THE KARNATAKA TOWN AND COUNTRY PLANNING ACT, 1961

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STATEMENT OF OBJECTS AND REASONS

I

Act 11 of 1963.- With the formation of the New state of Mysore it has become necessary to have a uniform law for the regulation of planned growth of land use and development and for the making and executing of town planning schemes in the State. Physical Planning has to precede economic planning as otherwise cities, towns and villages of our country will grow to unmanageable sizes without proper planning resulting in unhealthy surroundings. Physical planning with co-ordinated effort on a large scale is necessary if the people are to live in a better, healthier and happier environment. The proposed measure is expected to solve the Town Planning problems.

(Obtained from Bill No. LAW 43 LGN 60).

II

Amending Act 14 of 1964.—While communicating the assent of the President to the Mysore Town and Country Planning Bill, 1961, the Government of India have suggested certain amendments to the Act. As regards compensation payable for land acquired for purposes of the Act, the Government of India have stated that it is not correct to take the market value as on first November, 1956, and have suggested that the value may be the market value as on the date of publication of the Town Improvement Scheme, and where the date of actual acquisition proceeding is after two years from such publication the value may be as on the date two years before the date of issue of notification for acquisition of the land, as also the grant of solatium of fifteen percent in view of the compulsory nature of the acquisition. They have also suggested inclusion of the definition of the expressions agriculture, industry, etc., and amendment of section 6.

For the purpose of expeditious implementation of the Act in rapidly developing areas, it is necessary to establish separate planning authorities. For this purpose suitable provisions have to be made. It is considered desirable to include in the State Act certain other provisions found in the Model Town and Country Planning Act prepared by the Government of India. It is also considered desirable to deal with planning in respect of the Bangalore Metropolitan Area on the basis of the Outline Development Plan prepared by “the Bangalore Metropolitan Planning Board”.

Hence this Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 15th October 1963 as No. 6933 at page. 21.)

III

Amending Act 2 of 1968.—The amendments to the City of Bangalore Municipal Corporation Act, 1949 made by Act 10 of 1966 provided only for the appointment of an Administrator. It has been found necessary to make certain other provisions in order to improve the administration of the Corporation. As the Legislature was not in session an Ordinance was issued. The Bill is intended to replace the Ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 2nd December 1967 as No.270 at page 33)

IV

Amending Act 12 of 1976.—At the conference of the Ministers for Housing and Urban Development held in November 1971, it was agreed that a common Authority for the development of metropolitan cities should be set up.

Bangalore City with its population (as per last census) is a Metropolitan City. Different Authorities like the City of Bangalore Municipal Corporation, the City Improvement Trust Board, the Karnataka Industrial Area Development Board, the Housing Board and the Bangalore City Planing Authority are exercising jurisdiction over the area. Some of the functions of these bodies like development, planning, etc., are overlapping creating thereby avoidable confusion, besides hampering co-ordinated development. It is, therefore, considered necessary to set up a single authority like the Delhi Development Authority for the city areas adjacent to it which in course of time will become part of the city.

For the speedy implementation of the above said objects as also the 20 point programme and for establishing a co-ordinating Central Authority, urgent action was called for. Moreover the haphazard and irregular growth would continue unless checked by the Development Authority and it may not be possible to rectify or correct mistakes in the future.

It was therefore necessary to issue the measure in the form of an Ordinance.

The Bill seeks to replace the said Ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 5th February 1976 as No.688 at page.45)

V

Amending Act 39 of 1985.—There is no proper Co-ordination among the local bodies like Bangalore Development Authority, Bangalore Water Supply and Sewerage Board, Karnataka State Road Transport Corporation, Karnataka Electricity Board, Karnataka Slum Clearance Board, Bangalore City Corporation,

etc., in the Bangalore Metropolitan Area. It is necessary to Co-ordinate the activities of these bodies by constituting an authority. There is also an urgent need to step up the Authority in view of the growing problems of un-planned Development, Housing, Water Supply, Transport, etc.,

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 3rd December 1985 as No.610 at page.19)

VI

Amending Act 34 of 1987.— With a view to speeding up planning and development of land in urban areas in the State, it is felt desirable to have for each urban area a single agency for performing functions both as a Planning Authority and as Development Authority.

Hence, the Bill.

(Obtained from L.A. Bill Bo. 13 of 1987.)

VII

Amending Act 2 of 1991.—The Government has decided to regularise the unauthorised occupation of Government land subject to certain conditions and restrictions and on payment of regularisation charges. Section 94 of the Karnataka Land Revenue Act, 1954 is intended to be amended and Section 94-A is proposed to be introduced to provide for the following:—

(1) making unauthorised occupation of Government land punishable;

(2) regularisation of unauthorised occupation of Government land prior to 1-1-1989;

(3) the maximum extent of unauthorised holding proposed to be regularised to be 2 hectares of 'D' class land or equivalent thereto;

(4) where such land lies within the limits of a City or a City Municipality, the extent to be regularised shall be such as may be prescribed subject to the maximum extent of 2 hectares;

(5) the regularisation charges shall be 500 times the assessment of the land;

(6) the Schedule Castes and Schedule Tribes shall pay only 1/20 of the amount; and

(7) plantation lands, garden lands and forest lands shall be excluded from regularisation.

Section 95 is also proposed to be amended to ensure that the permission of the Deputy Commissioner shall be obtained for use of agricultural land for non-agricultural purposes notwithstanding anything contained in any law for the time

being in force. This amendment is proposed to resolve the ambiguity which has arisen on account of certain judicial pronouncements.

A few incidental and consequential amendments are also made.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 20th November 1990 as No.607 at page.1)

VIII

Amending Act 17 of 1991.—Under the existing provisions of the Karnataka Town and Country Planning Act 1961, the functions of the Member Secretary of the Planning Authority are not specifically mentioned. It is proposed to define such functions clearly. The Member Secretary, is among other things authorised to refer to the State Government resolutions passed by the Planning Authority which contravene the provision of the Act or any other law or rule etc., or any resolution which is prejudicial to the interest of the Planning Authority.

2. The present period of five years within which the Comprehensive Development Plan is to be revised is sought to be enhanced to ten years.

3. The existing provisions of the Karnataka Town and Country Planning Act, 1961 is not very specific about the circumstances under which the change in land use from one purpose to another purpose under the Out Line Development Plan could be permitted. Therefore, it is considered necessary to specify the various circumstances under which such change of land use could be permitted, by providing specific provisions for this by inserting section 14-A. This new Section also prescribes the modalities of bringing a change in the land use. As a result of the insertion of new Section 14-A, it is also considered necessary to effect certain minor changes in Section 24 and 74 of the Act. For better administration of the Act, a new Section has been added as Sections 76, 'n' and 'o', to provide for power to the State Government to cancel certain resolutions of the Planning Authority and to provide power to the Planning Authority to suspend and revoke licences and permissions etc., under certain circumstances.

3. A few other incidental and consequential provisions have also been made.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 20th March 1991 as No.120 at page.109)

IX

Amending Act 8 of 1994.—It is considered necessary to reduce the existing period of "three months" to "one month" for filing comments on the comprehensive development plan and the Karnataka Town and Country Planning Act, 1961.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 17th January 1994 as No.32 at page.6)

X

Amending Act 18 of 2003.-

It is considered necessary to provide for, conservation of the cultural heritage of Hampi with all its archeological remain and natural environs, to ensure sustainable development of Hampi World Heritage Area Management Authority to.-

(i) prevent uncontrolled development of the heritage area and commercial exploitation of the area;

(ii) cause carrying out of the works as are contemplated in the development plan;

(iii) co-ordinate the activities of the local authorities the Urban Development Authorities constituted under the Karnataka Urban Development Authorities Act, 1987, Karnataka Urban Water Supply and Sewerage Board, the Slum Clearance Board, KPTCL, KIADB, KSRTC and such other bodies as are connected with development activities in the Heritage area;

(iv) take appropriate action to protect the public property within the heritage area;

(v) promote understanding of and to encourage proper research into the Archeological, historical and environmental values of Hampi World Heritage site;

and for the constitution of the Authority Fund, and for matters incidental thereto.

It is also considered necessary consequentially to amend the Karnataka Town and Country Planning Act, 1961 and the Karnataka Public Premises (Eviction of un-authorised occupants) Act, 1974.

Hence the Bill,

(Published inn Karnataka Gazette (Extraordinary) Part _IV-A dated; 4th June 2003 as No. 589 at Page 10)

VIII

Amending Act 23 of 2004.— It is considered necessary to amend the Karnataka Town and Country Planning Act, 1961, to provide for the following, namely:-

(1) To omit the words “Notified Area Committee, Sanitary Board” as these no more exist in view of the amendment to the Karnataka Municipalities Act, 1964.

(2) To substitute the words "Grama Panchayat" for the words "Mandal Panchayat" to confirm to the changes made in the Karnataka Panchayat Raj Act, 1993.

(3) To empower the State Government to exempt any Board, Authority or Body constituted by or under any law and owned or controlled by the State Government from payment of fee for obtaining permission for change of land use or development of land.

(4) To empower the Planning Authority to permit,-

(i) additional Floor Area Ratio of 100 per cent for the land handed over free of cost whenever such lands are required for road widening purposes or for formation of new roads.

(ii) additional Floor Area Ratio up to 100 per cent in case of starred hotels subject to payment of a minimum of fifty per cent and a maximum of 100 per cent of the market value of land equivalent to the Floor Area Ratio permitted.

(5) To recast the provision relating to levy of fee in order to remove ambiguity.

(6) To provide for regularization of buildings constructed deviating from the sanctioned plan subject to payment of such penalty of not more than the market value of such deviated area as may be prescribed.

(7) To provide for levy and collection of surcharge or cess with effect from 19.10.1992 for granting permission for development of Land or building from the owner of such land or building, for supply of water, formation of ring road, slum improvement and mass rapid transport system at such rate not exceeding one tenth of the market value of land or building.

(8) To provide for forfeiture of building or part thereof to the State Government which have been constructed in deviation of sanctioned plan but not regularized under section 76FF or constructed without obtaining permission or in contravention of any order passed or direction issued by any authority, if the planning authority is of opinion that it is not practicable or advisable to demolish the building and the owner does not agree to pay an amount equivalent to two times the current value of such building or part thereof as a penalty.

(9) To provide for validation of levy and collection of the aforesaid cess and surcharge already collected by the various Development Authorities, Planning authorities and local authorities since 19.10.1992.

Hence the Bill.

(Legislative Council Bill No.10 of 1998)

(Entries 5 and 18 of List II and Entry 20 of List III of Seventh Schedule to the Constitution of India)

IX

Amending Act 1 of 2005.— It is considered necessary to amend the Karnataka Town and Country planning Act, 1961 to provide for,-

(i) Definition of heritage building and heritage precinct and make regulation for conservation of the same;

(ii) Replacing the comprehensive development plan and outline development plan by master plan to simplify the procedure;

(iii) Deemed change of land use from commercial or industrial to residential and from industrial to commercial;

Certain other consequential changes are made.

Hence the Bill.

X

Amending Act 1 of 2007.— It is considered necessary and expedient in public interest to provide for regualarisation of certain unauthorised constructions and to define the parameters thereof by amending the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964 in the following manner, namely:-

(1) to regularise, subject to payment of prescribed fee,-

(a) all unauthorised constructions as on the date of passing of the Amendment Act.

(b) all violations of change of land user

(c) all constructions made on revenue sites

except, developments affecting,-

(i) alignment of Ring Road, Highways

(ii) lands belonging to Government, Local Authorities and Development Authorities, and Parks and Open spaces

(iii) Basement floor earmarked as parking space, and

(2) to prescribe the fee for different types of contravention permitted and

(3) to provide for other consequential and incidental matters.

Hence the Bill.

(L.C.Bill No.11 of 2004)

(Entries 5 and 18 of List II and entry 20 of List III of the Seventh Schedule to the Constitution of India.)

XI

Amending Act 2 of 2007.— It is considered necessary to amend the Town and Country Planning Act, 1961 to provide the benefit of Transfer of Development Rights (TDR) to the land owners who surrender their lands or sites free of cost for any public purpose notified by Government from time to time.

Hence the Bill,
(L.C.Bill No.9 of 2004)

(Entry 5 of List II of the Seventh Schedule to the Constitution of India.)

XII

Amending Act 06 of 2012.- It is considered necessary to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka act 11 of 1963) to provide a provision to levy and collect a fee of Rs.1.00 Lakh per acre from the private developers for rejuvenation and development of Lakes in the local planning area with effect from 3rd October 2009 and also to validate the collection of such fee in pursuance to the Government letters dated 3rd October 2009, 4th May 2010 and 29th September 2010.

Hence, the Bill.

[L.A. Bill No.36 of 2011, File No. Samvyashae 41 Shasana 2011]

[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

XIII

Amending Act 57 of 2013.- It is considered necessary to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for,-

(a) Extension of time limit for filing application for regularisation by one year from the date of commencement of this Amendment Act;

(b) Regularisation of buildings constructed in violation of provisions of law and building bye law prior to 3rd day of December 2009; and

(c) Reduction of fee/amount for regularisation of such buildings.

Hence the Bill.

[L.A. Bill No. 43 of 2009, File No. Samvyashae 52 Shasana 2009]

[Entries 5 and 18 of List II and 20 of List III of the Seventh Schedule to the Constitution of India.]

XIV

Amending Act 67 of 2013.- It is considered necessary to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for,-

(1) extension of time limit for regularization of unauthorized constructions till the date of promulgation of the Karnataka Town and country Planning and certain other Laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013); and

(2) empowering the State Government to prescribe the last date for receiving applications for regularization of unauthorized constructions.

As the matter was urgent and both Houses of the Karnataka State Legislature were not in session, the Karnataka Town and Country Planning and certain other laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013) was promulgated on 19.10.2013.

This bill seeks to replace the said ordinance.

Hence the Bill.

[L.A. Bill No. 19 of 2013, File No. Samvyashae 46 Shasana 2013]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

XV

Amending Act 10 of 2014.-It is considered necessary further to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka act 11 of 1963) to make provisions to place the Accounts and Audit report and Annual reports of every planning Authority before both the Houses of the State Legislature.

Hence, the Bill.

[L.A. Bill No.30 of 2014, File No. Samvyashae 03 Shasana 2014]

[Entry 5 and 18 of List II of the Seventh Schedule to the Constitution of India.]

XVI

Amending Act 38 of 2015.- It is considered necessary to amend the Karnataka Town and Country planning Act, 1961.-

(i) to regulate the development of land in planned and organized manner;
(ii) to define the 'conurbation boundary';
(iii) to prescribe the minimum infrastructure facilities to be provided by the owner in layout plans before final approval of layout is granted; and
(iv) Certain other consequential amendments are also made.

Hence, the Bill.

[L.A. Bill No.29 of 2015, File No. Samvyashae 24 Shasana 2015]
[entries 5 and 18 of List II of the Seventh Schedule to the Constitution of India.]

* * *

[1] [KARNATAKA ACT][1] No. 11 OF 1963

(*First published in the* [1][Karnataka Gazette][1] *on the Twenty-eighth day of March, 1963.*)

THE [1][KARNATAKA][1] TOWN AND COUNTRY PLANNING ACT, 1961

(Received the assent of the President on the Eighth day of March, 1963.)

(As amended by Karnataka Acts 14 of 1964, 2 of 1968, 12 of 1976, 39 of 1985, 34 of 1987, 2 & 17 of 1991, 8 of 1994, 18 of 2003, 23 of 2004, 1 of 2005, 1 of 2007, 2 of 2007, 6 of 2012 , 57 of 2013, 67 of 2013, 10 of 2014 and 38 of 2015)

An Act to provide for the regulation of planned growth of land use and development and for the making and execution of town planning schemes in the [1][State of Karnataka][1].

WHEREAS it is necessary and expedient,—

(i) to create conditions favourable for planning and replanning of the urban and rural areas in the [1][State of Karnataka][1], with a view to providing full civic and social amenities for the people in the State,

(ii) to stop uncontrolled development of land due to land speculation and profiteering in land,

(iii) to preserve and improve existing recreational facilities and other amenities contributing towards balanced use of land; and

(iv) to direct the future growth of populated areas in the State, with a view to ensuring desirable standards of environmental health and hygiene, and creating facilities for the orderly growth of industry and commerce, thereby promoting generally standards of living in the State;

AND WHEREAS in order to ensure that town planning schemes are made in a proper manner and their execution is made effective, it is necessary to provide that a local authority shall prepare a development plan for the entire area within its jurisdiction;

AND WHEREAS it is necessary and expedient to consolidate and amend the law relating to town planning for the aforesaid and other purposes hereinafter appearing;

BE it enacted by the [1][Karnataka State][1] Legislature in the Twelfth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the [1][Karnataka][1] Town and Country Planning Act, 1961.

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

(2) It shall extend to the whole of the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

(3) It shall come into force on such [1][date][1] as the State Government may, by notification, appoint.

