation or Society, at its principal office and is either -
 - (i) sent by registered post; or
 - (ii) delivered at the said office;
- (d) in any other case, if the document is addressed to the person to be served and-
 - (i) is given or tendered to him; or
 - (ii) is sent by registered post to the person; or
 - (iii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within an urban area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates.

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

- (a) if the document so addressed is sent to be delivered in accordance with clause (b) of sub-section (1); or
- (b) if the document so addressed, or a copy thereof so addressed, is delivered to any person on the land or building or where there is no person on the land or building to whom it can be delivered is affixed to some conspicuous part of the land or building.

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

(4) For the purpose of enabling any document to be served on the owner of any property, the Secretary may, by notice in writing, require the occupier, if any, of the property to state the name and address of the owner thereof.

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

Explanation. - A servant is not a member of the family within the meaning of this section.

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

44. Authentication. - All permissions, orders, decisions, notices and other documents of the [Pradhikaran] shall be authenticated by the signatures of the Secretary or any other officer authorised by the [Pradhikaran] in this behalf.

45. Mode of proof of records of [Pradhikaran]. - A copy of any receipt, application, plan, notice, entry in a register, or other document, in the possession of the [Pradhikaran], if duly certified by the legal keeper thereof, or other person authorised by the [Pradhikaran], in this behalf, shall be received as prima-facie evidence of the existence of the document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent as, the original document would, if produced, have been admissible to prove such matters.

46. Restriction on summoning of members, officers and other employees of [Pradhikaran]. - No member, officer or other employee of the [Pradhikaran] shall, in any legal proceedings to which the [Pradhikaran] is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the court made for special cause.

47. Protection of action taken in good faith. - No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

48. Relation of [Pradhikaran] with police. - It shall be the duty of every police officer-

- (i) to communicate without delay to the proper officer or the employee of the [Pradhikaran] any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder; and

- (ii) to assist the member or any officer or other employee of the [Pradhikaran] in the lawful exercise of any power vesting in such member, officer or other employee under this Act or any rule or regulation made thereunder.

49. Arrest of offenders. - (1) A police officer, not below the rank of sub-inspector, shall arrest any person who commits, in his view, any offence against this Act or any rule made thereunder, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay, be produced before the Magistrate authorised to try the offence for which the arrest has been made, and no person, so arrested shall be detained in custody for a period exceeding twenty four hours without an order from the above mentioned Magistrate.

50. Finality of orders and bar of jurisdiction of civil courts. - (1) Save as otherwise expressly provided in the Act, every order passed or direction issued by the State Government or order passed or notice issued by the [Pradhikaran] or its officer under this Act shall be final and shall not be questioned in any suit or other legal proceedings.

(2) No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter the cognizance of which can be taken and disposed of by any [Pradhikaran] empowered by this Act or the rules or regulation made thereunder.

51. Power to delegate. - (1) The [Pradhikaran] may, by resolution, authorise that any power exercisable by it under this Act or the rules or regulations made thereunder, except the power to make regulations, may also be exercised by such officers of the [Pradhikaran] or State Government or local [Pradhikaran] as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The State Government may, by notification direct that any power exercisable by it under this Act, except the power to make rules, may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(3) The Director may, by notification direct that any power exercisable by him under this Act may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

[(4) The State Government may, by notification, direct that any power exercisable by the Chief Administrator under this Act may be exercised by such other officer of the [Pradhikaran] as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.]

52. State Government or any person appointed by it may exercise power or perform duties conferred or imposed on [Pradhikaran]. -

(1) If, in the opinion of the State Government, the [Pradhikaran] is not competent to exercise or perform or neglects or fails to exercise or perform any power conferred or duty imposed upon it by or under any of the provisions of this Act, the State Government or any persons appointed in this behalf by the State Government may exercise such power or perform such duty.

(2) Any expenses incurred by the State Government or by such person in exercising such power or performing such duty shall be paid out of the fund of the [Pradhikaran], and if the [Pradhikaran] fails to pay the expenses, then the State Government may make an order directing any person who, for the time being, has custody of such fund to pay such expenses from such fund, and such person shall be bound to obey such order.

53. Power to make rules. - (1) The State Government may, by notification, make rules for carrying out the purpose of this Act.

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

- (a) the terms and conditions of service of the members under sub-section (1) of section 4;
- (b) the appointment of committees under section 8;
- (c) the manner and purpose for associating persons under section 9;
- (d) the control and restriction in relation to appointment of officers and other employees under sub-section (1) of section 11;
- (e) the form and manner in which an appeal may be filed under sub-section (5) of section 17;
- (f) the manner of serving notice under sub-section (1) of section 1 and under section 19;
- (g) the manner in which the damages may be assessed under section 19;
- (h) the investment of fund under sub-section (4) of section 21;
- (i) the procedure to be followed for borrowing money by way of loans or debentures and their re-payment and the terms and conditions for advancing money under section 23;
- (j) the form of the budget of the [Pradhikaran] and the manner of preparing the same under section 25;
- (k) the form of balance sheet and statement of account under sub-section (1) of section 26;
- (l) the form of the annual report and the date on or before which it shall be submitted to the State Government under section 27;
- (m) The manner and constitution of the pension and provident fund for whole-time paid members and officers and other employees of

the [Pradhikaran] and the conditions subject to which such fund may be constituted under Section 28;

(n) any other matter which has to be, or may be, prescribed by rules.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall therefore 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.

54. Power to make regulations. - The [Pradhikaran] may, with the previous approval of the State Government, make regulations consistent with this Act, and without prejudice to the generality of this power such regulations may provide for:

- (a) the summoning or holding of the meetings of the [Pradhikaran], the time and place where such meetings are to be held and the conduct of business at such meetings;
- (b) the powers and duties of the officers and other employees of the [Pradhikaran];
- (c) the salaries, allowances and conditions of service of Officers and other employees of the [Pradhikaran];
- (d) the erection of buildings;
- (e) the terms and conditions in which transfer of any right, title and interest in any land or building may be permitted;
- (f) the management of the properties of the [Pradhikaran];
- (g) any other matter which has to be, or may be, determined by regulations.

55. Penalty for breach of rules and regulations. - Except as otherwise provided for in this Act, and any contravention of any of the rules or regulations made thereunder shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing contravention, with an additional fine, which may extend to fifty rupees, for each day during which such contravention continues after the first conviction; and the court, while passing any sentence on conviction of any person for the contravention of any rule or regulation, may direct that any property or part thereof, in respect of which the rule or regulation has been contravened, shall be forfeited to the [Pradhikaran] :

[Provided that if a building is begun, erected or re-erected in contravention of any of the building regulations, the Chief Administrator shall be competent to require the building to be altered or demolished, by a written notice delivered to the owner thereof, within six months of its having begun, or having been completed, as the case may be. Such notice shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with, the Chief Administrator shall be competent to demolish the said building at the expense of the owner :

Provided further that the Chief Administrator may, instead of requiring alteration or demolition of any such building, accept by way of composition, such sum as he may deem reasonable.]

