

Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012

(Haryana Act No. 4 of 2012)

Last Updated 9th December, 2019 [hl772]

[Dated 3rd April, 2012]

Haryana Government

Law And Legislative Department

No. Leg. 6/2012. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 31st March, 2012, and is hereby published for general information :-

An Act further to amend the Haryana Development and Regulation of Urban Areas Act, 1975.

Be it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows:-

1. Short title. - This Act may be called the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012.

2. Amendment of section 3 of Haryana Act 8 of 1975. - In clause (a) of sub-section (3) of section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter called the principal Act),-

(i) for sub-clause (iv), the following sub-clause shall be substituted, namely:-

"(iv) to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, in a period as may be specified, and failing which the land shall vest with the Government after such specified period, free of cost, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit:

Provided that in case of licenses issued prior to the notification of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, the licensee, the purchaser or the person claiming through him shall construct the school, hospital, community centres and other community buildings on the land set apart for this purpose, within a period of four years, extendable by the Director by another period of two years, for reasons to be recorded in writing, from the notification of the Haryana

Development and Regulation of Urban Area (Amendment and Validation) Act, 2012:

Provided further that at the end of the period as specified under the proviso, if the site is not utilised for the purpose, it was meant for, the land shall vest with the Government and in which case, the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit:

Provided further that a show cause notice and an opportunity of hearing shall be issued before vesting the land in the Government.";

(ii) after sub-clause (iv), the following sub-clause shall be inserted and shall be deemed to have been inserted with effect from the 30th January, 1975, namely:-

"(iv-a) to pay proportionate cost of construction of such percentage of sites of such school, hospital, community centre and other community buildings and at such rates as specified by the Director;".

3. Insertion of section 10A in Haryana Act 8 of 1975. - After section 10 of the principal Act, the following section shall be inserted, namely:-

"10A. Recovery of dues. - All dues payable under the Act, which have not been deposited within the time specified, shall be recovered as arrears of land revenue.".

4. Insertion of section 23A in Haryana Act 8 of 1975. - After section 23 of the principal Act, the following section shall be inserted, namely:-

"23A. Power to issue directions. - The Director, with the approval of the Government, may, from time to time and/or under the directions issued under section 9A by the Government, shall, issue directions as are necessary or expedient for carrying out the purposes of this Act.".

5. Validation. - (1) Notwithstanding any judgement, decree or order of any court or tribunal or other authority to the contrary, any action taken with regard to the recovery of proportionate cost of construction of such schools, hospitals, community centres and other community buildings, either through the issuance of executive instructions or through condition prescribed in the Bilateral Agreement executed at the time of grant of licence or through any undertaking obtained from the coloniser, or any action taken or things done or purporting to have been taken or done, before the commencement of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, shall be deemed to be as valid and effective as if such action was taken or done in accordance with the provisions of the Haryana Development and Regulation of Urban Areas (Amendment and Validation)

Act, 2012 and any executive instructions or any Bilateral Agreement or any undertaking obtained in this regard and all such recoveries made, shall be deemed to be as valid and effective as if such Bilateral agreement were executed, or executive instructions were issued or undertakings were obtained or recoveries were made in accordance with the provisions as amended and validated in accordance with the provisions contained in the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, and shall not be called in question in any court or tribunal or other authority:

Provided that the amount already deposited against the cost of construction of the community buildings shall be spent on the construction of such community buildings or related infrastructure within a period of five years hereafter, unless any further extension is allowed under exceptional circumstances by the Government after recording reasons thereof, and accordingly,-

- (i) all acts, proceedings or things done or action taken by the Government or by any other official of the Government or by any authority, in connection with the recovery of cost of construction of such schools, hospitals, community centres and other community buildings by the Director either through issuance of executive instructions or through condition prescribed in bilateral agreement or through any undertaking obtained from coloniser, for all purposes be deemed to be and to have always been done or taken in accordance with law;
- (ii) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such amount already deposited or for nullification of Bilateral agreement already made, executive instructions already issued and undertaking obtained; and
- (iii) no court or authority shall enforce a decree or order directing the refund of any such recovery of cost of construction of such schools, hospitals, community centres and other community buildings so charged or for nullification of bilateral agreement executed or any executive instructions issued or any undertaking obtained in this regard.

(2) Notwithstanding any judgement, order or decree of any court or tribunal or other authority to the contrary, if a licensee who deposited the cost of construction, full or part, on the demand of Government and later took the refund under a judgment, order or decree passed by court or tribunal or any other authority, the Government may, after the notification of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, order the recovery of the amount of construction of which the

refund has been taken by the licensee under such judgment, order or decree, after giving a show cause notice and an opportunity of being heard.