1. Act came into force on 15.1.1965 by Notification No. PLM 60 MNP 63 dt. 31.12.1964. Text of the notification is at the end of the Act.

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

[1][(1) 'agriculture' includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder, trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees, the use of land which is ancillary to the farming of land or any purpose aforesaid, but shall not include the use of any land attached to a building for the purposes of garden to be used along with such building; and 'agricultural' shall be construed accordingly;

(1*a*) 'Board' means the State Town Planning Board constituted under this Act;

(1*b*) 'commerce' means carrying on any trade, business or profession, sale or exchange of goods of any type whatsoever, the running of, with a view to make profit, hospitals, nursing homes, infirmaries, saris, educational institutions, hotels, restaurants, boarding houses not attached to educational institutions; and 'commercial' shall be construed accordingly;

[1][(1-ba) "conurbation boundary" means the boundary within which the different land use zones for developments are proposed in the Master Plan for the plan period.][1]

1. Inserted by Act 38 of 2015 w.e.f 10.09.2015.

(1*c*) '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, or in the use of any building or land and includes sub-division of any land;

[2][(1*d*) xxx][2]][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964.
2. Clause (1d) Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][(1e)][1] "Director" means the Director of Town Planning appointed under section 3;

1. Re-numbered by Act 14 of 1964 w.e.f. 26.03.1964.

[1][(1ea) "Heritage Building" means a building possessing architectural, aesthetic, historic or cultural values which is declared as heritage building by the Planning Authority or any other competent authority within whose jurisdiction such building is situated;

(1eb) "Heritage Precinct" means an area comprising heritage building or buildings and precincts thereof or related places declared as such by the Planning Authority or any other Competent Authority within whose jurisdiction such area is situated.][1]

1. Inserted by Act 1 of 2005 w.e.f. 14.02.2005.

[1]["(1f) 'industry' includes the carrying on of any manufacturing process as defined in the Factories Act, 1948 (Central Act 63 of 1948), and 'industrial' shall be construed accordingly;][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964.

(2) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(3) "land use" means the major use to which a plot of land is being used on any specified date;

[1][(3*a*) 'local authority' means a municipal corporation, municipal council, [2][XXX][2] [3][Town Panchayat or Grama Panchayat][3]; and a local authority is a 'local authority concerned' if any land within its local limits falls in the area of a plan prepared or to be prepared under this Act;][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964
2. Omitted by Act 23 of 2004 w.e.f. 3.06.2004
3. Substituted by Act 23 of 2004 w.e.f. 3.06.2004.

[1][(3-b) **"Master Plan"** means a plan for the development or re-development of the area within the jurisdiction of a planning authority;][1]

1. Inserted by Act 1 of 2005 w.e.f. 14.02.2005

(4) "notification" means a notification published in the official Gazette;

(5) "owner" includes any person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager, or receiver for another person, or for any religious or charitable purpose, the rents or profits of the property in connection with which it is used;

[1][(6) "Planning Area' means any area declared to be [2][or included in][2] a local planning area under this Act;

1. Section 6 and 7 substituted by Act 14 of 1964 w.e.f. 26.03.1964.
2. Inserted by Act 17 of 1991, w.e.f. 19.04.1991.

(7) 'Planning Authority' means,—

(*a*) in the case of—

[1][(i) the local planning area comprising the City of Bangalore, the Bangalore Development Authority, and;][1]

1. Substituted by Act 12 of 1976 w.e.f. 20.12.1975.

[1][(i*a*) the local planning area comprising any "urban area" defined in the Karnataka Urban Development Authorities Act, 1987, the Urban Development Authority of such urban area;][1]

1. Inserted by Act 34 of 1987 w.e.f. 1.5.1988.

[1]["(ib) the heritage area as defined in the Hampi World Heritage Area Management Authority Act, 2002 (hereinafter referred to as heritage area) the Hampi World Heritage Area Management Authority constituted, under that Act"][1]

1. Inserted by Act 18 of 2003 w.e.f. 27.1.2005

(ii) any other local planning area in respect of which the State Government may deem it expedient to constitute a separate Planning Authority,

the Planning Authority constituted under this Act.

(*b*) in the case of any local planning area in respect of which a Planning Authority is not constituted under this Act, the Town Improvement Board constituted under any law for the time being in force having jurisdiction over such local planning area, and where there is no such Town Improvement Board, the local authority having jurisdiction over such local planning area;][1]

(8) "plot" means a continuous portion of land held in one ownership;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "reconstituted plot" means a plot which is in any way altered by the making of a town planning scheme;

Explanation.— "altered" includes the alternation of ownership.

(11) "regulations" means the Zonal Regulations governing land-use made under this Act;

[1][(11*a*) 'residence' includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables, and out houses, if any, appertaining to such building and 'residential' shall be construed accordingly;][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964

(12) "Scheme" includes a plan relating to a town planning scheme;

[1][(13) words and expressions not defined in this Act have the same meaning as in the [2][Karnataka] [2] Municipalities Act, 1964;][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.3.1964
2. Adapted by Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

3. Appointment of Director of Town Planning.— (1) The State Government shall appoint a person, having the prescribed qualifications as Director of Town-Planning for the State and may assign to him such salary and establishment as it thinks fit.

(2) The cost of such appointment and his establishment shall be paid out of the revenues of the State.

4. State Town-Planning Board.—The State Government may, by notification, constitute a State Town-Planning Board for the State with such members and in such manner as may be prescribed for advising the State Government regarding planning and development and for determining principles and policies for achieving the balanced development of the State as a whole.

[1][CHAPTER IA

1. Chapter IA, Section 4A to 4G Inserted by Act 14 of 1964 w.e.f. 26.03.1964.

LOCAL PLANNING AREAS AND PLANNING AUTHORITIES

4A. Declaration of Local Planning Areas, their amalgamation, Sub-Division, inclusion of any area in a Local Planning Area.—(1) The State Government may by notification declare any area in the State to be a Local Planning Area for the purposes of this Act, [1][or include within such local

planning area, any area adjacent thereto, and on such declaration or inclusion][1] this Act shall apply to such area:

1. Substituted by Act 17 of 1991 w.e.f. 19.04.1991

Provided that no military cantonment or part of a military cantonment shall be included in any such area.

[1]["Provided further that in the case of the heritage area, the local planning area declared under this sub-section shall be co-terminus with the heritage area"] [1]

1. Inserted by Act 18 of 2003 w.e.f. 27.1.2005.

(2) Every such notification shall define the limits of the area to which it relates.

(3) The State Government may, after consultation with the Board, amalgamate two or more planning areas into one local planning area, sub-divide a local planning area into different local planning areas, and include such divided areas in any other local planning area.

(4) The State Government may by notification direct that all or any of the rules, regulations, orders, directions and powers made, issued, conferred and in force in any other local planning area at the time, with such exceptions and adaptations and modifications as may be considered necessary by the State Government, shall apply to the area declared as, amalgamated with or included in, a local planning area under this section and such rules, regulations, bye-laws, orders, directions and powers shall forthwith apply to such local planning area without further publication.

(5) When local planning areas are amalgamated or sub-divided, or such sub-divided areas are included in other local planning areas, the State Government shall, after consulting the Board, the Planning Authority or authorities concerned, frame a scheme determining what portion of the balance of the fund of the Planning Authority shall vest in the Planning Authority or authorities concerned and in what manner the properties and liabilities of the planning authority or authorities shall be apportioned amongst them and on the scheme being notified the fund, property and liabilities shall vest and be apportioned accordingly.

4B. Power to withdraw Local Planning Area from operation of this Act.—(1) The State Government may, by notification withdraw from the

operation of this Act the whole or a part of any local planning area declared thereunder.

(2) When a notification is issued under this section in respect of any local planning area,—

(i) this Act and all notifications, rules, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area;

(ii) the State Government shall, after consulting the Board and the local authority or authorities concerned, frame a scheme determining what portion of the balance of the fund of the local planning authority shall vest in the State Government and the local authority or authorities concerned, and in what manner the properties and liabilities of the local planning authority shall be apportioned between the State Government and the local authority or authorities, and on the scheme being notified, the fund, property and liabilities of the planning authority shall vest and be apportioned accordingly.

4C. Constitution of Planning Authority.—(1) As soon as may be, after declaration of a local planning area, the State Government in consultation with the Board, may, by notification in the official Gazette, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the "Planning Authority" of that area, having jurisdiction over that area.

(2) Every Planning Authority constituted under sub-section (1), shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both moveable and immoveable and to contract and shall by the said name sue and be sued.

(3) Every Planning Authority constituted under sub-section (1), shall consist of the following members, namely:-

(i) a Chairman appointed by the State Government;

(ii) a Town Planning Officer appointed by the State Government, who shall be a Member-Secretary to the Planning Authority;

(iii) representatives of local bodies composed as follows:—

(*a*) in the case of a planning area in which only one local authority has jurisdiction, a representative nominated by that local authority from among

the members of that authority and the Chief Executive Officer of that local authority;

(*b*)in the case of a planning area in which two or more local authorities have jurisdiction, one representative each of such local authorities as the State Government may consider necessary to be represented, nominated by the respective local authorities from among the members of each such local authority:

Provided that, the total number of such representatives shall not exceed five.

(iv) three other members, appointed by the State Government.

(4) The State Government may, if it thinks fit, appoint one of the members as Vice-Chairman of the Planning Authority.

4D. Term of office and conditions of service of the Chairman and members of Planning Authorities.—(1) Subject to the provisions of sub-section (2), the term of office and conditions of service of the Chairman and members of a planning authority constituted under section 4C shall be such as may be prescribed and they shall be entitled to receive such allowances as may be fixed by the State Government.

(2) The Chairman and members of a Planning Authority constituted under section 4C, except those nominated by local authorities shall hold office during the pleasure of the State Government. The representative of a local authority who is a member of that authority shall cease to be a member of the Planning Authority when he ceases to be a member of the local authority concerned.

(3) The Chairman or any member may resign his membership of the Planning Authority by giving notice in writing to the State Government and on such resignation being accepted, he shall cease to be a member of that planning authority.

(4) Any vacancies shall be filled by fresh appointment by the State Government or by nomination by the local authority concerned, as the case may be.

4E. Meetings of Planning Authorities.—(1) Each Planning Authority constituted under section 4C shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such

procedure in regard to the transaction of business at its meetings as may be prescribed.

(2) The Chairman, or in his absence, the Vice-Chairman, if any, or in the absence of the Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of such Planning Authority.

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

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meet in a book to be kept for this purpose, and shall be open for inspection by any member during office hours.

4F. Temporary association of persons with the Planning Authority for particular Purposes.—(1) Every Planning Authority may associate with itself in such manner and for such purposes as may be prescribed any person whose assistance or advice it may desire in performing any of its functions under this Act.

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

4G. Staff of the Planning Authority.—(1) Subject to such control and restrictions as may be prescribed, a Planning Authority constituted under section 4C may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and employees of such Planning Authority shall be entitled to receive such salaries and allowances as may be fixed by the Planning Authority and shall be governed by such terms and conditions of service as may be prescribed.][1]

[1][**4H. Functions of the Member-Secretary of the Planning Authority.**—(1) Subject to the general powers of the Planning Authority and without prejudice to the powers of the Chairman under this Act, the Member-Secretary to the Planning Authority shall,—

(*a*) be the Chief Executive and Technical Officer of the Planning Authority;

(*b*) be responsible for all budgetary, planning, enforcement and supervisory functions of the Planning Authority;

(*c*) furnish to the Planning Authority all the information relating to the administration and accounts of the Authority as well as other matters whenever called upon by the Authority to do so;

(*d*) prepare and submit the Annual Reports and audited accounts of the Planning Authority for its approval within three months of the close of every financial year and thereafter submit copies of the same to the Board, the Director and the State Government.

(2) If, in the opinion of the Member-Secretary, any resolution passed by the Planning Authority contravenes any provisions of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law or any order passed by the State Government or it is prejudicial or detrimental to the interests of the Planning Authority, he shall, within fifteen days of the passing of such resolution refer the matter to the State Government through the Director for orders and inform the Planning Authority at its next meeting of the action taken by him and until the orders of the State Government on such reference are received, the Member-Secretary of the Planning Authority shall not be bound to give effect to the resolution.][1]

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.

CHAPTER II

PRESENT LAND USE

5. Date to be specified.—The State Government shall, by notification, specify the date with reference to which the present land use of any land in the State has to be determined and different dates may be fixed for different areas in the State.

6. Preparation of a map showing present land use.—Every Planning Authority shall, as soon as possible and not later than two years after the date specified under section 5, prepare an accurate map showing the present land use [1][x x x][1] in the Planning Area under its jurisdiction and such other particulars as may be prescribed. A copy of such map shall be sent to

the Director and another copy shall be displayed for public information in the office of the Planning Authority.

1. Omitted by Act 14 of 1964 w.e.f. 26.3.1964

7. Application for correction of entries in map.—(1) The owner of any plot of land included in the map prepared under section 6, may within one month of its publication in the office of the Planning Authority, apply to such authority for any entry of land use or other particulars made in the map to be corrected.

(2) On receipt of such application, the Planning Authority or any officer of such authority appointed by it, shall after such inquiry as may be prescribed make an order if the entry is incorrect and if found incorrect direct it to be corrected.

(3) From an order under sub-section (2), an appeal shall lie within sixty days from the date of the order, to the prescribed authority, or, if no authority has been prescribed, to the State Government, and the order of the prescribed authority or the State Government in appeal shall be final.

8. Entries in map conclusive evidence subject to orders under section 7.—Subject to any order that may be made under section 7 all entries regarding present land-use and other prescribed particulars made in the map under section 6 shall be conclusive evidence of the correctness of such entries on the specified date.

CHAPTER III

OUTLINE DEVELOPMENT PLAN

[1]**[9. Preparation of Master Plan. –** (1) Every planning authority shall, as soon as may be, carry out a survey of the area within its jurisdiction and shall, not later than two years from the date of declaration of the local planning area, prepare and publish in the prescribed manner a master plan for such area and submit it to the State Government, through the Director, for provisional approval.

(2) If the master plan is not prepared, published and submitted to the State Government by the Planning Authority within the period specified in sub-section (1), the State Government may authorise the Director to prepare and publish such plan in the prescribed manner and direct the cost thereof

to be recovered from the Planning Authority out of its funds, notwithstanding anything contained in any law relating to the said fund.

(3) Notwithstanding anything contained in sub-section (2), if any Planning Authority is converted into, or amalgamated with any other Planning Authority or is sub-divided into two or more Planning Authorities, the master plan prepared for the area by the planning authority so converted, amalgamated or sub-divided shall, with such alterations and modifications as the State Government may approve, be deemed to be the master plan for the area of the new Planning Authority or authorities into or with which the former Planning Authority was converted, amalgamated or sub-divided.

(4) A copy of the master plan with the report sent to State Government under sub-section (1) or sub-section (3) shall be kept open for inspection by the public at the head office of the Planning Authority.][1]

1. Section 9 substituted by Act 1 of 2005 w.e.f. 14.2.2005.

10. Declaration of intention of making outline development plan.—[1][(1) A Planning Authority, before carrying out a survey of the area under its jurisdiction under sub-section (1) of section 9, for the purpose of preparing a Master Plan for such area, shall make a declaration of its intention to prepare such plan and shall despatch a copy of such resolution with a copy of plan showing only boundary of the entire area proposed to be included in the master plan to the State Government. The planning authority shall publish a notice of such declaration in the Official Gazette and also in one or more local newspaper in the prescribed manner calling suggestions from the public within a period of sixty days:

Provided that no such declaration of intention need be made when the masterplan is prepared and published by the Director under sub-section (2) of section 9.][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

(2) If within two months from the date of publication of the declaration under sub-section (1) any member of the public communicates in writing to the Planning Authority any suggestion relating to such plan, the Planning Authority shall consider such suggestion and may, at any time, before sending the Plan to the State Government make such modification in the plan as it thinks fit.

[1][(3) A copy of the plan showing the boundaries of the area included in the master plan shall be opened to public at all reasonable hours at the office of the Planning Authority or Local Authority.][1]

1. Inserted by Act 1 of 2005 w.e.f. 14.2.2005.

11. Power of entry for carrying out surveys for preparing outline development plan.—For the purpose of carrying out a survey for preparation of an outline development plan and for the purpose of preparing of such plan, any person authorised by the Director or the Planning Authority or any public servant or person duly authorised or appointed under this Act may, after giving such notice as may be prescribed to the owner, occupier or other person interested in the land, enter upon, survey and mark out such land and do all things necessary for such purpose.