56. Exemption. - Nothing in this Act, shall apply to the operational constructions.

57. Dissolution of [Pradhikaran]. - (1) Where the State Government is satisfied that the purposes for which the [Pradhikaran] is constituted under this Act have been substantially achieved so as to render the continued existence of the [Pradhikaran] in the opinion of the State Government unnecessary, the State Government may, by notification, declare that the [Pradhikaran] shall be dissolved with effect from such date as may be specified in the notification; and the [Pradhikaran] shall be deemed to be dissolved accordingly.

(2) From the date specified under sub-section (1) -

- (a) all properties, funds and dues which are vested in, or realisable by the [Pradhikaran], shall vest in, or be realisable by, the State Government;
- (b) all liabilities which are enforceable against the [Pradhikaran] shall be enforceable against the State Government; and
- (c) for the purpose of carrying out any development which has not been fully carried out by the [Pradhikaran] and for the purpose of realizing properties, funds and dues referred to in clause (a), the functions of the [Pradhikaran] shall be discharged by the State Government.

58. Repeal and savings. - (1) As from the date of the constitution of the [Pradhikaran], the Punjab Urban Estates (Development and Regulation) Act, 1964, in its application to the State of Haryana, shall stand repealed.

(2) Notwithstanding the provisions of sub-section (1) :

- (a) anything done or any action taken including any notification, order, schemes, permissions or rule made, granted or issued under any provisions of the Punjab Urban Estate (Development and Regulations) Act, 1964, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act, unless and until it is superseded by anything done or any action taken under this Act;

- (b) all properties movable and immovable and all interests of whatsoever nature and kind therein, vested in the State Government under the Punjab Urban Estates (Development and Regulation) Act, 1964, before the commencement of this Act, shall vest in the [Pradhikaran];
- (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Government, under the Punjab Urban Estates (Development and Regulation) Act, 1964, before the commencement of this Act, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the [Pradhikaran];
- (d) all taxes, fees and other sums of money due to the State Government under the Punjab Urban Estates (Development and Regulation) Act, 1964 immediately before the commencement of this Act, shall be deemed to be due to the [Pradhikaran]; and
- (e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against the State Government under the Punjab Urban Estates (Development and Regulation) Act, 1964, may be continued or instituted by, for or against the [Pradhikaran].

[(3) Notwithstanding anything contained in any other law for the time being in force -

- (a) all property, movable and immovable and all interests of whatsoever nature and kind therein vested in the State Government under the Punjab New Mandi Townships (Development and Regulation) Act, 1960, except Mandi portion of the Mandi Townships established by the Colonisation Department shall vest in the [Pradhikaran];
- (b) anything done or any action taken including any notification, order, scheme, permission or rule made, granted or issued under any provisions of the Punjab New Mandi Townships (Development and Regulations) Act, 1960, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under this Act;
- (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Government, under the Punjab New Mandi Townships (Development and Regulation) Act, 1960, shall be deemed to have been incurred entered into or engaged to be done by, with or for the [Pradhikaran];
- (d) all taxes, fees and other sums of money due to the State Government under the Punjab New Mandi Townships (Development and Regulation) Act, 1960 shall be deemed to be due to be the [Pradhikaran];

(e) all suits, prosecutions and other legal proceeding instituted or which might have been instituted by, or against the State Government under the Punjab New Mandi Townships (Development and Regulation) Act, 1960 and the Colonization of Government Lands (Punjab) Act, 1912, may be continued or instituted by, for or against the [Pradhikaran].]

59. Removal of difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notified order, not inconsistent with the provisions of this Act, remove the difficulty.

60. Repeal and saving. - (1) The Haryana [Shehri Vikas Pradhikaran] Ordinance, 1977 (Haryana Ordinance No. I of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act as if this Act had come into force on the 10th day of January, 1977.

[CHAPTER IX]

Constitution of Local Development Authorities

61. Definitions. - In this Chapter unless the context otherwise requires, -

(a) "*Estate Officer*" means the Estate Officer of the Local Development [Pradhikaran] appointed by the Government;

(b) "*local development area*" means the area declared as such under sub-section (1) of Section 62;

(c) "*Local Development [Pradhikaran]*" means the Local Development [Pradhikaran] constituted under sub-section (3) of Section 62;

(d) "*master plan*" means a plan including a development plan approved by the Government under this Act or under any other Act in force in the State of Haryana;

(e) "*Secretary*" means the Secretary of the Local Development [Pradhikaran];

(f) "*Vice-Chairman*" means the Vice-Chairman of the Local Development [Pradhikaran] who shall also be the Chief Administrator thereto.

62. Declaration of Local development area. - [(1) If in the opinion of the State Government any area within the State requires integrated planned development, it may, by notification, declare such area to be local development area and such area shall include the area within a town or local [Pradhikaran] including a municipal committee/council or a Municipal Corporation, the controlled area declared under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41

of 1963), or the erstwhile Faridabad Complex (Regulation and Development) Act, 1971 (42 of 1971), or the Haryana Municipal Corporation Act, 1994 (16 of 1994) or any other area which in the opinion of the State Government is likely to be developed.]

(2) The State Government may, by notification in the *Official Gazette*, constitute for the purposes of this Act an [Pradhikaran] to be called Local Development [Pradhikaran] for any local development area declared under sub-section (1).

(3) The Local Development [Pradhikaran] shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property, movable and immovable and to contract and shall by the said name sue and be sued.

63. Constitution of the Local Development [Pradhikaran]. - (1) The Local Development [Pradhikaran] in respect of any local development area declared for development under sub-section (1) of Section 62 shall consist of the following members :-

(a) Chairman of the Haryana [Shehri Vikas Pradhikaran] shall be the Chairman of Local Development [Pradhikaran];

[(b) a whole time Vice-Chairman not below the rank of Commissioner serving or retired to be appointed by the Government;]

(c) the Secretary to the Government, Haryana, in the Town and Country Planning Department, ex-officio;

(d) the Secretary of the Government, Haryana, in the Local Government Department, ex-officio;

(e) the Secretary to the Government, Haryana, in the Finance Department, ex-officio;

(f) the Director, Town and Country Planning Department, Haryana, ex-officio;

(g) the Chief Administrator, Haryana [Shehri Vikas Pradhikaran], ex-officio;

(h) Chairman of the Haryana State Electricity Board or his nominee;

(i) Deputy Commissioner of the district in which the local development area is situated;

[(j) Mayor of a Municipal Corporation and in case of municipal committee/council, the president, *ex officio*;.]

(k) not more than three other members, one of them having experience in engineering, town planning or architecture, as may be nominated by the Government.

(2) A member referred to in clause (c), clause (d), clause (e), of sub-section (1) may instead of attending a meeting of the Local

Development [Pradhikaran], himself, depute an officer, not below the rank of Deputy Secretary in the department, and not below the rank of Chief Town Planner and Administrator, Haryana [Shehri Vikas Pradhikaran], in case of a member referred to in clause (f) and clause (g), respectively. The officers so deputed shall have the right to take part in the proceedings of the meeting and also have the right to vote respectively.

64. Terms of office and conditions of service of members. - (1) The term of office and conditions of service of the members shall be such as may be prescribed.

