

GOVERNMENT OF MAHARASHTRA

NO.TPS/CR/ 77 / 14 /UD-13
Urban Development Department
Mantralaya, Mumbai - 32.
Date :- 23/05/2014

Proposed Draft of the Bill to amend the Maharashtra Regional and Town Planning Act 1966, which the Government intends to table before the Legislature.

The Draft Bill is published on this website for information of the general public and for seeking suggestions and / or objections within next 10 days Suggestions and / or Objections, if any, should be submitted to the Principal Secretary, (UD - 1), Urban Development Department, Government of Maharashtra, Mantralaya, Mumbai - 32.

L.A. Bill No. OF 2014.

A BILL

further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS it is expedient further to

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XXXVII
of
1966.

amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 2014.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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2. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"), after clause (5), the following clause shall be inserted, namely:-

Amendment
of section 2
of Mah.
XXXVII of
1966.

"(5A) "compounded structure" means an unauthorized structure in respect of which the compounding charges as levied by the Collector under the provisions of sub-section (2B) of section 18 are paid by the owner or occupier of such structure and which, upon such payment, has been declared as such by the Collector;".

3. In section 14 of the principal Act, after clause (k), the following clause shall be added,

Amendment
of section
14 of Mah.
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namely:-

“(l) provisions for permission to be granted for controlling and regulating the use and development of land within the jurisdiction of a local authority or the Collector, as the case may be, including imposition of fees, charges and premium, at such rate as may be fixed by the State Government or the Planning Authority, from time to time, for grant of an additional Floor Space Index or for the special permissions or for the use of discretionary powers under the relevant Development Control Regulations, and also for 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 location, number, size, height, number of storeys and character of buildings and density of population allowed in a specified area, the use and purposes to which buildings or specified areas of land 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 and hoardings and other matters

as may be considered necessary for carrying out the objects of this Act.”.

4. In section 18 of the principal Act, -
(a) for sub-section (1), the following sub-section shall be substituted, namely:-

Amendment
of section
18 of Mah.
XXXVII of
1966.

“(1) No person shall, on or after the publication of the notice that the draft Regional plan has been prepared or the draft Regional plan has been approved, institute or change the use of any land for any purpose other than agriculture or carry out any development in respect of any land without the previous permission,-

(i) in case the land is situated in the limits of a Municipal Corporation or a Municipal Council, of such Municipal Corporation or Municipal Council, as the case may be, or

(ii) in case the land is situated in the *gaathan* area of a village, within the meaning of clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966, of the village panchayat concerned;

(iii) in case the land is situated in areas other than those mentioned in clause (i) and (ii) above, of the Collector of the District:

Provided that, the Collector may

Mah.
XLI of
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delegate his powers under this section to an officer not below the rank of a Tahsildar.

Explanation.- For the removal of doubt, it is hereby declared that, no such permission of the Collector shall be required in the Gaothan area of a village within the meaning of clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966.”.

Mah.
XLI of
1966.

(b) after sub-section (2), the following sub-sections shall be inserted, namely:-

“ (2A) (i) The provisions of section 52, 53, 54, 55, 56, 57 and 58 shall apply *mutatis mutandis* to the unauthorized development carried out in the area of Regional Plan, as they apply to the unauthorized development carried out in the area of a Planning Authority; and

(ii) the Collector shall be the Authority competent to take action in respect of such unauthorized development.

(2B) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may, upon a request made by the Collector, specify the terms and conditions on compliance of which and the compounding charges on payment of which the Collector may declare an unauthorized structure to be a compounded structure:

Provided that, on declaration of an

unauthorized structure as compounded structure, the proceedings under any law for the time being in force against such structure initiated by Collector shall stand abated, and if such proceedings are yet to be initiated, no proceedings shall be maintainable:

Provided further that, no further construction shall be permissible in any compounded structure, other than repairs and maintenance, and any redevelopment or reconstruction of such structure shall be only as per the provisions of the prevailing Development Control Regulations.”.

5. After section 124K of the principal Act, the following section shall be inserted, namely:-

“**124K-1.** Notwithstanding anything contained in the draft or final Regional plan, the provisions under sections 124 to 124 K shall apply, *mutatis mutandis*, to cases where the permission to carry out the development is required under section 18:

Provided that, the development charge collected under this section shall be distributed in proportion of 50:50 between the Government and the concerned village panchayat, within whose limits the land proposed to be developed is situated. The amount so collected shall be used by the village panchayat to provide or develop basic amenities and infrastructure.”.

Insertion of section 124K-1 in Mah. XXXVII of 1966. Provisions of sections 124 to 124K to also to apply in certain cases.

6. To section 156 of the principal Act, the following proviso shall be added at the end, namely:-

Amendment
of section
156 of Mah.
XXXVII of
1966.

“Provided that, the development which has duly permitted or deemed to have been permitted by the concerned village panchayat within the area of the Gaothan or the gunthewari development which has been regularized in accordance with the provisions of the Maharashtra *Gunthewari* Developments (Regularisation, Upgradation and Control) Act, 2001, shall not be treated as unauthorised development under this Act.”.

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XXVII of
2001.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely:-

Clause 1(2). - This clause empowers the State Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

Statement of Objects and Reasons

Whereas, it is necessary to take suitable measures to tackle the problem of large scale unauthorised constructions witnessed in certain parts of the rural areas of the State.

And whereas, the steps needed in this regard include measures like removal of overlap in the jurisdiction of different Authorities responsible for controlling development in the rural areas, empowering the Collector to take action against unauthorised construction and providing for compounding of unauthorised structures, subject to certain conditions.

Now therefore, it is proposed to amend the Maharashtra Regional and Town Planning Act, 1966 suitably to provide for the aforesaid and other related matters.

Accordingly, in Section 2, definition of “compounded structure” is proposed to be inserted. In Section 14, provision for grant of additional FSI, subject to certain conditions is proposed. In Section 18, the powers for permitting the development within the gaathan area of a village, as defined in the clause (10) of Section 2 of the Maharashtra Land Revenue Code, 1966, are proposed to be given to the concerned Village Panchayat. In Section 18, the Collector is proposed to be empowered to take action in respect of unauthorised constructions in rural areas, as per the guidelines for the time being in force. Also, provisions are proposed for delegation of Collector’s powers to other officers. A new Section 124 K-1 is proposed to be inserted with a view to collecting the development charge while permitting development in the rural areas and to provide for its distribution between the State Government and the Gram Panchayat. In Section 156, it is proposed to protect the development which has been duly permitted or is deemed to have been permitted by the concerned Village Panchayat within the area of gaathan or the gunthewari development which has been duly regularised in accordance with the provisions of Maharashtra Gunthewari Developments (Regularisation, Up-gradation and Control) Act, 2001.

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