[1]**[12. Contents of Master Plan.**- (1) The Master Plan shall consist of a series of maps and documents indicating the manner in which the development and improvement of the entire planning area within the jurisdiction of the Planning Authority are to be carried out and regulated, such plan shall include proposals for the following, namely:-

(a) zoning of land use for residential, commercial, industrial, agricultural, recreational, educational and other purposes together with Zoning Regulations;

(b) a complete street pattern, indicating major and minor roads, national highways, and state highways, and traffic circulation pattern, for meeting immediate and future requirements with proposals for improvements;

(c) areas reserved for parks, playgrounds, and other recreational uses, public open spaces, public buildings and institutions and area reserved for such other purposes as may be expedient for new civic developments;

(d) areas earmarked for future development and expansion;

(e) reservation of land for the purposes of Central Government, the State Government, Planning Authority or public utility undertaking or any other authority established by Law, and the designation of lands being subject to acquisition for public purposes or as specified in Master Plan or securing the use of the landing in the manner provided by or under this Act;

(f) declaring certain areas, as areas of special control and development in such areas being subject to such regulations as may be made in regard to building line, height of the building, floor area ratio, architectural features and such other particulars as may be prescribed;

(g) stages by which the plan is to be carried out.

Explanation:

(i) "Building Line" means the line up to which the plinth of a building adjoining a street may lawfully extend and includes the lines prescribed, if any, in any scheme;

(ii) "Floor Area Ratio" means the quotient of the ratio of the combined gross floor area of all the floors, excepting areas specifically exempted under the regulations, to the total area of the plot.

(2) The following particulars shall be published and sent to the State Government through the Director along with the masterplan, namely:-

(i) a report of the surveys carried out by the Planning Authority before the preparation of such plan;

(ii) a report explaining the provisions of the Master Plan;

(iii) regulations in respect of each land use zone to enforce the provisions of such plan and explaining the manner in which necessary permission for developing any land can be obtained from the Planning Authority;

(iv) a report of the stages by which it is proposed to meet the obligations imposed on the Planning Authority by such plan.

(3) Master Plan shall indicate "Heritage Buildings" and "Heritage Precincts" and shall include the regulations made therein for conservation of the same.][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

[1]**[13. Approval of the Master Plan.-** (1) On receipt of the Master Plan with the reports referred to in section 12 from the Planning Authority under sub-section (1) of section 9, or after such plan and reports are prepared and published under sub-section (2) of section 9, the State Government after making such modifications as it deems fit or as may be advised by the Director, shall return through the Director, the plan and the reports to the

Planning Authority, which shall thereupon publish, by notification, the plan and the reports inviting public comments within sixty days of such publication.

(2) If within sixty days of the publication under sub-section (1), any member of the public communicates in writing to the Planning Authority any comments on the plan and the reports, the Planning authority shall consider such comments and resubmit the plan and the reports to the State Government, through the Director with recommendations for such modifications in the plan and reports as it considers necessary in the light of the public comments made on the plan and reports.

(3) The State Government, after receiving the plan and the reports and the recommendations for modifications from the Planning Authority, shall, in consultation with the Director, give its final approval to the plan and the reports with such modifications as the Director may advice in the light of the comments and the recommendations of the Planning authority or otherwise.

(4) The Planning Authority shall then publish in the prescribed manner the Master Plan and the reports as finally approved by the State Government. The plan and the reports shall be permanently displayed in the offices of the Director and the Planning Authority and a copy shall be kept available for inspection of the public at the office of the Planning Authority.][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

[1]**[13-A. Interim Master Plan.-** (1) Pending the preparation of Master Plan, a Planning Authority may, where it considers it expedient, and shall, when so directed by the State Government, prepare and publish the Interim Master Plan for the entire area within the jurisdiction of the Planning Authority, or for any part thereof; and their upon, the provisions of section 13 shall, so far as may be, but subject to the provisions of this section, apply in relation to such Interim Master Plan as they apply in relation to the preparation and publication of the Master Plan.

(2) The Planning Authority shall prepare and publish such plan not later than one year from the date of notice in the official Gazette of its declaration of intention to prepare a Master plan or not later than such further period not exceeding one year as may be extended by the State Government.

(3) The Interim Master Plan shall provide only for matters mentioned in clauses (a), (b) and (c) of section 12 and if necessary, such other matters

specified in that section as the Planning Authority may decide to include or as may be directed by the State Government.

(4) The Interim Master Plan shall consist of such maps and such descriptive matters as the Planning Authority may consider necessary to explain and illustrate the proposals made in such plan.

13-B. Preparation of Master Plan for Additional Area. – If at any time after a Planning Authority has declared its intention to prepare a Master Plan or after a Master Plan prepared by a Planning authority has been sanctioned the jurisdiction of the Planning Authority is extended by inclusion of an additional area, the Planning Authority after following the provisions of this Act for the preparation of a Master Plan, prepare and publish a Master Plan for such additional area either separately or jointly with the provisional or final Master Plan prepared or to be prepared for the area originally under its jurisdiction, and submit it to the State Government for sanction after following the same procedure as it followed for submission of a Master Plan to the State Government for approval:

Provided that, where a Master Plan for the additional area requires modification of the final Master Plan or where the State Government directs any such modifications, the Planning Authority shall revise the final Master Plan after following the procedure laid down in section 9, so far as may be relevant.

13-C. Existing Outline Development Plan or Comprehensive Development Plan deemed to be Master Plan - (1) The declaration of intention of making an Outline Development Plan published by the State Government under sub-section (1) of section 10 immediately prior to the commencement of the Karnataka Town and Country Planning (Amendment) Act, 2004 (hereinafter in this section referred to as the Amendment Act), shall be deemed to be the declaration of intention of making Master Plan under this Act.

(2) The Outline Development Plan or Comprehensive Development Plan prepared by any Planning Authority and provisionally or finally approved by the State Government under section 13, or as the case may be, under section 22 prior the commencement of the Amendment Act shall be deemed to be the Master Plan provisionally, or as the case may be, finally approved under this Act.

(3) The Comprehensive Development Plan prepared by any Planning Authority revised under section 25 prior to the commencement of the Amendment Act shall be deemed to be Master Plan revised under this Act.

13-D. Revision of Master Plan. – At least once in every ten years from the date on which the Master Plan has come into force, subject to the provisions of section 13-C, the Planning Authority may and if directed so by the State Government shall, carryout a fresh survey of the area within its jurisdiction, with a view to revising the existing Master Plan and the provisions of section 9 to section 12 (both inclusive) shall mutatis mutandis apply in respect of such revision of the Master Plan."

13-E. Amendment to Regulations. - The State Government may, after previous publication of the draft for not less than one month by notification make amendments to regulations.][1]

1. Sections 13-A to 13-E inserted by Act 1 of 2005 w.e.f. 14.2.2005.

14. [1][Enforcement of the Master Plan and the Regulations][1].—[1][(1) On and from the date on which a declaration of intention to prepare a Master Plan is published under sub-section (1) of section 10, every land use, every change in land use and every development in the area covered by the plan subject to section 14-A shall conform to the provisions of this Act, the Master Plan and the Report, as finally approved by the State Government under sub-section (3) of section 13.][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

(2)[1][x x x][1], no such change in land use or development as is referred to in sub-section (1) shall be made except with the written permission of the Planning Authority which shall be contained in a commencement certificate granted by the Planning Authority in the form prescribed.

1. Omitted by Act 14 of 1964 w.e.f. 26.03.1964

[1][Provided that where the use or change of land use under this section needs the diversion of agricultural land to non-agricultural purposes, such use or change of use shall not be permitted unless permission is obtained in accordance with the provisions of the Karnataka Land Revenue Act, 1964 for such diversion.][1]

1. Inserted by Act 2 of 1991 w.e.f 20.03.1991.

Explanation.— For the purpose of this section,—

(*a*) the expression "development" means the carrying out of building or other operation in or over or under any land or the making of any material change in the use of any building or other land;

(*b*) the following operations or uses of land shall not be deemed to involve a development of any building or land, namely:—

(i) the carrying out of works for maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

[1][XXX][1]

1. (ii) and (iii) omitted by Act 23 of 2004 w.e.f. 3.06.2004

(iv) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;

(v) when the normal use of land which was being temporarily used for any other purpose on the day on which the declaration of intention to prepare the outline development plan is published under sub-section (1) of section 10 is resumed;

(vi) when land was normally used for one purpose and also on occasions for any other purpose, the use of the land for that other purpose on similar occasions.

(3) Every application for permission under sub-section (2) shall be accompanied by a plan, drawn to scale showing the actual dimensions of the plot of land in respect of which permission is asked, the size of the building to be erected and the position of the building upon the plot and such other information as may be required in this behalf by the Planning Authority.

[1][**14A. Change of land use from the outline development plan.**—(1) At any time after the date on which the outline development plan for an area comes into operation, the Planning Authority may, with the previous approval of the State Government, allow such changes in the land use or development from the outline development plan as may be necessitated by topographical cartographical or other errors and omissions, or due to failure to fully indicate the details in the plan or changes arising out of the implementation of the proposals in outline development plan or the

circumstances prevailing at any particular time, by the enforcement of the plan:

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.

Provided that,—

(*a*) all changes are in public interest;

(*b*) the changes proposed do not contravene any of the provisions of this Act or any other law governing planning, development or use of land within the local planning area; and

(*c*) the proposal for all such changes are published in one or more daily newspapers, having circulation in the area, inviting objections from the public within a period of not less than fifteen days from the date of publication as may be specified by the Planning Authority.

(2) The provisions of sub-section (2) and (3) of section 14 shall apply *mutatis mutandis* to the change in land use or development from the outline development plan.][1]

[2][1][**(3)** XXX][1][2]

1. Sub-section (3) Inserted by Act 1 of 2005 w.e.f. 14.2.2005.

2. Omitted by Act 38 of 2015 w.e.f 10.09.2015.

[2][1][**14B. Benefit of development rights.-**(1) In a Local Planning Are if any Public Authority requires any 'Area' for the public purpose, it shall notify the same in such manner as may be prescribed and the owner of such 'Area' hands over possession of such 'Area' free from all encumbrances to such Public Authority in lieu of any compensation, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (central Act 30 of 2013) or any other law, he shall, notwithstanding anything contained in this Act or regulations, be entitled to be granted Development Rights (DR) under this section subject to conditions specified below. The Planning Authority shall issue Development Rights to such persons not more than the extent specified in table below, subject to such terms and conditions as may be prescribed.

(2) The provisions of this section shall be applicable to the Local Planning Areas having City corporation and may be extended to other Local Planning areas as and when required by the State Government by notification from time to time.

(3) No Development Rights shall be granted under this section unless the Public Authority deposits the amount with Planning Authority equal to the market value of the area required:

Provided that the Local Authority and Planning Authority are exempted from such deposition.

(4) The Public Authority intending to obtain Development Rights in favour of owners shall apply to the Planning Authority enclosing the list of land owners who have surrendered the area for the public purpose as per the provisions in sub-section (1) after verifying title over such property and ensuring that no other person has any claim over such property. It shall also specify the details of entire land or building so surrendered along with payment of 'Deposition Amount' as per the market value, to the Planning Authority.

(5) The Planning Authority before issuing Development Rights shall verify and notify the details of Area surrendered in the news paper calling objections and suggestions, if any, for the purpose of Development Rights and the Development Rights intended to be issued, after satisfying itself beyond doubt that the persons claiming Development Rights is entitled for the same.

(6) If the owner does not agree to surrender his 'Area'' required by a public Authority for any public purpose, for the Development Rights and demands for monetary compensation, then the public Authority may acquire such 'Area' by providing compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (central Act 30 of 2013) or any other law prevailing.

(7) Any 'Area owned by Public Authority required for public purpose by a Local Authority shall also be eligible to obtain Development Right if such 'Area is surrendered to the Local Authority in lieu of any compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (central Act 30 of 2013).

(8) The Authority competent to approve Building plan shall not approve utilization of the Development Right unless an entry to that effect is made in the Development Rights Certificate and in the register/database maintained by the Planning Authority as prescribed.

(9) The Planning Authority after considering objections or suggestions received under sub section (5) shall verify the details for sanction of Development Rights and if found eligible issue it in the form of Development Right Certificate (DRC) under intimation to the public Authority to the owner specifying the extent of Notional Land as Development Rights admissible, subject to such terms and conditions as may be prescribed or reject it, quoting the reasons thereof.

Provided that no such application shall be rejected without giving opportunity of hearing to the public Authority and the owner of such land.

(10) The Development Rights shall be calculated based on the land area or building area surrendered by the owner to any Public Authority free from all encumbrances and without claiming any compensation. The Land or building area so surrendered shall be converted into 'Notional Land' to extent specified in the Table below based on the value of the land determined on the basis of Market value notified by the State Government under the Karnataka Stamp Act, 1957.

(11) The Deposition amount or fee amount received by the Planning Authority under sub section (3) or sub section (27) shall be kept in a separate account called Transferable Development Rights Fund of the Planning Authority and shall be granted and utilized in the concerned Local Planning Area by the concerned Local Authority or Planning Authority in the prescribed manner.

(12) The Development Rights so issued shall be utilized within the same Local planning Area to which it is issued.

(13) The Development Rights may be utilized within the same plot or in any other Area in the same Local Planning area by the owner or the owner of such Development Rights may transfer the Development Rights to somebody else who can use that Development Rights on any other Area within the Local Planning area, as Transferable Development Rights.

(14) The utilisation of Development Rights at the receiving plot shall be subject to limitations, as may be prescribed.

(15) Whenever the owner sells the Development Rights, it shall be registered in the Planning Authority after due entry in the register/database and on the Development Rights Certificate.

(16) No transfer or utilization of the Development Right shall be valid unless it is registered by the Planning Authority.

(17) The Planning Authority shall maintain a register/database and shall make entry of issue, transfer or utilization of Development Rights granted under this section in such manner as may be prescribed.

(18) Issue, transfer or utilization of the Development Rights may be done through electronic form and through internet in such manner as may be prescribed.

(19) The State Government shall establish a State level Development rights monitoring authority consisting of such number of members as may be prescribed to keep track of all transactions of Development Rights. It shall also have power to inspect, verify the records of concerned planning Authority pertaining to these transactions. It shall also have power to prosecute persons responsible for illegal or fraudulent transactions in contravention of the provisions of this section.

(20) No person shall be eligible for the Development Rights for the surrender of the areas earmarked for road, parks or common open spaces and Civic Amenity sites to the Planning Authority or Local Authority while obtaining permission for formation of layouts or development any land under section 15 or 17.

(21) The Planning Authority shall periodically publish total number of Development Rights issued, transferred and the balance remaining in each Local Planning Area and the name of the holder in such manner as may be prescribed.

(22) Any person aggrieved by any order of the Planning Authority may appeal to such Appellate Authority, in such manner, as may be prescribed. The appellate Authority may dispose the application with such direction as it deems fit. The decision of the appellate Authority shall be final.

(23) Any person who fraudulently create any Development Rights Certificate or fraudulently transfers Development Rights shall on conviction be liable for an imprisonment for not less than one year which may be extended to three years and to a fine which may extend to double the value of amount cheated by him.

(24) The member secretary of the Planning Authority, shall be responsible to file complaint before the Court regarding the offences committed under this section.

(25) In case of any dispute arising over the ownership of the 'Area' surrendered, where the Development Rights Certificate issued for such 'Area' is already transferred and utilized by any person other than the person who has surrendered the 'Area', such claims shall be restricted only to the extent of eligibility of compensation from the person who has surrendered the 'Area' for Development Right. The Public Authority which verified the claims shall also be responsible for the wrong recommendation for issue of Development Right. It shall make good the loss occurred by it.

(26) All Development Rights issued before the commencement of the Karnataka Town and Country Planning (Amendment) Act, 2015 shall also be entered in the register/database maintained under this section in the same manner specified herein.

(27) Necessary fees as prescribed shall be collected by the Planning Authority for registering any transaction of issue, transfer or utilization of Development Rights Certificate.

(28) Every Transaction pertaining to issue, utilization or transfer of Development Rights and the Transferable Development Rights Fund of the Planning Authority created under sub-section (11) shall be audited every year by such officer as may be prescribed. The audit report alongwith compliance shall be sent to the Government by the concerned planning authority and the Government shall place the same before both the houses of the State legislature.

TABLE

{see sub-section (1)}

QUANTUM OF DEVELOPMENT RIGHTS ADMISSIBLE

Sl. No.	PURPOSE FOR WHICH LAND SURRENDERED	DEVELOPMENT RIGHT ADMISSIBLE
1.	**Land Development Rights**	
	(i) Any road widening/any road formation as proposed in Master Plan or as proposed by the Local Authority or Developing Authority.	
	(ii) Any infrastructure Projects approved by the Government (Transportation Water Supply, Sewage,	Development Right in the form of "Notional land" which shall be equal to:

Sl. No.	PURPOSE FOR WHICH LAND SURRENDERED	DEVELOPMENT RIGHT ADMISSIBLE
1.	**Land Development Rights**	
	Electricity, etc.,..) (iii) Providing for parking, parks, play grounds and open spaces or any other public places proposed in the Master Plan or proposed by Local Authority (iv) Providing EWS/LIG/affordable housing. (v) Any other public purpose notified by the Government from time to time	(a) two times of the Area surrendered; (b) two times of the total area surrendered, in case the remaining area after surrendering the required portion for public purpose has become incapable of reasonable beneficial use.
2.	**Building Development Rights**	
	All types of authorized buildings	Development Rights in the form of notional land which shall be equal to one time the land area derived by dividing the value of the building/portion of the building surrendered, by the market value of the land/plot on which the building is situated. The method of valuation of building shall be as prescribed.