(2) The Vice-Chairman shall be entitled to receive from the fund of the Local Development [Pradhikaran] such salary and allowances, as may be prescribed.

(3) A member may be paid from the fund of the Local Development [Pradhikaran] such allowances, if any, as may be prescribed.

(4) The nominated members shall hold office during the pleasure of the Government.

(5) A nominated member may resign his office by giving notice in writing to the Government and, on such resignation being accepted by the Government, he shall cease to be a member.

65. Power to remove members. - The Government may remove from office any member,-

(i) who, without sufficient excuse in the opinion of the Government has absented himself for more than four consecutive meetings of, the Local Development [Pradhikaran];

(ii) who has, in the opinion of the Government so abused his position as a member as to render his continuance on the Local Development [Pradhikaran] detrimental to its interest.

66. Filling of vacancies. - Upon occurrence of any vacancy in the office of a member, another member shall be appointed.

67. Meetings. - (1) The Local Development [Pradhikaran] shall meet at such times and places and subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to the transaction of its business at such meeting, as may be provided by regulations.

[(2) Every meeting of the Local Development [Pradhikaran] shall be presided over by the Chairman.]

(3) All questions at a meeting of the Local Development [Pradhikaran] shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the [Chairman] shall have a second or casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for the purpose, which shall be signed at the next ensuing meeting by the member presiding at

such meeting and shall be open to inspection by any member during office hours.

(5) For the transaction of business at a meeting of the Local Development [Pradhikaran], the quorum shall be one-third of the number of members actually serving for the time being but shall not, in any case, be less than four.

68. Appointment of Committees. - Subject to any rules made in this behalf, the Local Development [Pradhikaran] may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of the functions of the Local Development [Pradhikaran] and in particular for the purpose of ensuring the efficient maintenance of public amenities and development projects.

69. Temporary association of persons. - (1) The Local Development [Pradhikaran] or any committee appointed under Section 68 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 Chapter.

(2) Any person associated under sub-section (1) for any purpose shall have the right to take part in the discussion of the Local Development [Pradhikaran] relevant to that purpose but shall not have a right to vote at a meeting.

70. Validation of acts and proceedings. - No act done or proceedings taken under this Chapter shall be questioned on the ground merely of -

- (i) the existence of any vacancy in, or any defect in the constitution of the Local Development [Pradhikaran];
- (ii) any person, associated under Section 69 having voted in contravention of the provisions of this Chapter in this behalf;
- (iii) the failure to serve a notice on any person where no substantial injustice has resulted from such failure;
- (iv) any omission, defect or irregularity not affecting the merits of the case.

71. Staff. - (1) The State Government may appoint six suitable officers respectively as the Chief Town Planner, Chief Engineer, Controller of Finance, Secretary, Estate Officer and Manager Estate of the Local Development [Pradhikaran] from Haryana [Shehri Vikas Pradhikaran] or concerned department of State Government, who shall exercise such powers and perform such duties, as may be prescribed by regulations or delegated to them by Local Development [Pradhikaran] or its Vice-Chairman.

(2) Subject to such control and restrictions, as may be prescribed, the Local Development [Pradhikaran] may appoint from the cadre of the employees of the Haryana [Shehri Vikas Pradhikaran] or on deputation from the departments of the State Government such number of officers and other

employees including experts for technical and legal work, as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(3) The officers and other employees of the Local Development [Pradhikaran] shall be entitled to receive from the fund of the Local Development [Pradhikaran] such salaries and allowances, as may be determined by regulations made in this behalf.

(4) The exercise of any powers or discharge of any duties or functions by any officer or other employee shall be subject to such restrictions, conditions and limitations, if any, as may be laid down by the Local Development [Pradhikaran] and shall also be subject to its control and supervision.

(5) The Local Development [Pradhikaran] shall not have any cadre of its own employees and the employees of the Local Development [Pradhikaran] shall belong to a cadre of Haryana [Shehri Vikas Pradhikaran].

(6) No person who has, directly or indirectly, by himself or through his partner or agent, any share or interest in any contract by or on behalf of the Local Development [Pradhikaran], or any employment under, by or on behalf of the Local Development [Pradhikaran] otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Local Development [Pradhikaran].

(7) It shall be lawful for the State Government or any officer authorised by it in this behalf to transfer any person holding any post in Haryana [Shehri Vikas Pradhikaran] Service from one Local Development [Pradhikaran] to another.

72. Object of the Local Development [Pradhikaran]. - The objects of the Local Development [Pradhikaran] shall be to promote and secure the development of all or any of the areas comprised in a local development area according to plan, for that purpose the Local Development [Pradhikaran] shall have the power to acquire by way of purchase, transfer, exchange or gift, hold, manage, plan, develop and mortgage or otherwise dispose of land and other property, to carry out by itself or through any agency on its behalf, building, engineering, mining and other operations, to execute works in connection with supply of water, disposal of sewerage, control of pollution and any other service and amenities and generally to do anything, with the prior approval, or on direction of the State Government, for carrying out of the purpose of this Act:

Provided that save as provided in this Chapter nothing contained in this Chapter shall be construed as authorising the disregard by the Local Development [Pradhikaran] of any law for the time being in force.

73. Master Plan for the development area. - (1) The Local Development [Pradhikaran] shall, as soon as may be, prepare a master plan for the local development area.

(2) The master plan shall -

- (a) define the various [sectors/zones] into which the local development area may be divided for the purposes of development and indicate the manner in which the land in each [sector/zone] is proposed to be used (whether by the carrying out thereon of development or otherwise) the stages by which any such development shall be carried out; and
- (b) serve as a basic pattern of frame work within which the [sectoral/zonal development plans] of the various [sectors/zones] may be prepared.

(3) The master plan may provide for any other matter which may be necessary for the proper development of the local development area.

74. Sector development plans. - (1) Simultaneously, with the preparation of the master plan or as soon as may be thereafter, the Local Development [Pradhikaran] shall proceed with the preparation of a [sectoral/zonal development plan] for each of the [sectors/zones] into which the local development area may be divided.

(2) A [sectoral/zonal development plan] may -

- (a) contain a site plan and use plan for the development of the [sector/zone] and show the approximate locations and extents of land use proposed in the [sector/zone] for such things as public building and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;
- (b) specify the standards of population density and building density;
- (c) show every area in the [sector/zone] which may, in the opinion of the Local Development [Pradhikaran], be required to be declared for development or re-development; and
- (d) in particular, contain provisions regarding all or any of the following matters, namely:-
 - (i) the division of any site into plots for the erection of buildings;
 - (ii) the allotment or reservation of land for roads, open spaces, gardens, recreation-grounds, schools, markets and other public purposes;
 - (iii) the development of any area and the restrictions and conditions subject to which such development may be undertaken or carried out;
 - (iv) the erection of building on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;
 - (v) the alignment of buildings or any site;

- (vi) the architectural features of the elevation or frontage of any building to be re-erected on any site;
- (vii) the number of residential buildings which may be erected on plot or site;
- (viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or [Pradhikaran] by whom or at whose expense such amenities are to be provided;
- (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;
- (x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (xi) the restrictions regarding the use of any site for purposes other than erection of buildings;
- (xii) any other matter which is necessary for the proper development of the [sector/zone] or any area thereof according to plan and for preventing buildings being erected haphazardly in such [sector/zone] or area.