Note.- The Development Rights in the form of 'Notional Land' shall be multiplied by the permissible Floor Area Ratio of the plot where Development Rights or transferable Development Rights is proposed to be utilized, to derive the additional Floor Area eligible for that plot due to utilization of Development Rights or Transferable Development Rights.

Explanation.- for the purpose of this section,-

(a) "Area" means land/plot or land and building/portion of building thereon.

(b) "Deposition Amount" means the amount to be remitted by any Public Authority intending to acquire the area falling within the jurisdiction of the Local Planning Area. This

amount shall be equal to the market value of the area to be acquired;

(c) "Development Rights (DR)" means the right given for development of land within the Local Planning Area in the form of "Notional Land" to an owner who surrenders the area of land or building required for public purpose without claiming any compensation.

(d) "Development Right Certificate (DRC)" means the certificate of Development Rights issued to owner;

(e) "EWS/LIG" means such class of person as may be notified by the State Government from time to time;

(f) "Floor Area" means the floor area defined in the respective Zonal Regulations;

(g) "Market value" means the value determined as per the guidance value of land in accordance with a section 45B of the Karnataka Stamp Act, 1957;

(h) "Notional Land" means the Development Rights in the form of theoretical land area and not in the form of real/physical land area, in lieu of compensation;

(i) "Public Authority" means the Planning Authority, Local Authority or an authority or a body owned and controlled by the State Government, Central Government or by both State and Central Government jointly having Authority by laws to acquire, hold and dispose of property together;

(j) "Public purpose", means and includes for the purposes of,-

  (i) Any road widening/any road formation as proposed in Master Plan or as proposed by the Local Authority;

  (ii) Any Infrastructure projects approved by the Government (Transportation, Water Supply, Sewage, Electricity, etc.,..)

  (iii) Providing for parking, parks, playgrounds and open spaces or any other public places proposed in the master plan or proposed by Local Authority except cases under Section 15 and 17;

  (iv) Providing EWS/LIG/affordable housing; and

(v) Any other public purpose notified by the Government from time to time."

(k) "Transferable Development Rights" (TDR) means the Development Right given in the form of 'Notional Land' to an owner, which can be sold or disposed or utilised elsewhere in the Local Planning Area. The DR of the 'Area' surrendered in the form of 'Notional Land', shall be permitted as TDR only after factorising the Market Value of the Originating Plot and the Receiving Plot, as specified in the Terms and Conditions.][1]][2]

1. Section 14B Inserted by Act 23 of 2004 w.e.f 3.6.2004.

2. Inserted by Act 38 of 2015 w.e.f 10.09.2015.

15. Permission for development of building or land.— (1) On receipt of the application for permission under section 14, the Planning Authority shall furnish to the applicant a written acknowledgment of its receipt and after such inquiry as may be necessary either grant or refuse a commencement certificate:

Provided that such certificate may be granted subject to such general or special conditions as the State Government may, by order made in this behalf, direct.

(2) If the Planning Authority does not communicate its decision to the applicant within three months from the date of such acknowledgment, such certificate shall be deemed to have been granted to the applicant.

[1][Provided that the land use, change in land use or the development for which permission was sought for is in conformity with the outline development plan and the regulation finally approved under sub-section (3) of section 13.][1]

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.

(3) Subject to the provisions of section 16, no compensation shall be payable for the refusal of or the insertion or imposition of conditions in the commencement certificate.

(4) If any person does any work on, or makes any use of, any property in contravention of section 14 or of sub-section (1) of this section, the Planning Authority may direct such person by notice in writing, to stop any such work in progress or discontinue any such use; and may, after making an inquiry in

the prescribed manner, remove or pull down any such work and restore the land to its original condition or, as the case may be, take any measure to stop such use.

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

Explanation.—The power to grant necessary permission under this section for a change of user of land shall include the power to grant permission for the retention on land of any building or work constructed or carried out thereon before the date of the publication of the declaration of intention to prepare an outline development plan under sub-section (1) of section 10 or for the continuance of any use of land instituted before the said date.

[1][(6) Any person aggrieved by the decision of the Planning Authority under sub-section (1) or sub-section (4) may, within thirty days from the date of such decision, appeal to such authority as may be prescribed.

(7) The prescribed authority may, after giving a reasonable opportunity of being heard to the appellant and the Planning Authority, pass such orders as it deems fit, as far as may be, within four months from the date of receipt of the appeal.][1]

1. Sub-sections (6) and (7) Inserted by Act 17 of 1991 w.e.f. 19.4.1991

16. Obligation to purchase land on refusal of permission in certain cases.—(1) Where permission for change of land use of the kind referred to in the explanation to section 15 is refused or is granted subject to conditions, then, if any owner of the land claims,—

(*a*) that the land has become incapable of reasonable beneficial use in its existing state, or

(*b*) in a case where permission for such use is granted subject to conditions, that the land cannot be rendered capable of reasonable beneficial use, by carrying out the conditions of the permission,

he may within the time and in the manner prescribed by regulations made by the Planning Authority, serve on the Planning Authority a notice (hereinafter referred to as a 'purchase notice'), requiring the Planning Authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on a Planning Authority under this section, the Planning Authority shall forthwith transmit a copy of the notice to the State Government through the Director, and the State Government shall, if it is satisfied that the conditions specified in paragraph (*a*) or (*b*) of sub-section (1), as the case may be, are fulfilled, confirm the notice, and thereupon, the Planning Authority shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of this Act, and to have served a notice to acquire in respect thereof on such date as the State Government may direct.

(3) If, within the period of six months from the date on which the purchase notice is served under this section, the State Government has not confirmed the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the Planning Authority on which the notice was served shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of this Act at the expiration of the said period.

(4) The compulsory acquisition of the interest of the owner of a land under this section shall be deemed to be acquisition of land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act I of 1894).

17. Sanction for sub-division of plot or lay-out of private street. [1][(1) The State Government shall by rules prescribe the standards to be followed and minimum extent of Land to be considered for approval of Layout for sub dividing a plot and prescribe the minimum extent of area to be earmarked for park, open spaces and civic amenity sites and laying out roads. Every person who intends to sub divide his plot by making a layout on or after the date of the publication of the declaration of Local Planning Area under section 4-A, shall submit detailed plan of the layout of his plot showing layout of roads, sub-divided plots and earmarking area for park and open spaces and civic amenities to such extent and in such manner, as prescribed.

(2) The Planning Authority may, within the prescribed period, sanction such plan either without modification or subject to such modifications and conditions as it considers expedient or may refuse

to give sanction, if the planning authority is of the opinion that such plan is not in any way consistent with the proposals of the Master Plan.

Provided that where the Master Plans are not finally approved, in such cases the Planning Authority may sanction the layout plan as per the guidelines issued by the Government from time to time.

(2A) If the Authority decides to sanction the layout plans under sub-section (2), it shall sanction provisional layout plan in accordance with such rules as may be prescribed for demarcation and development purposes showing the sites, street alignment, park and civic amenity area and any other infrastructure facility including the arrangement to be made for leveling, paving, metalling, flagging, channeling, sewering, draining, street lighting and water supply to the satisfaction of the Planning Authority and local authority. One copy of such plan shall be marked to the jurisdictional local authority. The owner shall relinquish the roads, parks to the local authority and Civic Amenity areas to the Planning Authority through registered relinquishment deed free of cost without claiming any compensation.

(2B) The Planning Authority shall ensure the completion of all development works including all infrastructure facilities as mentioned in sub-section (2A) under the supervision of the concerned Authority/ Agency/Department. On obtaining the certificate of completion from the concerned Authority/Agency/Department on having completed all the development works and on relinquishment of the roads, parks to the local authority and Civic Amenity areas to the Planning Authority and handing over the same, the Planning Authority may issue the final layout plan affixing the seal of the Planning Authority for registration purpose.

Provided that no Commencement Certificate or licence shall be sanctioned or issued for buildings on sites in the layout unless the final layout plan is issued.][1]

1. Substituted by Act 38 of 2015 w.e.f 10.09.2015.

(3) No compensation shall be payable for the refusal or the insertion, imposition or modification or conditions in the grant of sanction.

(4) If any person does any work in contravention of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or despite refusal for the sanction under the said sub-section (2), the Planning Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original condition.

(5) Any expenses incurred by the Planning Authority under sub-section (4) shall be a sum due to the Planning Authority under this Act from the person in default.

[1][(6) Any person aggrieved by the decision of the Planning Authority under sub-section (2) or sub-section (4) may, within thirty days from the date of such decision appeal to such authority as may be prescribed.

(7) The prescribed authority may after giving a reasonable opportunity of being heard to the appellant and the Planning Authority, pass such order as it deems fit, as far as may be, within four months from the date of receipt of the appeal.][1]

1. Sub-sections (6) and (7) Inserted by Act 17 of 1991 w.e.f. 19.4.1991

18. Recovery of a fee in certain cases of permission for change in the use of land or building.- [1][(1) Where permission for change of land use or development of land or building is granted under section 14A or section 14B or section 15 or section 17 and such change of land use or development is capable of yielding a better income to the owner, the Planning Authority may levy a prescribed fee not exceeding one-third of the estimated increase in the value of the land or building in the prescribed manner for permitting such change of land use or development of land or building][1]

1. Substituted by Act 23 of 2004 w.e.f. 03.06.2004.

[2][1][(1A) Where an application for permission for development of building or land or sanction for sub-division of plot or layout of Private Street is submitted under section 15 or 17 to any Planning Authority, such Planning Authority shall levy and collect an additional prescribed fee for rejuvenation of lakes or tanks, if any, in that local planning area.][1]][2]

1. Deemed to have been Inserted by Act 6 of 2012 w.e.f. 03.10.2009.

2. Substituted by Act 38 of 2015 w.e.f 10.09.2015.

(2) Any person aggrieved by the levy of fee under sub-section (1), may within such period as may be prescribed, appeal to the District Court having jurisdiction on the ground that the change or development is not capable of yielding a better income to the owner. The decision of the District Court on such appeal shall be final.

[1][(3) The State Government may exempt any Board, Authority or body constituted by or under any law and owned or controlled by the State Government or Central Government or an infrastructure Project promoted or implemented by any Company or person and approved by the State Government or Central Government from the payment of fee specified under sub-section (1).

Explanation:- For the purpose of this section and section 18A "Infrastructure Project " means,-

(a) road, bridge, air port, port, inland water ways and inland ports, rail system or any other public facility of a similar nature as may be notified by the State Government from time to time;

(b) a highway project including housing or other activities being an integral part of that project;

(c) water supply project, irrigation project, sanitation and sewerage system."

(d) a tourism project with an investment of not less than Rupees one hundred crores as may be notified by the State Government from time to time][1]

1. Inserted by Act 23 of 2004 w.e.f. 3.06.2004.

[1]**[18A. Levy and collection of cess and surcharge**.- (1) Notwithstanding anything contained in this Act, the Planning Authority may while granting permission for development of land or building levy and collect from the owner of such land or building:-

(i) a cess for the purpose of carrying out any water supply scheme;

(ii) a surcharge for the purpose of formation of ring road;

(iii) a cess for the purpose of improving slums; and

(iv) a surcharge for the purpose of establishing Mass Rapid Transport System. at such rates but all the above levies together not exceeding one-tenth of the market value of the land or building as may be prescribed.

[3][2][(v) XXX][2][3]

(2) The cess and surcharge levied under sub-section (1) shall be assessed and

collected in such manner as may be prescribed.

(3) Any person aggrieved by the levy, assessment and collection of cess or surcharge munder this section may within thirty days from the date of the order appeal to the prescribed authority whose decision shall be final.

(4) The prescribed authority may after giving a reasonable opportunity of being heard to the appellant and the planning Authority pass such order as it deems fit.

(5) The State Government may exempt any Board Authority or Body constituted by or under any law and owned or controlled by the State Government or the Central Government or an infrastructure Projects promoted or implemented by any company or person and approved by the State Government or Central Government from the payment of cess or surcharge leviable under sub-section (1)][1]

1. Deemed to have been inserted by Act 23 of 2004 w.e.f. 19.10.1992.
2. Deemed to have been inserted by Act 6 of 2012 w.e.f. 03.10.2009.
3. Omitted by Act 38 of 2015 w.e.f 10.09.2015.

CHAPTER IV

[1][ENFORCEMENT OF MASTER PLAN][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][19. xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][20. xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][21. xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][22. xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][23. xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][24. Enforcement of the Comprehensive Development Plan.- The Provisions of sections 14, 14A, 15, 16, 17, 18 and 18A shall apply mutatis-mutandis to the enforcement of the Comprehensive Development Plan][1]

1. Substituted by Act 23 of 2004 w.e.f. 3.6.2004

[1][25. xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

CHAPTER V

TOWN PLANNING SCHEMES

26. Making of town planning scheme and its contents.—(1) Subject to the provisions of this Act, a Planning Authority, for the purpose of implementing the proposals in the [1][Master Plan published under sub-section (4) of section 13][1], may make one or more town planning schemes for the area within its jurisdiction or any part thereof.

1. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.

(2) Such town planning scheme may make provisions for any of the following matters namely:—

(*a*) the laying out or re-laying out of land, either vacant or already built upon;

(*b*) the filling up or reclamation of low-lying, swamp or unhealthy areas or levelling up of land;

(*c*) lay-out of new streets or roads; construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;

(*d*) the construction, alteration and removal of buildings, bridges and other structures;

(*e*) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts and dairies, transport facilities and public purposes of all kinds;

(*f*) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(*g*) lighting;

(*h*) water supply;

(*i*) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;

(*j*) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;

(*k*) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order, made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend;

(*l*) such other matter not inconsistent with the objects of this Act as may be prescribed.

27. Right of entry.—For the purpose of making or execution of any town planning scheme, any person authorised by the Planning Authority or any public servant or person duly appointed or authorised under this Act, may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

28. Land in respect of which a town planning scheme may be made.—(1) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is,—

(i) in course of development,

(ii) likely to be used for building purposes, and

(iii) already built upon.

(2) The expression “land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces or for the purpose of executing any work upon or under the land

incidental to a town planning scheme, whether in the nature of a building work or not.

29. Declaration of intention to make a scheme.—(1) A Planning Authority having jurisdiction over any such land as is referred to in section 28 or over any such area as is referred to in section 26, may by resolution declare its intention to make a town planning scheme in respect of the whole or any part of such land or such area.

(2) Within twenty-one days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the Planning Authority shall publish it in the prescribed manner and shall despatch a copy thereof to the State Government through the Director.

(3) The Planning Authority shall send a plan showing the area which it proposes to include in the town planning scheme to the State Government through the Director.

(4) A copy of the plan shall be open to inspection by the public at the office of the Planning Authority.

30. Making and publication of draft scheme.—(1) Within twelve months from the date of declaration of intention to make a scheme under section 29, the Planning Authority shall make in consultation with the Director, a draft scheme for the area in respect of which the declaration has been made and publish the same in the prescribed manner:

Provided that on application by the Planning Authority in that behalf, the State Government may from time to time, by notification extend the aforesaid period by such period as may be specified not exceeding six months.

(2) If the draft scheme is not made and published by the Planning Authority within the period specified or within the period so extended under sub-section (1), the State Government or an officer authorised by the State Government in this behalf may make and publish in the prescribed manner a draft scheme for the area in respect of which the declaration of intention to make a scheme has been made by the Planning Authority within a further period of nine months from the date of the expiry of the extended period.

(3) If such publication is not made by the State Government within the further period specified in sub-section (2), the declaration of intention to make a scheme shall lapse, and until a period of three years has elapsed

from the date of such declaration, it shall not be competent to the Planning Authority to declare its intention to make any town planning scheme for the same area or for any part of it.

31. Power of State Government to require Planning Authority to make a scheme.—(1) Notwithstanding anything contained in sections 29 and 30, the State Government may, in respect of any Planning Authority after making such inquiry as it deems necessary by notification, require the Planning Authority to make and publish in the prescribed manner and submit for its sanction through Director a draft scheme in respect of any land in regard to which a town planning scheme may be made under section 28.

(2) For the purpose of this Act and the rules made thereunder, the requisition under sub-section (1) by the State Government shall be deemed to be the declaration of intention to make a scheme under section 29.

32. Contents of draft scheme.—The draft scheme shall contain the following particulars, namely:—

(*a*) the area, ownership and tenure of each original plot, the land allotted or reserved under clause (*e*) of sub-section (2) of section 26 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(*b*) the extent to which it is proposed to alter the boundaries of original plots;

(*c*) an estimate of the net cost of the scheme to be borne by the Planning Authority;

(*d*) a full description of all the details of the scheme under such clauses of sub-section (2) of section 26 as may be applicable;

(*e*) the laying out or re-laying out of land either vacant or already built upon;

(*f*) the filling up or reclamation of low-lying swamp or unhealthy areas, or levelling up of land; and

(*g*) any other prescribed particulars.