75. Submission of plans to the State Government for approval. - (1)

In this Section and in Sections 76, 77, 80 and 82 the word "plan" means the master plan as well as the [sectoral/zonal development plan(s)] for a sector.

(2) Every plan shall, as may be, after its preparation be submitted by the Local Development [Pradhikaran] to the State Government in the Town and Country Planning Department for approval and the Government may either approve the plan without modification or with such modifications as it may consider necessary or reject the plan with directions to the Local Development [Pradhikaran] to prepare a fresh plan according to such directions.

76. Procedure to be followed in the preparation and approval of plan. - (1)

Before preparing any plan finally and submitting it to the State Government for approval, the Local Development [Pradhikaran] shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by regulations made in that behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Local Development [Pradhikaran] shall also give reasonable opportunity to every local [Pradhikaran] within whose local limits the land

touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Local Development [Pradhikaran], the Local Development [Pradhikaran] shall finally prepare the plan and submit it to the State Government for its approval.

(4) Subject to the foregoing provisions of this Section the State Government may direct the Local Development [Pradhikaran] to furnish, such information as the Government may require for the purpose of approving any plan submitted to it under this section.

77. Date of commencement of plan. - Immediately after a plan has been approved by the State Government, the [Pradhikaran] shall publish in such manner as the State Government may specify, a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours, and upon the date of first publication of the aforesaid notice the plan shall come into operation.

[*Note.* - The development plan prepared and approved by the Government under Section 5 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963) or under Section 29 of the erstwhile Faridabad Complex (Regulation and Development) Act, 1971 (42 of 1971) or under Section 346 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), shall be deemed to be master plan under Section 73 for the local development area forming part of the controlled area declared under the aforesaid Acts and the same shall be integrated into the master plan of the local development area.]

78. Maintenance and improvement of facade of certain buildings, arterial roads. - (1) Where in any local development area, any building occupied wholly for residential purpose or partly for residential and partly for non-residential purpose abuts an arterial road, the occupier of such building shall be bound to repair, white-wash, colour-wash or paint the facade of such building at his own cost in accordance with any bye-laws made in that behalf.

(2) Where the Local Development [Pradhikaran], with a view to ensuring symmetry with any scheme of other specification made in that behalf consider it necessary or expedient so to do, or where any occupier fails to repair, white-wash, colour-wash or paint the facade of any building in accordance with sub-section (1), it may by order require that the said work shall be carried out by the Local Development [Pradhikaran] itself or under its direction and may accordingly, also require the occupier to pay the cost of such work to the Local Development [Pradhikaran].

(3) The cost of any work referred to in sub-section (2) shall be calculated on a 'no profit', 'no loss' basis, and in case of any dispute about the reasonableness of the amount required to be deposited, the same shall be

decided by the State Government and subject thereto the order of the Local Development [Pradhikaran] shall be final and shall not be called in question in any Court.

(4) In case of non-payment by an occupier of the whole or part of the cost of any work referred to in sub-section (2), it shall, on the certificate of the Vice-Chairman, be recoverable from the occupier as arrears of land revenue.

Explanation. - In this section -

- (a) the expression 'arterial road' shall have the meaning assigned to it in the bye-laws;
- (b) the expression 'occupier', in relation to a building, means the person in actual occupation or use of the building, and includes -
 - (i) the owner (which expression shall include an agent or trustee or a receiver, sequestrator or manager appointed by a Court, or a mortgagee with possession of the building) in occupation;
 - (ii) the tenant who for the time being is paying or is liable to pay rent in respect thereof to the owner;
 - (iii) the rent-free guarantee or licensee thereof;
 - (iv) the person who is liable to pay to the owner damages for authorised use and occupation thereof.

79. Amendment of Plan. - (1) The Local Development [Pradhikaran] may make any amendment on the master plan or the [sectoral/zonal development plan(s)] as it thinks fit, which may in its opinion do not effect important alterations in the character of the plan and which do not relate to the extent of land uses or the standards of population density.

(2) The State Government may make amendments in the master plan or the [sectoral/zonal development plan(s)] whether such amendments are of the nature specified in sub-section (1) or otherwise.

(3) Before making any amendments in the plan, the Local Development [Pradhikaran], or as the case may be, the State Government shall publish a notice in at least one newspaper having circulation in the local development area inviting objections and suggestions that may be received by the Local Development [Pradhikaran] or the State Government.

(4) Every amendment made under this section shall be published in such manner as the Local Development [Pradhikaran] or the State Government, as the case may be, may specify and the amendments shall come into operation either on the date of the first publication or on such other date as the Local Development [Pradhikaran] or the State Government, as the case may be, may fix.

(5) When the Local Development [Pradhikaran] makes any amendments in the plan under sub-section (1) it shall report to the State Government the full particulars of such amendments within thirty days of the date on which such amendments come into operation.

(6) If any question arises whether the amendments proposed to be made by the Local Development [Pradhikaran] are amendments which affect important alterations in the character of the plan or whether they relate to the extent of land uses or the standards of population density, it shall be referred to the State Government whose decision thereon shall be final.

(7) Any reference to the master plan or the [sectoral/zonal development plan(s)] shall be construed as a reference to the master plan or the [sectoral/zonal development plan(s)] as amended under this section.

80. Development of land in the local developed area. - (1) After the declaration of any area as local development area under sub-section (1) of Section 62, no development of land shall be undertaken or carried out or continued in that area by any person or body (including a department of Government) unless permission for such development has been obtained in writing from the Vice-Chairman in accordance with the provisions of this Chapter.

(2) After the coming into operation of any of the plans in any local development area no development shall be undertaken or carried out or continued in that area unless such development is in accordance with such plans.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the following provisions shall apply in relation to development of land by any department of any State Government or the Central Government or any local [Pradhikaran], -

(a) when any such department or local [Pradhikaran] intends to carry out any development of land it shall inform the Vice-Chairman in writing of its intention to do so, giving full particulars thereof including any plans and documents, at least 30 days before undertaking such development;

(b) in the case of a department of any State Government or the Central Government, if the Vice-Chairman has no objection he should inform such department of the same within three weeks from the date of receipt by it under clause (a) of the department's intention, and if the Vice-Chairman does not make any objection within the said period the department shall be free to carry out the proposed development;

(c) where the Vice-Chairman raises any objection to the proposed development on the ground that the development is not in conformity with any master plan or [sectoral/zonal development plan(s)] prepared or intended to be prepared by it, or on any other ground, such department or the local [Pradhikaran], as the case may be, shall -

(i) either make necessary modifications in the proposal for development to meet the objection raised by the Vice-Chairman;
or

- (ii) submit the proposals for development together with the objections raised by the Vice-Chairman to the State Government for decision under clause (d);
- (d) the State Government, on receipt of proposals for development together with the objections of the Vice-Chairman, may either approve the proposal with or without modifications or direct the Department on the local [Pradhikaran], as the case may be, to make such modifications as proposed by the Government, and the decisions of the State Government shall be final;
- (e) the development of any land begun by any such Department or subject to the provisions of Section 84 by any such local [Pradhikaran] before the declaration referred to in sub-section (1) may be completed by that department or local [Pradhikaran] in compliance with the requirements of sub-sections (1) and (2).

81. Application for permission. - (1) Every person or body (other than any department of Government or any local [Pradhikaran]) whose site is situated in any [sector/zone] developed by Local Development [Pradhikaran] or in any Colony approved under any other Act of the State or for which permission of change of land use has been granted by the Government, desiring to obtain the permission referred to in Section 80 shall make an application in writing to the Vice- Chairman in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by bye-laws.

(2) Every application under sub-section (1) shall be accompanied by such fees as may be prescribed by rules.

(3) On the receipt of an application for permission under sub-section (1), the Vice-Chairman after making such enquiry as he considers necessary in relation to any matter specified in clause (d) of sub-section (2) of Section 74 or in relation to any other matter, shall by order in writing either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission :

Provided that such a permission will not entitle the person to change the use of land unless the said permission has been granted by the State Government under sub-section (1) of Section 82 of the site allotted/transferred by the Local Development [Pradhikaran] under Section 84 :

Provided further that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused :

Provided further that the Vice-Chairman may before, passing any order on such application give an opportunity to the applicant to make any correction therein or to supply any further particulars of document or to make good

any deficiency in the requisite fee with a view to bringing it in conformity with the relevant rules or regulations or bye-laws.

(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant.

(5) Any person aggrieved by an order under sub-section (4) may appeal to the Chairman against that order within thirty days from the communication thereof and may after giving an opportunity of hearing to the appellant and, if necessary, also to the representative of the Vice-Chairman either dismiss the appeal or direct the Vice-Chairman to grant the permission applied for with such modifications, or subject to such conditions, if any, as may be specified.

(6) The vice-Chairman shall keep in such form as may be prescribed by regulations & register of applications for permission under this section.

(7) The said register shall contain such particulars, including information as to the manner in which applications for permission have been dealt with, as may be prescribed by regulations, and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(8) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Vice-Chairman may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as he may deem proper in the circumstances of the case.

82. Permission or refusal in respect of uses of land and buildings. -

(1) The permission in the sectors/areas other than those specified in sub-section (1) of Section 81 to an individual or a person including an association or body of individuals whether incorporated or not may be granted by the Government on such terms and conditions and on payment of such fees and conversion charges as may be prescribed:

Provided that such a permission may not be granted for reasons to be recorded in writing if the Government is not satisfied with the merits of the case or is not in accordance with law.

(2) After coming into operation of any of the plans in a [sector/zone] no person shall use or permit to be used any land or building in that [sector/zone] otherwise than in conformity with such plan.

83. Applicability of Haryana Act 8 of 1975. - The Haryana Development and Regulations of Urban Areas Act, 1975, shall continue to be applicable in the local development area which shall be deemed to be the urban area as defined in clause (o) of Section 2 of the said Act and the powers under the said Act shall continue to be exercised by the Director, Town and Country Planning, Haryana.

84. Application of certain existing provisions. - The provisions of Sections 2, 14 to 27, 32 to 34, 36, 37, 39, 40, 41, 44 to 52, 55, 56 and 59

shall apply *mutatis mutandis* to the local Development [Pradhikaran] constituted under sub-section (3) of Section 62 and the terms '[Pradhikaran]', 'Estate Officer' and 'Chief Administrator' shall mean 'Local Development [Pradhikaran]', 'Estate Officer', and 'Vice-Chairman' respectively for this purpose.

85. Transfer of assets, liabilities, powers etc. to Local Development [Pradhikaran]. - (1) As from the date of the constitution of a Local Development [Pradhikaran] under sub-section (3) of Section 62, the powers and functions of Haryana [Shehri Vikas Pradhikaran] shall stand transferred to Local Development [Pradhikaran] in respect of the Local Development area for which it is constituted.

(2) Notwithstanding the provisions of sub-section (1), -

- (a) anything done or any action taken including any notification, order, scheme, permission or rule made, granted or issued by the Government or the Haryana [Shehri Vikas Pradhikaran] shall, so far it is not inconsistent with the provisions of this Chapter, continue in force and be deemed to have been done or taken by the Local Development [Pradhikaran] unless and until it is superseded by anything done or any action taken under this Chapter;
- (b) all property movable and immovable and all interests of whatsoever nature and kind therein vested in the Haryana [Shehri Vikas Pradhikaran] and situated in the local development area before the constitution of the Local Development [Pradhikaran] under sub-section (3) of Section 62 shall vest in the Local Development [Pradhikaran];
- (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by the Haryana [Shehri Vikas Pradhikaran] before the constitution of the Local Development [Pradhikaran], shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Local Development [Pradhikaran];
- (d) all fees and other sums of money due to the Haryana [Shehri Vikas Pradhikaran] immediately before the constitution of the Local Development [Pradhikaran] shall be deemed to be due to the Local Development [Pradhikaran];
- (e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against Haryana [Shehri Vikas Pradhikaran] in respect of the local development area may be continued or instituted by, for or against the concerned Local Development [Pradhikaran].

(3) All land acquisition proceedings initiated by the Government on behalf of Haryana [Shehri Vikas Pradhikaran] or otherwise in respect of local development area shall continue to be in force and shall be deemed to have

been done on behalf of and for the Local Development [Pradhikaran] concerned.

(4) [(a) From the date of the constitution of a Local Development [Pradhikaran] for a local development area, falling within the jurisdiction of a Municipal Corporation and the controlled area declared under the erstwhile Faridabad Complex (Regulation and Development) Act, 1971 (42 of 1971) or under the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Commissioner, Municipal Corporation shall cease to exercise powers under the provisions of Sections 346 to 349 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), and all acts done by the Chief Administrator of the erstwhile Faridabad Complex Administration or the Commissioner, Municipal Corporation shall be deemed to have been done by the Vice-Chairman of the Local Development [Pradhikaran].]

(b) All development charges and other related sums of money in respect of the local development area, due from any person to the [Municipal Corporation], shall be deemed to be due to the Local Development [Pradhikaran].

(5) Immediately after the constitution of a Local Development [Pradhikaran], a [municipal committee/council] in local development area shall cease to exercise any power under the provisions of sections 172 to 181, 184 to 186, 188, 193, 198, 201 to 211 and 218 to 220, of the Haryana Municipal Act, 1973, and the powers under the aforesaid sections shall be exercised by the Local Development [Pradhikaran]; and further, that all acts done by the [municipal committee/council] in respect thereof shall be deemed to have been done by the Vice-Chairman of a Local Development [Pradhikaran].

(6) The persons and functions vested with the Director, Town and Country Planning under Sections 7, 10 and 11 of the Haryana Development and Regulations of Urban Areas Act, 1975 (Act 8 of 1975) shall be exercised by the Vice-Chairman of the Local Development [Pradhikaran] from the date of its constitution.

Note. - The urban area under Section 2 of the said Act shall be deemed to be a local development area of the concerned Local Development [Pradhikaran].