33. Reconstituted plot.—(1) In the draft scheme the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of the scheme as regards open spaces.

(2) For the purpose of sub-section (1) the draft scheme may contain proposals,-

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

(*b*) to form a reconstituted plot by the transfer, wholly or partly, of the adjoining lands;

(*c*) to provide that the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership, shall hereafter with, or without alteration of boundaries, be held in ownership in common as reconstituted plot;

(*d*) to allot a plot to any owner dispossessed of the land in furtherance of the scheme; and

(*e*) to transfer the ownership of a plot from one person to another.

34. Consideration of objections and sanction of draft scheme.—(1) If, within one month from the date of publication of the draft scheme under sub-section (1) or sub-section (2) of section 30, as the case may be, any person affected by such scheme communicates in writing to the Planning Authority any objection relating to such scheme, the Planning Authority shall consider such objection and may, at any time before submitting the draft scheme to the State Government, as hereinafter provided, modify such scheme in such manner as it thinks fit.

(2) The Planning Authority shall, within four months from the date of its publication under sub-section (1) or sub-section (2) of section 30, submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it, to the State Government through the Director and shall at the same time apply for its sanction.

(3) After receiving such application and after making such inquiry as it may think fit, the State Government, in consultation with the Director, may by notification, within six months from the date of its submission, either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose, or refuse to give sanction.

(4) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme so sanctioned shall be open to the inspection of the public.

35. Restrictions after declaration to make a scheme.—(1) On or after the date on which the Planning Authority's declaration of intention to make a scheme under section 29 or the notification issued by the State Government under section 31 is published,—

(*a*) no person shall within the area included in the scheme erect or proceed with any building work or remove, pull down, alter, make additions to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material, or sub-divide any land or change the user of any land or building unless such person has applied for and obtained necessary permission which shall be contained in a commencement certificate granted by the Planning Authority in the form prescribed;

(*b*) the Planning Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and may, after inquiry and in consultation with the Director, either grant or refuse such certificate or grant it subject to such conditions as the Planning Authority may, with the previous approval of the Director, think fit to impose if the Planning Authority communicates no decision to the applicant within three months from the date of such acknowledgment, the applicant shall be deemed to have been granted such certificate;

(*c*) if any person contravenes the provisions contained in clause (*a*) or clause (*b*), the Planning Authority may direct such person by notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down, or alter any building or other work or restore the land in respect of which such contravention is made to its original condition;

(*d*) any expenses incurred by the Planning Authority under clause (*c*) shall be a sum due to such authority under this Act from the person in default or the owner of the plot.

(2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Planning Authority under sub-section (1) except in respect of a building or work begun

or a contract entered into before the date on which the Planning Authority published a declaration of intention to make a scheme under section 29 or the State Government published a notification under section 31 and only in so far as such building or work has proceeded at the time of the publication of such declaration or notification:

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the Planning Authority.

(3) Where under clause (*j*) of sub-section (2) of section 26 or under a draft scheme under section 32,—

(*a*) the purpose to which any plot of land may not be used has been specified, such plot of land shall, within such period of not less than one year as may be specified in the final scheme, cease to be used for such purpose and shall be used only for the purposes specified in the Scheme;

(*b*) the purpose to which any existing building may not be used has been specified, such building shall, within such period of not less than three years as may be specified in the scheme, cease to be used for the purpose other than the purpose specified in the scheme;

(*c*) the purpose to which any plot of land with existing buildings may not be used has been specified in the scheme and the existence of such buildings is inconsistent with the provisions of the scheme, such buildings shall, within such period of not less than ten years as may be specified in the scheme cease to exist:

Provided that such period shall not be less than the reasonable life of the building;

No compensation shall be payable for any plot of land or building adversely affected by the making of town planning scheme.

(4) Any person aggrieved by the decision of the Planning Authority under this section may, within sixty days from the date of the decision, appeal to the prescribed authority or if no authority has been prescribed, to the State Government and the order of such prescribed authority or State Government in appeal shall be final.

(5) The restrictions imposed by sub-sections (1) and (2) shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme.

36. Power of the State Government to suspend rule, bye-law, etc.—(1) When a Planning Authority has published a declaration of intention to make a scheme under section 29 or the State Government has published a notification under section 31, the State Government may, by notification, suspend to such extent only as may be necessary, for the proper carrying out of the scheme, any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend.

(2) Any order issued under sub-section (1) shall cease to operate in the event of the State Government refusing to sanction the final scheme or in the event of the coming into force of the final scheme.

CHAPTER VI

TOWN PLANNING OFFICER AND HIS DUTIES

37. Appointment of Town Planning Officer.—(1) Within one month from the date of the publication of the notification sanctioning a draft scheme under sub-section (3) of section 34, the State Government shall appoint a person with prescribed qualifications as Town Planning Officer whose duties shall be as hereinafter provided.

(2) The State Government shall provide such establishment as it thinks necessary to assist the Town Planning Officer in the discharge of his duties.

(3) The Town Planning Officer appointed under sub-section (1) shall be subordinate to the Director and shall perform his duties under this Act, subject to the general control and supervision of the Director.

(4) When a person appointed as Town Planning Officer under sub-section (1) ceases to hold the office and another person is appointed in his place, any proceedings pending before such officer immediately before the date he ceases to hold the office, shall be continued and disposed of by the new Town Planning Officer appointed in his place.

38. Duties of the Town Planning Officer.—(1) Subject to the provisions of sub-section (3) of section 37, the Town Planning Officer shall in accordance with the provisions of this Act and the rules made thereunder,-

(*a*) define and demarcate the areas allotted to, or reserved, for a public purpose or purpose of the Planning Authority and the reconstituted plots;

(*b*) determine in the case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons;

(*c*) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the final scheme;

(*d*) determine whether the areas used, alloted or reserved for a public purpose or purpose of the Planning Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(*e*) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or purpose of the Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(*f*) calculate the contribution to be levied on each plot used, allotted or reserved for a public purpose or purpose of the Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(*g*) determine the amount of exemption, if any, from the payment of the contribution, that may be granted in respect of plots exclusively occupied for religious or charitable purposes;

(*h*) estimate the increment to accrue in respect of each plot included in the final scheme;

(*i*) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme;

(*j*) calculate the contribution to be levied on each plot included in the final scheme;

(*k*) determine, as the case may be, the amount to be deducted from or added to the contribution leviable from a person;

(*l*) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of a right in the original plot;

(*m*) estimate in reference to claims made before him, the compensation to be paid to the owner of any property for rights injuriously affected by the making of a Town Planning scheme;

(*n*) draw in the prescribed form the final scheme in accordance with the draft scheme sanctioned by the State Government under section 34:

Provided that he may make variation from the sanctioned draft scheme, subject to the condition that any variation estimated by him to involve an increase of ten percentum in the costs of the scheme or rupees one lakh, whichever is lower, shall require the sanction of the State Government:

Provided further that the Town Planning Officer shall make no substantial variation without the consent of the Planning Authority and without hearing any objections which may be raised by the owners concerned.

(2) If there is any difference of opinion between the Town Planning Officer and the Planning Authority whether variation made by the Town Planning Officer is substantial or not, the matter shall be referred by the Planning Authority to the State Government through the Director and the decision of the State Government shall be final and conclusive.

(3) The Town Planning Officer appointed for any draft scheme shall decide all matters referred to in sub-section (1) within a period of twelve months from the date of his appointment:

Provided that the State Government may, from time to time by order in writing, extend the said period by such further period as may be specified in the order.

39. Certain decisions of the Town Planning Officer to be final subject to an appeal to the Director.—From every decision of the Town Planning Officer, in matters not arising out of clauses (*e*), (*f*), (*h*), (*i*), (*j*) and (*m*) of sub-section (1) of section 38, an appeal shall lie to the Director within one month from the date of the decision and subject to the orders in such appeal, the decision of the Town Planning Officer shall be final and conclusive.

40. Appeal.—(1) Any decision of the Town Planning Officer under clauses (*e*), (*f*), (*h*), (*j*) and (*m*) of sub-section (1) of section 38 shall be forthwith communicated to the party concerned and any party aggrieved by such communication of the decision, may appeal to the District Judge within the local limits of whose jurisdiction the area included in the scheme is situated.

(2) The District Judge may transfer an appeal filed before him to the Additional District Judge for disposal.

(3) The District Judge or the Additional District Judge, as the case may be, after making such inquiry as he may think fit, may either direct the Town Planning Officer to reconsider his proposals or accept, modify, vary or reject the proposals of the Town Planning Officer and shall decide all matters arising out of clauses (*e*), (*f*), (*h*), (*i*), (*j*) and (*m*) of sub-section (1) of section 38.

(4) The District Judge or the Additional District Judge hearing an appeal under this section may require the Town Planning Officer to be present during the hearing. On such requisition the Town Planning Officer shall be present at the proceedings before the Judge and shall assist the Judge in an advisory capacity, but shall not be required to give evidence.

(5) The decision of the District Judge or the Additional District Judge, as the case may be, under sub-section (3) shall be final and conclusive and binding on all persons. A copy of the decision in appeal shall be sent to the Town Planning Officer.

41. Decision of Town Planning Officer to be final if no appeal is filed and variation of scheme in accordance with decision in appeal.—(1) Where no appeal has been made under section 40, the decision of the Town Planning Officer under clauses (*e*), (*f*), (*h*), (*i*), (*j*) and (*m*) of sub-section (1) of section 38 shall be final and conclusive.

(2) Where an appeal has been made under section 40 and a copy of the decision in appeal is received by the Town Planning Officer, such officer shall, if necessary, make variation in the scheme in accordance with such decision and shall then forward the final scheme together with a copy of his decision under section 38 and a copy of the decision in appeal under section 40 to the Director, for obtaining the sanction of the State Government to the final scheme.

CHAPTER VII

DISPUTED OWNERSHIP, PRELIMINARY SCHEMES AND FINAL SCHEME, ITS SANCTION AND ENFORCEMENT

42. Disputed ownership.—(1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which the planning authority has declared under section 29 its intention to make a

town planning scheme and any entry in the Record of Rights or Mutation Register relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the Planning Authority or the Town Planning Officer, at any time prior to the date on which the Town Planning Officer draws up the final scheme under sub-section (1) of section 38, by such officer as the State Government may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

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

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

43. Town Planning Officer to prepare preliminary scheme in certain cases.—If a draft scheme as sanctioned by the State Government under section 34 contains any of the following works,-

(i) construction or alteration of bridges,

(ii) roads, open spaces, gardens and recreation grounds,

(iii) drainage, inclusive of sewage, surface drainage and sewage disposal,

(iv) water supply,

(v) any other work which, in the opinion of the Town Planning Officer, is for a public purpose,

the Town Planning Officer shall, on the application of the Planning Authority, prepare in regard to such scheme in the prescribed manner a preliminary scheme in accordance with the provisions of section 38:

Provided that it shall not be necessary for the Town Planning Officer at this stage to exercise the powers referred to in clauses (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), (*i*), (*j*), (*k*), (*m*) and (*n*) of sub-section (1) of section 38.

44. Power to hand over possession of land required for bridges, roads, etc.—(1) Where a Planning Authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works referred to in section 43 and included in a preliminary scheme, the Planning Authority

shall make an application through the Director to the State Government to vest in it the land shown in the preliminary scheme.

(2) The State Government, if satisfied, that it is urgently necessary in the public interest to empower the Planning Authority to enter on the land for the purpose of executing any of the works aforesaid, may direct the Town Planning Officer, by notification, to take possession of the land and may also fix the period during which the execution of the said works shall be completed:

Provided that the period so fixed may for sufficient reasons be extended from time to time.

(3) The Town Planning Officer shall then give a notice in the prescribed manner to the person interested in the land requiring him to give possession of his land to the Town Planning Officer or any person authorised by him in this behalf within a period of one month from the date of service of notice and if no possession is delivered within the period specified in the notice, the Town Planning Officer shall take possession of the land and shall hand over the land to the Planning Authority. Such land shall thereupon vest absolutely in the Planning Authority free from all encumbrances.

(4) If the Town Planning Officer is opposed or impeded in taking possession of the land under sub-section (3) he shall request the District Magistrate or any First Class Magistrate having jurisdiction to enforce the delivery of possession of the land to him. Such Magistrate shall take or cause to be taken such steps and use or cause to be used such force as may reasonably be necessary for securing the delivery of possession of the land to the Town Planning Officer.

Explanation.—The power to take steps under this sub-section shall include the power to enter upon any land or other property whatsoever.

(5) The owner of the land the possession of which is taken by the Town Planning Officer under this section shall be entitled to an interest at the rate of 4 per cent per annum on the amount of compensation payable to him under this Act in respect of the said land from the date on which such possession is taken till the date on which the final scheme in which such land is included comes into force or till the land is restored to the owner under sub-section (6), as the case may be.

(6) If the Planning Authority has not executed any works on the land for which the land was vested in the Planning Authority under sub-section (3) within the period fixed under sub-section (2), the Town Planning Officer shall make or tender to the owner or the person interested in the land such compensation for the damage, if any, done to the land as he may think reasonable and shall restore the land to the owner or person interested therein.

45. Final scheme.—(1) Within a period of three months from the date of receipt of the final scheme from the Director under sub-section (2) of section 41, the State Government may, by notification, sanction the scheme or refuse to give such sanction, provided that in sanctioning the scheme the State Government may make such modifications as may, in its opinion, be necessary for the purposes of correcting any error, irregularity or informality.

(2) If the State Government sanctions such scheme, it shall state in the notification,-

(*a*) the place at which the final scheme is kept open to inspection by the public;

(*b*) the price at which copies may be obtained;

(*c*) a date (which shall not be earlier than one month after the date of publication of the notification) on which all the liabilities created by the scheme shall take effect and the final scheme shall come into force:

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

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

46. Effect of final scheme.—(1) On the day on which the final scheme comes into force,—

(*a*) all lands required by the Planning Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Planning Authority free from all encumbrances;

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

(2) On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the Planning Authority.

47. Power to enforce scheme.—(1) On and after the day on which the final scheme comes into force the Planning Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme,—

(*a*) remove, pull down or alter any building or other work in the area included in the scheme, which is such as to contravene the scheme or in the erection or carrying out of which, any provisions of the scheme has not been complied with;

(*b*) execute any work which it is the duty of any person to execute under the scheme, in any case where it appears to the Planning Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

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

(3) If any question arises as to whether any building or work contravenes a Town Planning scheme, or whether any provision of a Town Planning scheme is not complied with in the erection of any such building or the carrying out of any such building or work, it shall be referred to the State Government or the Director if authorised by the State Government in this behalf, and the decision of the State Government or the Director, as the case may be, shall be final and conclusive and binding on all persons.

48. Power to vary scheme on ground of error, irregularity or informality.—(1) If after the final scheme has come into force, the Planning Authority considers that the scheme is defective on account of an error, irregularity or informality, the Planning Authority may apply in writing to the State Government through the Director for the variation of the scheme.

(2) If on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall publish a draft of such variation in the prescribed manner.

(3) The draft variation published under sub-section (2) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clause (*a*) to (*l*) of sub-section (2) of section 26, the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the office of the Planning Authority.

(5) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the State Government through the Director and send a copy thereof to the Planning Authority.

(6) After receiving the objections under sub-section (5), the State Government may, after consulting the Director and the Planning Authority and after making such inquiry as it may think fit, by notification, approve the variation with or without modification or refuse to make the variation.

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

49. Power to revoke or vary town planning scheme.—(1) Notwithstanding anything contained in section 48, a Town Planning scheme may at any time be varied or revoked by a subsequent scheme made, published and sanctioned in accordance with this Act.

(2) The State Government,-

(*a*) on the application of the Planning Authority, or

(*b*) of its own motion, after making such enquiry as it deems fit and after giving the Planning Authority an opportunity to be heard,

may at any time, after consulting the Director, by notification, revoke a Town Planning scheme if it is satisfied that under the special circumstances of the case the scheme should be revoked.

50. Compensation when the final scheme is varied or revoked and apportionment of costs.—(1) If at any time after the day on which the final scheme has come into force, such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the Planning

Authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

(2) In the event of sanction to final scheme being refused by the State Government or a final scheme being revoked, the State Government may direct that the costs of the scheme shall be borne by the Planning Authority or be paid to the Planning Authority by the owners concerned, in such proportion as the State Government may in each case determine.

51. Joint Town Planning Schemes.—(1) When two or more Planning Authorities are of opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the making of a Joint Town Planning scheme, and the State Government agrees with such opinion, a Joint Town Planning Board shall be constituted.

(2) Such Board shall consist of representatives of each of the several Planning Authorities duly elected in the prescribed manner and of persons nominated by the State Government.

(3) Such Board, when duly constituted, shall make a declaration of the intention to make a Joint Town Planning Scheme in respect of the contiguous areas in the manner provided in section 29, and thereafter the Board shall have all the powers and be liable to all the duties of the Planning Authority under this Act and all the provisions in respect of procedure shall apply, so far as may be applicable.

(4) The draft joint town planning scheme shall specify the parts of the scheme to be executed by the several Planning Authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme, have effect in the several contiguous areas, as if they are separate schemes:

Provided that any part of a Joint Town Planning Scheme may be executed jointly by two or more Planning Authorities.

52. Delegation of certain powers of Joint Town Planning Board.—A Joint Town Planning Board may, by order in writing, direct that all or any of the powers conferred on it by section 35, sub-section (2) of section 46 and section 47 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by such officer as the Joint Town Planning Board may specify in the order.

53. Right to appear by recognised agent.—Every party to any proceeding before the Town Planning Officer or the Officer to whom under section 52, the Joint Town Planning Board has delegated its powers, shall be entitled to appear either in person or by his recognised agent.

54. Power to compel attendance of witnesses, etc.—For the purposes of this Act, an officer appointed under sub-section (1) of section 42, or a Town Planning Officer or an Officer to whom the Joint Town Planning Board has under section 52 delegated its powers, may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

[1][x x x][1]

1. Chapter No. and Heading omitted by Act 14 of 1964 w.e.f. 26.03.1964.

55. Costs of a scheme.—(1) The costs of a Town Planning scheme shall include,—

(*a*) all sums payable by the Planning Authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme;

(*b*) all sums spent or estimated to be spent by the Planni ng Authority in the making and in the execution of the scheme;

(*c*) all sums payable as compensation for land reserved or designated for any public purpose or purpose of the Planning Authority, which is solely beneficial to the owners or residents within the area of the scheme;

(*d*) such portion of the sums payable as compensation for land reserved or designated for any public purpose or purpose of the Planning Authority, which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such reservation or designation;

(*e*) all legal expenses incurred by the Planning Authority in the making and in the execution of the scheme;

(*f*) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value on the date of the

declaration of intention to make a scheme, with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(2) If, in any case, the total of the values of the plots included in the final scheme exceeds the total of values of the original plots, each of such plots being estimated in the manner provided in clause (*f*) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme, as defined in sub-section (1).

56. Calculation of increment.—For the purposes of this Act, the increment shall be deemed to be the amount by which on the date of the declaration of intention to make a scheme, the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed on the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

57. Contribution towards costs of scheme.—(1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Planning Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer:

Provided that,—

(*a*) no such contribution shall exceed one-third of the increment estimated by the Town Planning Officer to accrue in respect of such plot;

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

(*c*) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purpose of the Planning Authority which is solely for the benefit of owners or residents within the area of the scheme; and

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

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

58. Certain amount to be added to or deducted from contribution leviable from a person.—The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall, as the case may be, be deducted from or added to the contributions leviable from such person, each of such plots being estimated at its market value on the date of the declaration of intention to make a scheme or the date of a notification under section 31 and without reference to improvements contemplated in the scheme other than improvements due to the alterations of its boundaries.

59. Transfer of right from original to reconstituted plot or extinction of such right.—Any right in an original plot which in the opinion of the Town Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a Town-Planning scheme to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the Town Planning Officer is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

60. Compensation in respect of property or right injuriously affected by scheme.—The owner of any property or right which is injuriously affected by the making of a Town Planning scheme shall, if he makes a claim before the Town Planning Officer within the prescribed time, be entitled to obtain compensation in respect thereof from the Planning Authority or from any person benefited or partly from the Planning Authority and partly from such person as the Town Planning Officer may in each case determine:

Provided that the value of such property or right shall be held to be its market value on the date of the declaration of intention to make a scheme or the date of a notification under section 31 without reference to improvements contemplated in the scheme.

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

(2) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a Town Planning scheme, which, with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (*j*) of sub-section (2) of section 26.

62. Provision for cases in which amount payable to owner exceeds amount due from him.—If the owner of a original plot is not provided with a plot in the final scheme or if the contribution to be levied from him under section 57 is less than the total amount payable to him under any of the provisions of this Act, the net amount of his loss shall be payable to him by the Planning Authority in cash or in such other way as may be agreed upon by the parties.

63. Provisions for cases in which value of developed plot is less than the amount payable by owner.—(1) If, from any cause, the total amount which would be due to the Planning Authority under the provisions of this Act from the owner of a plot to be included in the final scheme, exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Town Planning Officer shall, at the request of the Planning Authority, direct the owner of such plot to make payment to the Planning Authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the Town Planning Officer shall, if the Planning Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Planning Authority of the value of such plot estimated at its

market value on the date of the declaration of intention to make a scheme or the date of a notification under section 31 and without reference to improvements contemplated in the scheme, and thereupon the plot included in the final scheme shall vest absolutely in the Planning Authority free from all encumbrances, but subject to the provisions of this Act:

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

64. Payment by adjustment of account.—All payments due to be made to any person by the Planning Authority under this Act shall, as far as possible be made by adjustment in such person's account with the Planning Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

65. Payment of net amount due to Planning Authority.—(1) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may, at the option of the contributor, be paid in lump sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at four and a half per cent per annum shall be charged on the net amount payable. If the owner of a plot fails to so elect on or before the date specified in a notice issued to him, he shall be deemed to have elected to pay the contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid.

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

66. Power of Planning Authority to make agreements.—(1) A Planning Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a Town Planning scheme, subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and from the date on which the Town Planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the Town Planning Officer as described in Chapter VI or the rights of third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be made by the Town Planning Officer:

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

67. Recovery of arrears.—(1) Any sum due to the Planning Authority under this Act or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

(2) Any sum due to the Planning Authority under this Act or any regulation made thereunder which is not paid on the date fixed by the Planning Authority, of which due notice is given in this behalf, shall be recoverable by the Planning Authority by distress and sale of the goods and chattel of the defaulter as if the amount thereof were a property tax due by the defaulter.

(3) In lieu of the recovery of the dues of the Planning Authority in the manner provided in sub-section (2) or after recovering part of the dues of the Planning Authority in the manner provided in sub-section (2), any sum due or the balance of any sum due as the case may be, by such defaulter may be recovered from him by a suit in any court of competent jurisdiction.

68. Powers of Planning Authority to borrow money for development plan or for making or executing a Town Planning scheme.—(1) A Planning Authority may, for the purpose of an outline or comprehensive development plan or the making or execution of a Town Planning scheme, borrow loans in accordance with the provisions of the Act under which the Planning Authority as a local authority is constituted or if such Act does not contain any provision for such borrowing in accordance with any other law for the time being in force.

(2) Any expense incurred by a Planning Authority or the State Government under this Act or in connection with an outline or comprehensive development plan or a Town Planning scheme, may be defrayed out of the funds of the Planning Authority.

[1][CHAPTER VIII

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964

FINANCE, ACCOUNTS AND AUDIT

68A. Funds of Planning Authority.—(1) Every Planning Authority shall have and maintain a separate fund to which shall be credited,—

(*a*) all moneys received by the Planning Authority from the State Government by way of grants, loans, advances or otherwise;

(*b*) all charges or fees received by the Planning Authority under this Act or rules, regulations or bye-laws made thereunder;

(*c*) in the case of a Planning Authority constituted under section 4C, such contributions from the Fund or Funds of the local authority or local authorities of the area included in the planning area, as such local authority or local authorities may from time to time be required by the State Government to make to such Planning Authority;

(*d*) all moneys received by the Planning Authority from any other source.

(2) The Fund shall be applied towards meeting,—

(*a*) the expenditure incurred in the administration of this Act;

(*b*) the cost of acquisition of land in the planning area for the purposes of development;

(*c*) the expenditure for such other purposes as the State Government may direct.

68B. Budget of the Planning Authority.—Every Planning Authority 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 Planning Authority in respect of the administration of this Act and shall forward to the State Government and the Board, such number of copies thereof as may be prescribed.

68C. Accounts and Audit.—(1) Every Planning Authority 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 every Planning Authority shall be subject to audit annually by the Controller of State Accounts.

(3) The accounts of every Planning Authority as certified by the Controller of State Accounts together with the audit report thereon shall be forwarded annually to the State Government and the Board.

[1][(4) The audited accounts and the report of every Planning Authority shall be laid before each House of the State Legislature, as soon as may be, after it is received by the Government][1]

1. Inserted by Act 10 of 2014 w.e.f. 22.02.2014.

[2][**68D. Annual Reports.-** (1) Every Planning Authority shall prepare for every year a report of its activities under this Act during that year and submit the report to the State Government and the Board in such form on or before such date as may be prescribed.

(2) Every such report of the Planning Authority shall be laid before each House of the State Legislature, as soon as may be, after it is received by the Government".][1]][2]

1. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.
2. Substituted by Act 10 of 2014 w.e.f. 22.02.2014.

CHAPTER IX

LAND ACQUISITION

[2][[1][**69. Acquisition of land designated for certain purposes in a Master Plan.-** (1) The Planning Authority may acquire any land designated in the Master Plan for "public purposes" by agreement or under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) as in force in the State.

Explanation.- For the purpose of this section land "designated for public purpose" means designated for the purpose of providing parks, open spaces, public or semi public utilities and infrastructure relating to transport.

(2) If the land designated for public purpose, as under sub-section (1), except land designated for purpose of clause (b) of sub-section (1) of section 12 is not acquired either by agreement within five years from the date of publication of the Master Plan under sub-section (4) of section 13 nor the proceedings under the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013(Central Act 30 of 2013) are commenced within period of five years, the designation shall be deemed to have lapsed.

(3) When the designated land use lapses under sub-section (2), the Authority may consider the new land use sought by the land owner of such

land, based on the surrounding developments, in the meeting of the Authority, after previous publication in one or more daily newspapers of which at least one shall be in local language having wide circulation in the area and call for objections and suggestions in this regard.

(4) The Planning Authority shall after considering the proposals to assign land uses and objects and suggestions received in that behalf in the meeting of the Authority, the Authority may convey the assignment of new land use to the owner or reject the proposal for the reasons recorded there in.][1]][2]

1. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.
2. Substituted by Act 38 of 2015 w.e.f 10.09.2015.

70. Land acquisition for purposes of a scheme or Development Plan to be deemed for a public purpose.—Land needed for purpose of a Town Planning scheme or [1][Master Plan][1] shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

1. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.

71. Power of State Government to acquire lands included in a scheme.—(1) If, at any time, the State Government is of opinion that any land included in a Town Planning scheme is needed for a public purpose other than that for which it is included in the scheme, it may make a declaration to that effect in the Official Gazette in the manner provided in section 6 of the Land Acquisition Act, 1894. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section.

(2) On the publication of a declaration under sub-section (1) the Deputy Commissioner shall proceed to take order for the acquisition of the land and the provisions of the Land Acquisition Act, 1894, as amended by section 72 of this Act, shall, so far as may be, apply to the acquisition of the said land.

(3) In the proceedings under the Land Acquisition Act, 1894, the Planning Authority concerned shall be deemed to be a person interested in the land acquired and in determining the amount of compensation to be awarded to the Planning Authority, the Deputy Commissioner or the Court, as the case may be, may take into consideration the value, if any, paid by the Planning Authority for the acquisition of the said land under section 70 or otherwise and the proportionate cost of the scheme, if any, incurred by the Planning

Authority and rendered abortive by reason of the variation of the scheme on account of such acquisition.

(4) On the land vesting in the State Government under section 16 or section 17 of the Land Acquisition Act, 1894, as the case may be, the scheme shall be deemed to have been suitably varied by reason of acquisition of the land.

72. Amendment of section 23 and section 24 of the Land Acquisition Act, 1894, for purposes of acquisition under this Act.—When any land is compulsorily acquired for the purposes of a Town planning scheme or a development plan under this Act,

(*a*) for section 23 of the Land Acquisition Act, 1894, the following shall be substituted, namely:-

"**23. Matters to be considered in determining compensation.**— [1][(1)][1] In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the Court shall take into consideration the following:—

1. Re-numbered by Act 14 of 1964 w.e.f. 26.03.1964.

[1][[2][(1) the market value.-

(i) in case of acquisition of the designated land referred to in sub-section (2) of section 69 of the Karnataka Town and Country Planning Act, 1961 (hereinafter in this section referred to as the said Act), on the date the Master Plan is published under sub-section (4) of section 13 of the said Act; and

(ii) in the case of acquisition of any land included in a town planning scheme under the said Act, on the date on which such scheme comes into force under sub-section (2) of section 45 of the said Act:][1]

1. Substituted by Act 14 of 1964 w.e.f. 26.03.1964 and again substituted by Act 1 of 2005 w.e.f. 14.02.2005.

(2) use to which the land was put on the date of publication of the declaration under section 6;

(3) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him;

(4) the damage, if any, sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land;

(5) the damage, if any, sustained by the person interested at the time of the possession being taken from him of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner or his earnings;

(6) if, in consequence of the acquisition of the land the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change."

[1][(2) In addition to the market value of the land as provided in sub-section (1), the Court shall in every case award a sum of [2][thirty per centum][2] on such market value, in consideration of the compulsory nature of the acquisition.][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.3.1964
2. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][(3) In addition to the market value of the land, as provided above, the court shall in every case, award an amount calculated at the rate of twelve percent per annum, such market value, for the period from the date of publication of the notification under sub-section (1) of section 4, to the date of award of the Deputy Commissioner or date of taking possession of the land, whichever is earlier.

Explanation. - In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded.][1]

1. Sub-section (3) inserted by Act 1 of 2005 w.e.f. 14.02.2005.

(*b*) For section 24 of the Land Acquisition Act, 1894, the following shall be substituted, namely:—

"**24. Matters to be neglected in determining compensation.**—The Court shall not take into consideration of the following:—

(1) the degree of urgency which led to the acquisition;

(2) any disinclination of the person interested to part with the land acquired;

(3) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

(4) any change which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

(5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

(6) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

(7) any outlay or improvements on, or for the disposal of the land acquired, commenced, made or effected with the sanction of the local authority after the date of the publication of the notification under section 6;

(8) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the local authority;

(9) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health."

CHAPTER X

OFFENCES AND PENALTIES, RULES AND BYE-LAWS

73. Offences and penalties.- Whoever,-

(*a*) does any work in contravention of the provisions of section 14;

[1][(*b*) xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

(*c*) contravenes the conditions of the commencement certificate granted under sub-section (1) of section 15, [1][xxx][1], or of the sanction granted under sub-section (2) of section 17;

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

(*d*) does any work in spite of refusal to grant a commencement certificate under sub-section (1) of section 15 [1][xxx][1] or of the sanction under sub-section (2) of section 17;

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

[1][(*d*-1) obstructs the entry of any person upon any land under [2][sections 11 or 27][2] or prevents such person from doing anything in accordance with the said section;][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964.
2. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.

(*e*) does any work in contravention of clause (*a*) or (*b*) of sub-section (1) of section 35;

shall, on conviction, be punished with [1][imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both][1] and the Court shall, in such order of conviction, direct that if such contravention continues after the date of the order of conviction, a fine not exceeding [1][two hundred and fifty rupees][1] per day for the period from which the contravention continued shall be recovered from the person so convicted:

1. Substituted by Act 17 of 1991 w.e.f. 19.04.1991.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine shall not be less than [1][five hundred rupees][1] and in the case of a continuing contravention of the provisions, the fine shall not be less than [1][twenty five rupees][1] per day.

1. Substituted by Act 17 of 1991 w.e.f. 19.4.1991

74. Rules.—(1) The State Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters:—

[1][(*a*) the functions and powers of the Board and Planning Authorities constituted under section 4C;

(*a*-1) the qualifications and disqualifications for being chosen as and for being members of the Board, and Planning Authorities constituted under section 4C;

(*a*-2) the manner of nomination of representatives of local authorities under clause (iii) of sub-section (3) of section 4C;

(*a*-3) the manner in which and the purposes for which any Planning Authority may associate with itself any person under section 4F;][1]

1. Clause (a) to (a-3) inserted by Act 14 of 1964 w.e.f. 26.03.1964.

[1][(*a*-4)][1] the particulars that are to be shown in a map under section 6;

1. Re-lettered by Act 14 of 1964 w.e.f. 26.03.1964.

(*b*) the manner of and the procedure to be followed in making an inquiry under sub-section (2) of section 7;

(*c*) the manner of publication of the outline development plan under sub-section (1) or sub-section (2) of section 9; or under sub-section (4) of section 13;

(*d*) the notices to be given under section 11, [1][xxx][1] or section 27;

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

(*e*) the form of the commencement certificate to be granted under sub-section (1) of section 15;

(*f*) the particulars to be furnished by a person submitting a lay-out plan under sub-section (1), the period within which the Planning Authority may sanction such plan under sub-section (2) and the manner of holding an inquiry under sub-section (4) of section 17;

(*g*) the betterment fee to be levied and the manner of levy under section 18;

[1][(*h*) xxx][1]

[1][(*i*) xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.02.2005.