(7) All the powers and functions of the Director, Town and Country Planning under Sections 3, 6, 9, 12, 13, 14, 15 and 16 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963) shall be exercised by the Vice-Chairman of the Local Development [Pradhikaran] from the date of the constitution of the Local Development [Pradhikaran] in respect of its local development area.

86. Nazul lands. - (1) The State Government may, by notification in the Official Gazette and upon such terms and conditions as may be agreed upon between the Government and the Local Development [Pradhikaran], place at

the disposal of the Local Development [Pradhikaran] all or any developed and undeveloped lands in the local development area vested in the State Government (known and hereinafter referred to as `Nazul lands') for the purpose of development, in accordance with the provisions of this Chapter.

(2) After any nazul land has been placed at the disposal of the Local Development [Pradhikaran] under sub-section (1) no development of any such land shall be undertaken or carried out except by or under the control and supervision of the Local Development [Pradhikaran].

(3) After any such nazul land has been developed by or under the control and supervision of the Local Development [Pradhikaran] it shall be dealt with by the Local Development [Pradhikaran] in accordance with the direction given by the State Government in that behalf.

(4) If any nazul land placed at the disposal of the Local Development [Pradhikaran] under sub-section (1) is required at any time thereafter by the State Government it may replace it at the disposal of the Government upon such terms and conditions, as may be agreed upon between the Government and the Local Development [Pradhikaran].

87. Certain other penalties. - (1) Any person who whether at his own instance or at the instance of any other person or any body including a department of Government undertakes or carries out development of any land in contravention of the master plan or [sectoral/zonal development plan(s)] or without the permission, approval or sanction referred to in Section 80 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be punishable with fine which may extend to ten thousand rupees, and in the case of continuing offence, with further fine which may extend to five hundred rupees for every day during which such commission of the offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in contravention of the provisions of Section 82 or in contravention of any terms and conditions prescribed by regulation shall be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence, with further fine which may extent to two hundred and fifty rupees for every day during which such commission of the offence continues after conviction for the first commission of the offence.

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

88. Order of demolition of building. - (1) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or [sectoral/zonal development plan(s)] or without the permission, approval or sanction referred to in Section 80 or

contravention of any conditions subject to which such permission, approval or sanction has been granted, in relation to the local development area, then without prejudice to the provisions of Section 86 the Vice-Chairman or any officer of the Local Development [Pradhikaran] empowered by him in that behalf may make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance development has been commenced or is being carried out or has been completed, within such period not being less than fifteen days and more than forty days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that person as may be specified in the order and on his failure to comply with the order, the Vice-Chairman or such officer may remove or cause to be removed the development and the expenses of such removal as certified by the Vice-Chairman or such officer shall be recoverable from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue :

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the Chairman against that order within thirty days from the date thereof and the Chairman may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order.

(3) The Chairman may stay the execution of an order against which an appeal has been filed before it under sub-section (2).

(4) The decision of the Chairman on the appeal and subject only to such decision, the order under sub-section (1), shall be final and shall not be questioned in any Court.

(5) The provisions of this section shall be in addition to, not in derogation of, any other provisions relating to demolition of building contained in any other law for the time being in force.

89. Power to stop development. - (1) Where any development in a local development area has been commenced or continued in contravention of the master plan or [sectoral/zonal development plan(s)] or without the permission, approval or sanction referred to in Section 80 or in contravention of any conditions subject to which such permission, approval or sanction has been granted then, without prejudice to the provisions of Sections 87 and 88, the Vice-Chairman of the Local Development [Pradhikaran] or any officer of the Local Development [Pradhikaran] empowered by him in that behalf, may make an order requiring the development to be discontinued, on and from the date of the service of the order, and such order shall be complied with accordingly.

(2) Where such development is not discontinued in pursuance of the order under sub-section (1), the Vice-Chairman or the said officer of the Local Development [Pradhikaran] may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition, and such police officer shall comply with the requisition accordingly.

(3) After the requisition under sub-section (2) has been complied with the Vice-Chairman of the Local Development [Pradhikaran] may depute by a written order a police officer or an officer or employee of the Local Development [Pradhikaran] to watch the place in order to ensure that the development is not continued.

(4) Any person failing to comply with an order under sub-section (1) shall be punishable with a fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under Section 87 or the discontinuance of the development under this section.

(6) The provisions of this section shall be in addition to and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force.

90. Conferment of other powers on the Local Development [Pradhikaran]. - After a master plan or [sectoral/zonal development plan(s)] has come into operation under Section 78, the Local Development [Pradhikaran] or its Vice Chairman shall exercise such other powers and functions exercisable by the local [Pradhikaran] concerned or its Chief Executive Officer, as the case may be, under the enactment constituting that local [Pradhikaran], subject to such exceptions or modifications, as the State Government may by notification, in the Official Gazette specify.

91. Powers to provide amenity or carry out development at cost of owner in the event of his default and to levy cess in certain cases. -

(1) If the Local Development [Pradhikaran], after holding a local inquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity in relation to any land in local development area has not been provided which in the opinion of the Local Development [Pradhikaran] ought to have been or ought to be provided or that any development of the land for which permission, approval or sanction has been obtained under this Chapter or under any law in force before the coming into force of this Chapter has not been carried out, it may, after affording the owner of the land or the person providing or responsible, for providing the amenity a reasonable opportunity to show cause, by order

require him to provide the amenity or carry out the development within such time as may be specified in the order.

(2) If any amenity is not provided or any such development is not carried out within the time specified in the order, then the Local Development [Pradhikaran] may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit :

Provided that before taking any action under this sub-section, the Local Development [Pradhikaran] shall afford a reasonable opportunity to the owner of the land or to the person providing or responsible for providing the amenity to show cause as to why such action should not be taken.

(3) All expenses incurred by the Local Development [Pradhikaran] or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the State Government may by order fix from the date when a demand for the expenses is made until payment may be recovered by the Local Development [Pradhikaran] from the owner or the person providing or responsible for providing the amenity as arrears of land revenue.

(4) Notwithstanding anything contained in the foregoing sub-sections where the Local Development [Pradhikaran] on the written representation by so many of the owners of any land in a development area as may represent not less than one half of the area, of that land, is satisfied that any amenity in relation to such land has not been provided which in the opinion of the Local Development [Pradhikaran] ought to have been or ought to be provided, or that any development of that land for which permission, approval or sanction has been obtained under this Chapter or under any law in force before the commencement of this Chapter has not been carried out, it may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit, and recover the expenses by levy of cess from all the owners of the said land :

Provided that if the owners making the said representation contend that the amenity had been agreed to be provided or the development had been agreed to be carried out by a coloniser or co-operative housing society through or from whom the land was acquired by them, they shall file with the Local Development [Pradhikaran] a copy of such agreement or of the deed of transfer or of the bye-laws of the society incorporating such agreement, and no action shall be taken by the Local Development [Pradhikaran] under this sub-section unless notice has been given to the coloniser or the society, as the case may be, to show-cause why such action should not be taken :

Provided further that where the Local Development [Pradhikaran] is satisfied that the coloniser or the society has become defunct or is not traceable, no notice under the preceding proviso need be issued.