(*j*) the manner of publication of a declaration of intention to make a scheme under sub-section (2) of section 29;

(*k*) the manner of publication of a draft scheme under section 30;

(*l*) the further particulars to be included in the draft scheme under clause (*g*) of section 32;

(*m*) the form of the commencement certificate to be granted under clause (*a*) of sub-section (1) of section 35 and the conditions, if any, to be included therein;

(*n*) the procedure to be followed in making an inquiry under clause (*c*) of sub-section (1) of section 35;

(*o*) the manner in which, and the method according to which, compensation shall be payable under sub-section (2) of section 35;

(*p*) the qualifications of persons to be appointed as Director of Town Planning and as Town Planning Officer;

(*q*) the procedure that is to be followed by a Town Planning Officer in making orders under any of the several clauses of sub-section (1) of section 38;

(*r*) the form in which the Town Planning Officer is to draw the final scheme under clause (*n*) of sub-section (1) of section 38;

(*s*) the procedure to be followed by the officer appointed to hold an inquiry for the purpose of deciding a disputed claim as to ownership under section 42;

(*t*) the manner of preparing a preliminary scheme under section 43;

(*u*) the manner of giving notice under section 44;

(*v*) the procedure to be followed in summarily evicting a person under section 46;

(*w*) the notice to be given before action is taken under section 47;

(*x*) the manner of publication of a draft variation under sub-section (2) and the particulars which a draft variation shall contain under sub-section (3) of section 48;

(*y*) the manner of election of representatives of the several Planning Authorities under sub-section (2) of section 51;

(*z*) the time to be allowed for making a claim to compensation under section 60;

(*aa*) the period within which payment is to be made to the Planning Authority under section 63;

[1][(*aa*-1) the form of the budget of Planning Authorities, the date on or before which it shall be prepared, the manner of preparing it and the number of copies that have to be sent to the Board and the State Government;

(*aa*-2) the form of the annual statement of accounts and balance sheets to be prepared under section 68C;

(*aa*-3) the form of the annual report of the Planning Authorities and the dates on or before which they shall be submitted under section 68D);][1]

1. Cluases (aa-1) to (aa-3) Inserted by Act 14 of 1964 w.e.f. 26.03.1964.

(*bb*) the manner in which documents, plans, maps shall be made accessible to the public under the proviso to section 77;

(*cc*) the procedure to be adopted by the Planning Authority to secure co-operation on the part of the owners or persons interested in the land proposed to be included in a Town Planning Scheme at every stage of the proceedings by means of conferences and such other means as may be expedient;

(*dd*) the procedure to be followed by a Town Planning Officer generally under this Act;

(*ee*) the extent to which the proceedings of Planning Authorities under this Act shall be regulated by any municipal or local law applicable to such authorities; and

[1][(*ee*-1) the documents of which copies may be granted and the fees payable for the inspection of such documents and the grant of copies thereof;][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964.

[1][(*ff*) any other matter for which there is no provision or no sufficient provision in this Act (including provision relating to appeals, appellate authorities, time for filing appeals, fees payable in respect of appeals and other matters), and for which provision is in the opinion of the State Government, necessary for giving effect to the purposes of this Act.][1]

1. Substituted by Act 14 of 1964 w.e.f. 26.03.1964.

(3) A rule made under this section may provide that a contravention of any of the provisions of the rules which are specified in such rule 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 ten rupees for every day during which such contravention continues after conviction for the first such contravention.

[1][(3A) Any rule under this Act may be made to have effect retrospectively and when any such rule is made a statement specifying the reasons for making such a rule shall be laid before both Houses of the State Legislature along with the rule under sub-section (4). All rules made under this Act shall, subject to any modification made under sub-section (4), have effect as if enacted in this Act.][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964.

(4) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

75. Bye-laws.—(1) A Planning Authority may, with the previous sanction of the State Government, make bye-laws consistent with the provisions of this Act and the rules thereunder to carry out the purposes included in [1][the Master Plan.][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.02.2005.

(2) A bye-law made under this section may provide that a person contravening any of the provisions of the bye-lows which are specified in such bye-law shall on conviction, be punished with fine, which may extend to one hundred rupees and in the case of a continuing contravention, with an additional fine, which may extend to five rupees for every day during which such contravention continues after conviction, for the first such contravention.

(3) The power to make bye-laws under this section shall be subject to the condition of previous publication and such publication shall be in the official Gazette and in such other manner a may be directed by the State Government.

CHAPTER XI

MISCELLANEOUS

76. Bar of legal proceedings.—No suit or other legal proceedings shall be maintained against the State Government, the Planning Authority or any public servant or persons duly appointed or authorised under this Act, in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

[1][**76A. Mode of proof of records of the Board and the Planning Authority.**— A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or any Planning Authority, if duly certified by the legal keeper thereof, or other person authorised by the Board or the Planning Authority in this behalf, shall be received as *prima facie* evidence of the existence of the entry or 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 entry or document would, if produced, have been admissible to prove such matters.

1. Sections 76A to 76M inserted by Act 14 of 1964 w.e.f. 26.03.1964.

76B. Restriction on summoning of officers and servants of the Board and Planning Authority.—No chairman, member or officer or servant of the Board or any Planning Authority shall in any legal proceeding to which the Board or Planning Authority is not a party, be required to produce any register or document the contents of which can be proved under section 76A by a certified copy, to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.

76C. 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 in 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 of the company, such director, manager, secretary or other officer 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.

76D. Penalty for obstructing contractor or removing mark.—If any person,—

(*a*) obstructs, or molests any person engaged or employed by the Board or any Planning Authority, or any person with whom the Board or the Planning Authority has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

(*b*) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

76E. Sanction of prosecution.—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the State Government or Planning Authority or any officer authorised by the State Government or the Planning Authority in this behalf.

76F. Composition of offences.—(1) The State Government or the Planning Authority concerned or any person authorised by the State Government or the Planning Authority in this behalf by general or special order may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) When 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.

[1]**[76 FF. Regularisation of certain development and change of land use.-** (1) Notwithstanding anything contained in this Act, where any land has been developed or change in land use is made in contravention of section 14, 14A, section 15, section 17 or the regulations or in contravention of commencement certificate granted under section 15, the Planning Authority may regularise such development and change of land use made prior to [4][[2][the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013][2]][4] subject to such

rules as may be prescribed and on payment of the prescribed amount, which may be different for different purposes, but not exceeding the estimated cost of the development.

4. Substituted by Act 67 of 2013 w.e.f. 19.10.2013. Section 2

[3][Provided that the amount so prescribed shall not be less than,-

(i) six percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twenty five percent;

(ii) eight percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twenty five percent but does not exceed fifty percent:

Provided further that where the portion of the building is built in violation of the provisions referred to above is being used or meant for non-residential purpose and amount payable for regularization of such portion shall be,-

(a) twenty percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twelve and a half percent;

(b) thirty five percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twelve and a half percent but does not exceed twenty five percent."; and][3]

(2) No such development or change in land use referred to in sub-section (1) shall be regularised, if it is made,-

(i) in the land affected by the alignments of any road or of proposed inner ring road, National High Ways, bypass road, outer ring road or mass rapid transit system (rail) projects;

(ii) on the land belonging to the State Government or the Central Government or appurtenant to any building belonging to the State Government or the Central Government;

(iii) on the land belonging to an other person over which the former has no title;

(iv) on the land belonging to any Board or Corporation owned or controlled by the Central Government or the State Government;

(v) on the land belonging to, or vested in, any Urban Development Authority or Bangalore Development Authority;

(vi) on the land belonging to, or vested in, a local authority;

(vii) on the land abutting to storm water drains, tank bed areas, river course or beds and canals or below the high tension electric line;

(viii) in land reserved for parks, playgrounds, open space or for providing civic amenities.

(3) No development being a special and hazardous industry or an industry categorised as "RED" by the Karnataka Pollution Control Board shall be regularised in a non-conforming zone. Even in a conforming zone, it shall be regularised only with the clearance from the Karnataka Pollution Control Board.

(4) No development shall be regularised unless it conforms in respect of clearance from high-tension lines and fire protection measures.

(5) No development shall be regularised in the area covered by the Coastal Zone Regulations of the Ministry Environment and Forest, Government India.

(6) No development made in basement or usage in contravention of bye law shall be regularized.

(7) No development in violation of set back norms exceeding twenty-five percent in case of non-residential buildings and fifty percent in case of residential buildings shall be regularized.

(8) No development shall be regularised unless the violation in respect of change in land use is first regularised.

(9) No development where the violation is in excess of such prescribed limit but not exceeding fifty percent of permissible floor area ratio in respect of residential buildings and not exceeding twenty five percent of permissible floor area ratio in respect of non-residential buildings shall be regularized and different maximum limit may be prescribed in respect of different class of development:

Provided that where such development resulting in violation is in excess of prescribed limit, such development shall not be regularized unless the development resulting in violation is brought down within the regularisable limit under this Act.

(10) Regularisation of violation in respect of change of land use shall be made as far as may be in accordance with section 14A;

(11) No development in respect of any building having more than two floors shall be regularised unless a certificate from a Structural Engineer is produced regarding the structural stability of such building;

(12) In case of a owner of the building who has made unauthorized construction in violation of the norms or zonal regulation and do not apply for regularization within the prescribed time, the supply of water and electricity to the building shall be liable to be disconnected with prior notice.

[2][(13) Any person seeking regularization under this section shall make application to the prescribed Authority within [4][such period as may be prescribed][2]][4]

3. Substituted by Act 67 of 2013 w.e.f 19.10.2013. Section 2

(14) No unauthorised construction or development made in agricultural zone of approved Master Plan or green belt area declared under Karnataka Land Revenue Act, 1964 shall be regularized.

(15) No person shall be liable to pay fine or fee for regularization under any other law if he has paid regularization fee under this Act for the same violations.

(16) All payments made under sub-section (1) shall be credited to a separate fund kept in the concerned Local/Planning Authority called the

urban areas infrastructure Development fund which shall be utilized in such manner, for the development of infrastructure, civic amenities, lighting, parks, drinking water, drainage system and for any other infrastructure, as may be prescribed.

76FFF. Penalty against jurisdictional officer failing to prevent unauthorised deviations or constructions.- The jurisdictional officer who is proved to have failed to prevent unauthorized deviation or construction that have taken place in his jurisdiction shall be liable for such punishment as may be prescribed.][1]

1. Sections 76FF and 76FFF inserted by Act 1 of 2007 w.e.f. 15.09.2007. Please see the text of Notification at the end of the Act.
2. Substituted by Act 57 of 2013 w.e.f. 27.08.2013.
4. Inserted by Act 57 of 2013 w.e.f. 27.08.2013.

76G. Fine when realised to be paid to Planning Authority.—All fines realised in connection with any prosecution under this Act shall be paid to the planning authority concerned.

76H. Member and officers to be public servants.—Every member and every officer and other employee of the Board and of every Planning Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

76I. Finality of orders.—Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Government or the Board or order passed or notice issued by any Planning Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

76J. Validation of acts and proceedings.—No act done or proceeding 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 Board or any Planning Authority;

(*b*) any person having ceased to be a member;

(*c*) any person associated with the Board or any planning authority under section 4F having voted in contravention of the said section; or

(*d*) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or

(*e*) any omission, defect or irregularity not affecting the merits of the case.

76K. Control by the State Government.—(1) Every Planning Authority shall carry out such directions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Planning Authority under this Act, any dispute arises between the Planning Authority, and a local authority, the decision of the State Government on such dispute shall be final.

76L. Returns and information.—Every Planning Authority shall furnish to the State Government such reports, and other information as the State Government may from time to time require.

76M. Effect of other Laws.—(1) Save as provided in this Act, the provisions of this Act and the rules, regulations and bye-laws made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(2) Notwithstanding anything contained in any such other law,-

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.][1]

[1][**76N. State Government's powers to cancel the resolution or order.**—(1) If the State Government is of opinion that the execution of a resolution or order issued by or on behalf of the Planning Authority or the doing of any act which is about to be done or is being done by or on behalf of the Planning Authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interest of the Planning

Authority, it may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the Planning Authority to show-cause within the specified period which shall not be less than fifteen days, why,—

1. Sections 76N and 76O inserted by Act 17 of 1991 w.e.f. 19.04.1991.

(*a*) the resolution or order may not be cancelled, in whole or in part; or

(*b*) any regulation or bye-law concerned may not be repealed in whole or in part.

(2) Upon consideration of the reply, if any, received from the Planning Authority and after such inquiry as it thinks fit, the State Government may, pass orders cancelling the resolution or order or repealing the regulation or bye-law and communicate the same to the Planning Authority.

(3) The State Government may at any time, on further representation by the Planning Authority or otherwise revise, modify or revoke an order passed under sub-section (2).

76O. Power of Planning Authority to suspend or revoke permission etc.—Planning Authority may suspend or revoke any licence, permission or sanction granted by it if,—

(i) the grantee has evaded or committed breach of any of the restrictions or conditions subject to which such licence, permission or sanction was granted; or

(ii) the grantee is convicted for contravention of any of the provisions of this Act, or of any rule, bye-law or regulation made thereunder in respect of any matter relating to such licence, permission or sanction, or

(iii) the grantee has obtained the licence, permission or sanction by mis-representation or fraud:

Provided that before making any order under this section the Planning Authority shall give the grantee a reasonable opportunity of making representation against the proposed order.][1]

77. Registration of documents, plan or map in connection with final scheme not required.—(1) Nothing in the Indian Registration Act, 1908 (Central Act XVI of 1908), shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked.

(2) All such documents, plans and maps shall, for the purposes of section 48 and section 49 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

Provided that copies of documents, plans and maps relating to the sanctioned scheme shall be sent to the Sub-Registry office concerned, where such copies shall be kept and made accessible to the public in the manner prescribed.

78. Vesting of property and rights of a Planning Authority ceasing to exist or ceasing to have jurisdiction.—When any Planning Authority ceases to exist or ceases to have jurisdiction over any area included in a Town Planning scheme, the property and rights vested in such Planning Authority under this Act, shall, subject to all charges and liabilities affecting the same vest in such other Planning Authority or authorities as the State Government may, with the consent of such authority or authorities, by notification direct; and the Planning Authority or each of such Planning Authorities shall have all the power under this Act in respect of such schemes or such part of a scheme as comes within its jurisdiction which the Planning Authority had, immediately before it ceased to exist or ceased to have jurisdiction.

79. Default in exercise of power or performance of duty by Planning Authority.—(1) If, in the opinion of the State Government, any Planning Authority is not competent to exercise or perform, or neglects or fails to exercise or perform any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or any person or 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 funds of the Planning Authority and the State Government may make an order directing any person who, for the time being, has custody of any such funds to pay such expenses from such funds and such person shall be bound to obey such order.

80. Special provision in case of a dissolution or supersession of a local authority.—(1) Where a local authority which is a Planning Authority under this Act, is dissolved or superseded under the law governing its constitution, the person or persons appointed under such law to exercise the

powers and perform the duties of such local authority shall be deemed to be the local authority within the meaning of clause (5) of section 2 of this Act, and may exercise all the powers and perform all the duties of a Planning Authority under this Act, during the period of dissolution or supersession of such local authority.

(2) In the event of a person or persons appointed as aforesaid exercising the powers and performing the duties of a Planning Authority under this Act, any property, which may under the provisions of this Act vest in the Planing Authority exercising such powers and performing such duties shall during the period of dissolution or supersession of the local authority vest in the State Government and such property shall, at the end of the said period, vest in such local authority as the State Government may, by notification direct.

[1][(3) Where a local authority which is not a Planning Authority is dissolved or superseded under the law governing its constitution, the representatives of such local authority shall for purpose of clause (iii) of sub-section (3) of section 4C, be nominated from among the officers of such local authority by the person or persons appointed under such law to exercise the powers and perform the duties of such local authority, and such representatives shall, notwithstanding anything contained in sub-sections (1) and (2) of section 4D, hold office during the pleasure of the said person or persons.][1]

1. Inserted by Act 2 of 1968 w.e.f. 12.9.1967

[1][**80A. Dissolution of Planning Authorities.**—(1) Where the State Government is satisfied that the purposes for which any Planning Authority was established under this Act, have been substantially achieved so as to render the continued existence of the Planning Authority in the opinion of the State Government unnecessary, the State Government, may, by notification, declare that the Planning Authority shall be dissolved with effect from such date as may be specified in the notification, and the Planning Authority shall be deemed to be dissolved accordingly.

(2) With effect from the date of dissolution of a Planning Authority under sub-section (1), except where a direction is issued under section 78, all properties, rights and liabilities of such Planning Authority shall vest in the State Government.][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.3.1964.

[1][**81. Delegation of powers of Planning Authority.-** The State Government may, by notification and subject to such restrictions and conditions as may be specified therein, delegate any of the powers and functions of the Planning Authority under this Act to any local authority or any officer of the local authority.][1]

1. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

[1][81-A xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.2.2005.