(5) The cess referred to in sub-section (4) shall be equivalent to the expenses incurred by the Local Development [Pradhikaran] or the agency employed by it in providing the amenity or carrying out the development, together with interest at such rate as the State Government may by order fix, from the date of completion of the work until payment, and shall be assessed and levied on all the owners of the land in proportion to the respective areas of land owned by them.

(6) The said cess shall be payable in such number of instalments, and each instalment shall be payable at such time and in such manner, as the Local Development [Pradhikaran] may fix, and arrear of cess shall be recoverable as arrears of land revenue.

(7) The expenses incurred by the Local Development [Pradhikaran] or the agency employed by it under this section shall be certified by the Local Development [Pradhikaran], and such certificate, as also the assessment of the cess, if any, under sub-section (5) shall be final.

(8) If under any agreement between the owners of the land, the coloniser or the society referred to in sub-section (4) the responsibility for providing the amenity or carrying out the development rested with such coloniser or society, the cess payable under that sub-section by the owners shall be recoverable by them from the coloniser or the society, as the case may be.

92. Power of Local Development [Pradhikaran] to require local [Pradhikaran] to assume responsibilities in certain cases. -

(1) Where any area has been developed by the Local Development [Pradhikaran], it may require the local [Pradhikaran] within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Local Development [Pradhikaran] and for the provisions of the amenities which have not been provided by the Local Development [Pradhikaran] and local [Pradhikaran], and where such terms and conditions cannot be agreed upon, then on a reference of the matter to the State Government by the Local Development [Pradhikaran] on terms and conditions settled by the Government in consultation with the local [Pradhikaran].

(2) The transfer of a developed area shall take effect immediately after five years after completion of development works or as may be decided by the Local Development [Pradhikaran] and it shall be obligatory on the part of local [Pradhikaran] to take over the area under sub-section (1) above.

(3) If the local [Pradhikaran] recovers taxes from such an area prior to the period of five years, the transfer shall take effect from the date of recovery of taxes.

93. Power of Local Development [Pradhikaran] to levy betterment charges. -

(1) Where in the opinion of the Local Development [Pradhikaran], as a consequence of any development scheme having been executed by it in any local development area, the value of any

property in that area which has benefited by the development, has increased or will increase, the Local Development [Pradhikaran] shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development :

Provided that no betterment charge shall be levied in respect of lands owned by the Government :

Provided further that where any land belonging to the Government has been granted by way of lease or licence by the Government to any person, than that land and any building situated thereon shall be subject to a betterment charge under this section.

(2) Such betterment charge shall be an amount -

(i) in respect of any property situated in the township or colony, if any, developed or in other area developed or re-developed, equal to one-third of the amount, and

(ii) in respect of property situated outside such township, colony or other area, as aforesaid, not exceeding one-third of the amount, by which the value of the property on the completion of the execution of the development scheme, estimated as if the property were clear of buildings, exceeds the value of the property prior to such execution, estimated in the manner.

94. Assessment of betterment charges by Local Development [Pradhikaran]. - (1) When it appears to the Vice-Chairman that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Vice-Chairman may, by an order made in that behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Vice-Chairman proposes to assess the amount of the betterment charge in respect of the property under Section 93.

(2) The Vice-Chairman shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Vice-Chairman inform the Vice-Chairman by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Vice-Chairman is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Vice-Chairman the information required by sub-section (2) within the period

(4) If the person concerned dissents from the assessment or fails to give the Vice-Chairman the information required by sub-section (2) within the period

specified therein, the matter shall be determined by the Chairman and such determination shall not be questioned in any Court.

95. Finality of decision. - Subject to the control of the State Government every decision of the Chairman on appeal, and subject only to any decision on appeal (if it lies and is preferred), the order of the Vice-Chairman or other officer under Section 81, or Section 88, shall be final and shall not be questioned in any Court.

96. Payment of betterment charges. - (1) The betterment charge levied under this Chapter shall be payable in such number of instalments, and each instalment shall be payable at such time and in such manner, as may be fixed by bye-laws made in that behalf.

(2) Any arrears of betterment charges shall be recoverable as arrears of land revenue.

97. Additional stamp duty on certain transfers of property. - (1) The duty imposed by the Indian Stamp Act, 1899, on any deed of transfer of immovable property shall, in the case of an immovable property situated within a development area, be increased by two per cent on the amount or value of the consideration with reference to which the duty is calculated under the said Act :

Provided that the State Government may, by notification in the Official Gazette, enhance, the aforementioned percentage of the increase in the stamp duty upto five percent.

(2) All collection resulting from the said increase shall, after deduction of incidental expenses, if any, be allocated and paid by the State Government in its discretion either to the Local Development [Pradhikaran] alone or as the case may be, in such proportion as may from time to time be determined, in such manner and in accordance with such principles as the State Government may notify in the *Official Gazette*.

(3) For purpose of this section, Section 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars referred to therein to be separately set forth in respect of property within the Local Development [Pradhikaran] and property situated outside such area.

(4) For the purposes of this section, Section 64 of the Indian Stamp Act, 1899 shall be so read and construed as if it referred to the Local Development [Pradhikaran] as well as to the State Government.

98. Toll for amenities. - The Local Development [Pradhikaran] shall be entitled to charge and collect, toll, for the use of approach roads and other amenities, at such rate and in such manner as may be notified by the State Government, from visitors, to such places of popular resort (including any ancient and historical monuments) within its local development area as may be so notified :

Provided that -

(a) the rate of toll per visitor, shall not exceed rupees two;

(b) the State Government may by notification, exempt any class or classes of visitors from the payment of the toll and may fix any day or days on which no toll shall be chargeable.

99. Recovery of moneys due to Local Development [Pradhikaran]. - Any money due to Local Development [Pradhikaran] on account of any fee or charges or from disposal of land, building or any other property, movable or immovable, by way of rent, premium, profit or hire-purchase instalment, may, without, prejudice to the right of recovery by any other mode of recovery provided by or under this Chapter or any other law for the time being in force be realised, as arrears of land revenue upon a certificate of the amount due sent by the Local Development [Pradhikaran] to the Collector.

100. Returns and inspections. - (1) The Local Development [Pradhikaran] shall furnish to the State Government such reports, returns and other informations as the Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1) the State Government or any officer authorised by the State Government in that behalf, may call reports, returns and other information from the Local Development [Pradhikaran] or the local [Pradhikaran] concerned in regard to the implementation of the master plan.

(3) Any person authorised by the State Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the master plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.

(4) No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.

101. Service of notice etc. - (1) All notices, orders and other documents required by this Chapter or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Chapter or rule or regulation, be deemed to be duly served -

(a) where the person to be served is a company, if the document is addressed to the Secretary of the Company at its registered office or at its principal office or place of business and is either -

(i) sent by registered post; or

(ii) delivered at the registered office or at the principal office or place of business of the company;

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

- (i) sent by registered post; or
 - (ii) delivered at the said place of business;
- (c) where the person to be served is a public body or a corporation or society or other body if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principle office and is either -
- (i) sent by registered post; or
 - (ii) delivered at that office;
- (d) in any other cases, if the document is addressed to the person to be served and-
- (i) is given or tendered to him; or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the development area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of land or building to which it relates; or
 - (iii) is sent by registered post to that person.