[1][**81-B. Consequences to ensue upon the constitution of the Bangalore Development Authority.**—Notwithstanding anything contained in this Act, with effect from the date on which the Bangalore Development Authority is constituted under the Bangalore Development Authority Act, 1976 the following consequences shall ensue:—

(i) the Bangalore Development Authority shall be the Local Planning Authority for the local planning area comprising the City of Bangalore with jurisdiction over the area which the City Planning Authority for the City of Bangalore had jurisdiction immediately before the date on which the Bangalore Development Authority is constituted;

(ii) the Bangalore Development Authority shall exercise the powers, perform the functions and discharge the duties under this Act as if it were a Local Planning Authority constituted for the Bangalore City;

(iii) the City Planning Authority shall stand dissolved and upon such dissolution,—

(*a*) anything done or any action taken (including any appointment, notification, order, scheme or bye-law made or issued), any commencement certificate of permission granted by the Bangalore City Local Planning Authority shall be deemed to have been done, taken, made, issued or granted under the provisions of this Act by the Bangalore Development Authority and continue to be in force until it is superseded by anything done or any action taken, any appointment, notification, order, scheme, or bye-law, made or issued, commencement certificate or permission granted by the Bangalore Development Authority under the provisions of this Act;

(*b*) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done, by, with or for the Bangalore City Local Planning Authority shall be deemed to have been incurred, entered

into, or engaged to be done by, with or for the Bangalore Development Authority.

(*c*) all property movable and immovable and all interests of whatsoever nature and kind therein vested in the Bangalore City Local Planning Authority shall with all rights of whatsoever description used, enjoyed or possessed by the Bangalore City Local Planning Authority, vest in the Bangalore Development Authority;

(*d*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Bangalore City Local Planning Authority may be continued or be instituted by or against the Bangalore Development Authority.][1]

1. Inserted by Act 12 of 1976 w.e.f. 20.12.1975.

[1][**81-C. outline development plan and comprehensive development plan of Bangalore Metropolitan Region.**—Notwithstanding anything in this Act, the Planning Authorities within the Bangalore Metropolitan Region as defined in the Bangalore Metropolitan Region Development Authority Act, 1985 shall submit the outline development plans and comprehensive development plans under sections 9 and 19 respectively to the State Government through the Bangalore Metropolitan Region Development Authority for approval and the said Authority shall exercise the powers and discharge the functions of the Director of Town Planning in respect of such outline development plans or comprehensive development plans. The provisions of sections 9 and 19 shall *mutatis mutandis* be applicable for the purpose of this section.][1]

1. Inserted by Act 39 of 1985 w.e.f. 1.2.1986

[1][[2]**[81D]**[2]**. Consequences to ensue upon the constitution of the urban Development Authority.**—Notwithstanding anything contained in this Act, with effect from the date on which the urban Development Authority is constituted under the Karnataka Urban Development Authorities Act, 1987 the following consequences shall ensue:—

1. Inserted by Act 34 of 1987 w.e.f. 1.05.1988
2. Re-numbered by Act 17 of 1991 w.e.f. 19.11.1987

(i) the Urban Development Authority shall be the Planning Authority for the local planning area comprising the Urban area over which the Planning Authority for the city or town had jurisdiction immediately before the date on which the Urban Development Authority is constituted;

(ii) the Urban Development Authority shall exercise the powers, perform the functions and discharge the duties under this Act in the urban area as if it were a planning Authority constituted for the city or town;

(iii) the Planning Authority in the urban area shall stand dissolved and upon such dissolution,—

(*a*) anything done or any action taken (including any appointment, notification, order, scheme or bye-law made or issued), any commencement certificate or permission granted by the Planning Authority shall be deemed to have been done, taken, made, issued or granted under the provisions of this Act by the Urban Development Authority and continue to be in force until it is superseded by anything done or any action taken, any appointment, notification, order, scheme, or bye-law made or issued, commencement certificate or permission granted by the Urban Development Authority under the provisions of this Act;

(*b*) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the Planning Authority shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Urban Development Authority;

(*c*) all property movable and immovable and all interests of whatsoever nature and kind therein vested in the Planning Authority shall with all rights of whatsoever description used, enjoyed or possessed by the Planning Authority, vest in the Urban Development Authority;

(*d*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Planning Authority may be continued or be instituted by or against the Urban Development Authority.][1]

[1][**81E.- Consequences of constitution of Hampi World Heritage Area Management Authority.-** Notwithstanding anything contained in this Act with effect from the date Hampi World Heritage Area Management Authority is constituted under Hampi World Heritage Area Management Authority Act, 2002 such authority shall be the local planning authority for the local planning area comprising the heritage area and it shall exercise the powers, discharge the functions and perform the duties under this Act as if it were a local planning authority constituted for the heritage area][1]

1. Inserted by Actd 18 of 2004 w.e.f. 27.1.2005

82. Areas for which schemes are sanctioned under other laws.—(1) Notwithstanding anything contained [1][in this Act][1], every Planning Authority, making an [2][Master Plan][2] or a Town Planning scheme, for any area, within its jurisdiction, shall take into consideration,—

1. Substituted by Act 14 of 1964 w.e.f. 26.3.1964
2. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

(i) any housing scheme for such area, sanctioned prior to the commencement of this Act, under the provisions of the Mysore Housing Board Act, 1955, or any other corresponding law in force in the State;

(ii) any improvement scheme for such area sanctioned prior to the commencement of this Act, under the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), or the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945).

(2) Every housing scheme under the Mysore Housing Board Act, 1955, or any other corresponding law in force in the State and every Improvement Scheme under the City of Mysore Improvement Act, 1903, or the City of Bangalore Improvement Act, 1945, sanctioned under the provisions of the said Acts, after the commencement of this Act, [1][shall conform to the [2][Master Plan, for such area.][2]][1]

1. Substituted by Act 14 of 1964 w.e.f. 26.3.1964
2. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

[1][**82A. Removal of difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the official Gazette, as the occasion may require do anything which appears to it to be necessary to remove the difficulty.

(2) Every order made under sub-section (1) shall as soon as may be after it is published, be laid before both Houses of the State Legislature and shall, subject to any modification which the State Legislature may make, have effect as if enacted in this Act.][1]

1. Inserted by Act 14 of 1964 w.e.f. 26.03.1964.

83. Repeal and savings.—(1) The [1][Bombay Town Planning Act, 1915 (Bombay Act I of 1915) and The][1] Bombay Town Planning Act, 1954 (Bombay Act XXVII of 1955), as in force in the [2][Belgaum area][2];

1. Substituted by Act 14 of 1964 w.e.f. 26.03.1964.
2. Adapted by the Karnataka Adaptations of Laws order 1973 w.e.f. 1.11.1973.

(2) the Madras Town Planning Act, 1920 (Madras Act VII of 1920), as in force in the [1][Mangalore and Kollegal area][1], and Bellary District; and

1. Adapted by the Karnataka Adaptations of Laws order 1973 w.e.f. 1.11.1973.

(3) sections 244 to 251 (both inclusive) of the Hyderabad District Municipalities Act, 1956 (Hyderabad Act XVIII of 1956), as in force in the [1][Gulbarga area][1],

1. Adapted by the Karnataka Adaptations of Laws order 1973 w.e.f. 1.11.1973.

area hereby repealed:

Provided that such repeal shall not affect,—

(*a*) the previous operation of the said Acts or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said Acts; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Acts; or

(*d*) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid;

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment made, any declaration of intention to make a scheme published, any application made to the State Government for sanction of the making of the scheme, any draft scheme published by a local authority, any application made to the State Government for the sanction of the draft scheme, any sanction given by the State Government to the draft scheme, any restriction imposed upon an owner of land or building against the erection or re-erection of any building or works, any commencement certificate granted, any order of suspension of rule, bye-law, regulation, notification or order made, any final scheme forwarded to or sanctioned or varied by the State Government and any recoveries made or compensation given in respect of any plot under the repealed Acts) shall be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force

accordingly unless and until they are superseded by anything done or any action taken under this Act.

* * * *

NOTIFICATIONS

I

Bangalore, dated 31st December 1964 [No. PLM 60 MNP 63]

S.O. 1860.—In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act No. 11 of 1963), the Government of Karnataka hereby appoint the 15th day of January 1965 to be the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(L. A. DHAMANIGI)
Deputy Secretary.

II

Bangalore, dated 24th January 1986. [No. HUD 54 TTP 86]

In exercise of the powers conferred under sub-section (2) of section 1 of the Bangalore Metropolitan Region Development Authority Act, 1985, (Karnataka Act No. 39 of s85), Government of Karnataka hereby appoints the First day of February 1986, as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(H. R. PUTTARAJU)
Under Secretary to Government,
Housing & Urban Development.

III

Bangalore dated 15th April 1988. [No. HUD 181 TTP 88]

In exercise of the powers conferred under sub-section (3) of section 1 of the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act No. 34 of 1987), the Government of Karnataka hereby appoints 1st May 1988, as the date on which the said Act shall come into force in the following Urban areas/Cities in the State:—

1. Bellary
2. Bidar
3. Bijapur
4. Chikkamagalur
5. Chitradurga
6. Hassan
7. Kodagu
8. Kolar
9. Mandya
10. Raichur
11. Shimoga
12. Tumkur
13. Davangere
14. Bagalkot
15. K.G.F.

By Order and in the name of the Governor of Karnataka,

(A. R. PATAGAR)
Under Secretary to Government,
Housing & Urban Development Department.

IV

Bangalore, dated 19th March, 1991 [No RD 43 LGP 91]

S.O. 217.- In exercise of the powers conferred under Section 107 of the Karnataka Land Revenue Act, 1964 the Government of Karnataka hereby specify 20th March, 1991 as the date on which the Karnataka Land Revenue (Amendment) Act, 1990 (Karnataka Act 2 of 1991) comes into force as required under sub-section (2) of Section 1 of the Amendment Act.

By Order and in the name of the Governor of Karnataka,
(B.L. SHANTHA)
Under Secretary to Government,
Revenue Department. (LandGrant)

(Published in the Karnataka Gazette (Extraordinary) dated 20.03.1991.)

V

KANNADA AND CULTURE SECRETARIAT

NOTIFICATION

No. SKD 118 KMU 2004, Bangalore, dated 27th January, 2005

Karnataka Gazette, Extraordinary No. 118, dated 27-1-2005

In exercise of the powers conferred by sub-section (2) of Section 1 of the Hampi World Heritage Area Management Authority Act, 2002 (Karnataka Act No. 18 of 2003), the Government of Karnataka hereby appoints 27.1.2005 to be the day on which all the provisions of the said Act, shall come into force.

VI

NOTIFICATION

No. UDD 68 BemRuPra 2007, Bangalore,
dated 7th September, 2007

In exercise of powers conferred by Sub Section-2 of Section 1 of the Karnataka Town & Country Planning and Certain Other Laws (Amendment) Act, 2004 (Karnataka Act 1 of 2007), the Government of Karnataka hereby appoints the 15th September 2007 to be the date on which all the provisions of this Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(C.T.NARAYANASWAMY)
Under Secretary to Government,
Urban Development Department.

* * * *

MYSORE ACT NO.2 OF 1968

(First published in the Mysore Gazette on the Eleventh day of January 1968)

THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) ACT, 1967

(Received the assent of the Governor on the Twenty-ninth day of December, 1967)

An act further to amend the City of Bangalore Municipal Corporation Act, 1949.

WHEREAS, it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949. (Mysore Act 69 of 1949);

Be it enacted by the Mysore State Legislature in the Eighteenth Year of the Republic of India as follows:-

1. Short title and commencement.- This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1967.

(Section 14 is incorporated in the principal act)

15. Validation of things done or action taken by the Administrator.- Notwithstanding any judgement, decree or order of any court, no jurisdiction exercised, no order passed or made and no other act or proceeding done or taken by the Administrator appointed for the City of Bangalore Municipal Corporation in Order No. S.O. 5976, dated 23rd December 1966, shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that the supersession of the City of Bangalore Municipal Corporation and the appointment of the Administrator where not made in accordance with the provisions of section 47-A of the principal Act.

KARNATAKA ACT NO.23 OF 2004

(First published in the Karnataka Gazette Extra-ordinary on the Third day of June, 2004)

THE KARNATAKA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 1998

(Received the assent of the Governor on the Seventeenth day of March, 2004)

An act further to amend the Karnataka Town and Country Planning Act, 1961.

Whereas, it is expedient further to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Forty-ninth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Town and Country Planning (Amendment) Act, 1998.

(2) It shall come into force at once.

(Section 2 to section 8 is incorporated in the principal act)

9. Validation of levy and collection of cess and surcharge for certain purpose.- Notwithstanding anything contained in any judgement, decree or order of any Court, tribunal or other authority to the contrary, levy, assessment and collection of any cess and surcharge in respect of any water supply scheme, formation of ring road, slum improvement, establishment of Mass Rapid Transport System made or purporting to have been made and any action or thing taken or done (including any notice or order issued or assessment made and all proceedings held and any levy and collection of cess and surcharge or amount purported to have been collected by way of cess or surcharges) since 19th October 1992 in relation to such levy, assessment and collection before coming into force of this Act shall be deemed to be valid and effective as if such levy assessment and collection or action or thing has been made, taken or done under the principal Act as amended by this Act and accordingly:-

(a) all acts, proceedings or things done or taken by the Planning Authority or any of its officer in connection with the levy

assessment or collection of such cess or surcharge for all purposes be deemed to be and to have always been done or taken in accordance with law.

(b) no suit or other proceedings shall be maintained or continued in any court or tribunal or before any authority for the refund of any such cess or surcharge;

(c) no court shall enforce any decree or order to direct the refund of any such cess and surcharge.

By Order and in the name of the Governor of Karnataka

M.R. HEGDE
Secretary to Government,
Department of Parliamentary Affairs and Legislation.

KARNATAKA ACT NO. 06 OF 2012
(First published in the Karnataka Gazette Extra-ordinary on the third day of January, 2012)

THE KARNATAKA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 2011

(Received the assent of the Governor on the second day of January, 2012)

An Act further to amend the Karnataka Town and Country Planning Act, 1961.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-Second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Town and Country Planning (Amendment) Act, 2011.

(2) It shall come into force at once.

(Section 2 and 3 are incorporated in the principal Act)

4. Validation.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, anything done or any action taken or purporting to have been done or taken (including any notices or orders issued and all proceedings held for the levy, assessment and collection of any fee, additional fee or amount purported to have been collected by way of any fee, additional fee or cess in relation to such levy, assessment and collection) from any person for the purpose of rejuvenation of any lake or water body in pursuance of any instructions or order issued by the Government to any authority before the commencement of this Act shall be deemed to be valid and effective as if such levy, assessment or collection or action or thing had been made, taken or done under the principal Act, as amended by this Act and accordingly,-

(a) all acts, proceedings or things taken or done by any authority in connection with levy, assessment or collection of such fee, additional fee or cess shall, for all purposes be deemed to be, and to have always been taken or done in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court of Tribunal or before any authority for the refund of any such fee, additional fee or cess; and

(c) no court shall enforce any decree or order directing the refund of any such fee, additional fee or cess.

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and Legislation

KARNATAKA ACT NO. 57 OF 2013

(First published in the Karnataka Gazette Extra-ordinary on the Twenty seventh day of August, 2013)

THE KARNATAKA TOWN AND COUNTRY PLANNING AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2009

(Received the assent of the Governor on the second day of August, 2013)

An Act further to amend the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963), the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixtieth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Town and Country Planning and Certain Other Laws (Amendment) Act, 2009.

(2) It shall come into force at once.

(Section 76FF is incorporated in the Principal Act)

KARNATAKA ACT NO.67 OF 2013

(First Published in the Karnataka Gazette Extra-ordinary on the Thirty first day of December, 2013)

THE KARNATAKA TOWN AND COUNTRY PLANNING AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2013

(Received the assent of the Governor on the Twenty eighth day of December, 2013)

An Act further to amend the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) the Karnataka Municipal Corporations Act, 1976(Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Fourth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013.

(2) It shall be deemed to have come into force with effect from the 19th day of October, 2013.

Sections 76FF, Sub sec 1 & 13 is incorporated in Principal Act

KARNATAKA ACT NO. 10 OF 2014

(First published in the Karnataka Gazette Extra-ordinary on the Twenty-second day
of February, 2014)

THE KARNATAKA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 2014

(Received the assent of the Governor on the Twentieth day of February, 2014)

An Act further to amend the Karnataka Town and Country Planning Act, 1961.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-fifth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Town and Country Planning (Amendment) Act, 2014.

(2) It shall come into force at once.

Sections 68C, & 68D are Incorporated in the Principal Act

KARNATAKA ACT NO. 38 OF 2015

(First Published in the Karnataka Gazette Extra-ordinary on the tenth day of September, 2015)

THE KARNATAKA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 2015

(Received the assent of the Governor on the fifth day of September, 2015)

An Act further to amend the Karnataka Town and Country Planning Act, 1961.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-Sixth year of the Republic of India as follows:-

1. Short title and commencement. - (1) This Act may be called the Karnataka Town and Country Planning (Amendment) Act, 2015.

(2) It shall come into force at once.

Sections 2, 14A, 14B, 17, 18, 18-A, 69 are Incorporated in the Principal Act