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

- (a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or
- (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a firm in accordance with clause (b) of sub-section (1), the document shall be deemed to be served on each partner of that firm.

(4) For the purpose of enabling any document to be served on the owner of any property the Secretary to the Local Development [Pradhikaran], may by notice in writing require the occupier, if any, of the property, to state the name and address of the owner thereof.

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

Explanation. - A servant is not a member of the family within the meaning of this section.

102. Public Notice how to be made known. - Every public notice given under this Chapter shall be in writing under the signature of the Secretary to the Local Development [Pradhikaran] and shall be widely made known in the locality to be affected thereof affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a newspaper having circulation in the locality or by two or more of these means, and by any other means that the Secretary may think fit.

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

104. Savings. - Nothing in this Chapter shall apply to -

- (a) the carrying out of works for the maintenance, improvement or other alterations of any buildings, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (b) the carrying out by any local [Pradhikaran] or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking upon of any street or other land for that purposes;
- (c) the operational construction including maintenance, development and new construction, by or on behalf of a department of the Central Government;
- (d) the erection of a building not being a dwelling house, if such building is required for the purposes subservient to agriculture;
- (e) the excavations including wells made in the ordinary course of agricultural operations; and
- (f) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

105. Power of the Government to exempt certain class of buildings, etc. - Notwithstanding anything contained in this Chapter the State Government may by notification in the official Gazette exempt, subject to such conditions and restrictions, if any, as may be specified in such notification, any land or building or class of lands or buildings from all or any of the provisions of this Chapter or rules or regulations made thereunder.

106. Plans to stand modified in certain cases. - (1) Where any land situated in the local development area is required by the master plan or a [sectoral/zonal development plan(s)] plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory

acquisition, then, if at the expiration of ten years from the date of coming into operation of the plan under Section 77 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under sub-section (4) of Section 79 the land is not compulsorily acquired the owner of the land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the master plan, or, as the case may be, the [sectoral/zonal development plan(s)] shall have effect, after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

107. Power to make rules for purposes of this Chapter. - (1) The State Government may by notification in the Official Gazette make rules for carrying out the purposes of this Chapter.

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

(a) the levy of fee on a memorandum of appeal under sub-section (5) of Section 81.

(b) the procedure to be followed by the Chairman in the determination of betterment charge, and the powers that it shall have for that purposes;

(c) any other matter which has to be, or may be, prescribed by rules.

(3) All rules made under this Chapter shall, as soon as may be after these are made, be laid before the State Legislature, while it is in session for a total period of not less than ten days, extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments, as the State Legislature may, during the said period, agree to make.

108. Power to make regulations for purposes of this Chapter. - (1) The Local Development [Pradhikaran] may, with the previous approval of the State Government, may make regulations not inconsistent with this Chapter and the rules made thereunder, for the administration of the affairs of the Local Development [Pradhikaran].

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

(a) the summoning and holding of meetings of the Local Development [Pradhikaran], the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;

- (b) the powers and duties of the Chief Town Planner, Chief Engineer, Controller of Finance, Secretary, Estate Officer and Manager Estate of the Local Development [Pradhikaran];
- (c) the salaries, allowances and conditions of service of the officers and employees;
- (d) the procedure for carrying out the functions of Local Development [Pradhikaran] under Sections 73 to 82;
- (e) the form of register of application for permission and the particulars to be contained in such register;
- (f) the management of the property of Local Development [Pradhikaran];
- (g) the fee to be paid on an application for permission under sub-section (1) of Section 81;
- (h) the fee to be paid for inspection or obtaining copies of documents and maps;
- (i) any other matter which has to be or may be prescribed by regulations.

(3) Until Local Development [Pradhikaran] is established for an area under this Chapter any regulation which may be made under sub-section (1) may be made by the State Government and any regulation so made may be altered or rescinded by the Local Development [Pradhikaran] concerned in exercise of its powers under sub-section (1).

109. Power to make bye-laws for the purposes of this Chapter. - The Local Development [Pradhikaran] may, with the previous approval of the State Government make bye-laws consistent with this Chapter and the rules made thereunder, for carrying out the purpose of this Chapter in respect of any matter affecting the general public and without prejudice to the generality of this power, such bye-laws may provide for -

- (a) the form in which any application for permission under sub-section (1) of Section 81 shall be made and the particulars to be furnished in such applications;
- (b) the terms and conditions referred to in Section 82 subject to which the user of lands and buildings in contravention of plans may be continued;
- (c) the grant of license to architects, town planner, engineers, surveyors, draftsmen for the preparation of building plans or water supply, the drainage and sewerage plans and the fees to be paid for the grant of such licences;
- (d) for so long as the [sectoral/zonal development plans] are not prepared under section 74, the matter specified in clause (d) of sub-section (2) of that section;

(e) the definition of an arterial road and the colour scheme and other specifications according to which the facade of building abutting such road shall be repaired, white-washed, colour-washed or painted under Section 78;

(f) any other matter which has to be or may be prescribed by bye-laws.

110. Contribution of Local Development [Pradhikaran] to State exchequer. - The Local Development [Pradhikaran] shall deposit fifty per cent of the sale proceeds of the plots, sites or developed land, sold through open auction in the State exchequer in the manner as may be prescribed.

111. Dissolution of Local Development [Pradhikaran]. - (1) Where the State Government is satisfied that the purposes for which the Local Development [Pradhikaran] was established under this Chapter have been substantially achieved so as to render the continued existence of the Local Development [Pradhikaran] or in the opinion of State Government it has become necessary to wind up an existing Local Development [Pradhikaran], the Government may, by notification, in the Official Gazette declare that the Local Development [Pradhikaran] shall be dissolved with effect from such date as may be specified in the notification; and the Local Development [Pradhikaran] shall be deemed to be dissolved accordingly.

(2) From the said date -

(a) all properties, funds and dues which are vested in, or realisable by the Local Development [Pradhikaran] shall vest in the State Government;

(b) all nazul lands placed at the disposal of the Local Development [Pradhikaran] shall revert to the State Government;

(c) all liabilities which are enforceable against the Local Development [Pradhikaran] shall be enforceable against the State Government; and

(d) for the purpose of carrying out any development which has not been fully carried out by the Local Development [Pradhikaran] and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Local Development [Pradhikaran] shall be discharged by the State Government.

112. Relationship of Haryana [Shehri Vikas Pradhikaran] and Local Development [Pradhikaran] with the State Government. - (1) All references by the Local Development [Pradhikaran] to the State Government under this Chapter shall be routed through the Director, Town and Country Planning, Haryana.

(2) The State Government for all intents and purposes of this Chapter shall be the Government in the Department of Town and Country Planning.

(3) Immediately after the constitution of the Local Development [Pradhikaran] all staff of Haryana [Shehri Vikas

Pradhikaran] service posted in the Local Development area shall be deemed to be the staff, posted under the Local Development [Pradhikaran] under Section 71 of this Chapter.