

**DETAILED TOWN PLANNING SCHEME**  
For  
**ELAMKULAM WEST (EXTENSION)**

# **DETAILED TOWN PLANNING SCHEME**

For

## **AMKULAM WEST (EXTENSION)**

DRAFT PREPARED BY  
THE DEPARTMENT OF  
TOWN PLANNING  
KERALA STATE

**Cochin Town Planning Trust**  
Cochin-682020

of  
date

## FOREWORD

and is the platform of all developments in an urban area. The growth and abuse of land are two phenomena characteristic of the city evolved on its own accord. Cochin is no exception to this situation. Vast extent of land is lying marshy and underutilised in peripheral localities of the city; while pressure on available developed land is ever on the increase. The planning policy enunciated under the development plan for the city envisages the development of the underutilised and unutilised lands within the bounds of this urban area by way of filling up of low-lying areas, extending infrastructures

This scheme is the outcome of such a policy. This is envisaged as an extension to Elamkulam West Town Planning Scheme, a residential scheme being implemented by the Trust. The scheme covers over an area of nearly 80 hectares mostly paddy fields and low-lying land.

Being in the vicinity of Cochin Shipyard industries ancilliary to the shipyard have to be located here; and nearly 11.5 hectares of land is set aside for this purpose. Nearly 21.5 hectares of land will be available for residential purposes. The proposed link road between National Highway By-pass and Cochin Harbour passes through this area.

Notification under Section 8 of Travancore Town Planning Act with respect of this area was published on 1-11-1973. The draft of the scheme as prepared by the Department of Town Planning of Kerala is being published for eliciting objections and suggestions pertaining to the proposals evolved. I hope all those interested will appreciate the content of the scheme in a creative manner.

T. O. KHATHIR PILLAI  
EXECUTIVE TRUSTEE  
COCHIN TOWN PLANNING TRUST

in-20,  
1975

# Detailed Town Planning Scheme For Elamkulam West Extension Area

## INTRODUCTION

This scheme is envisaged as a continuation of the Detailed Town Planning scheme for Elamkulam west. The area of the scheme lies close to the Shipyard Complex, port and the existing developments around Thevara. Even though most of this area is earmarked for light and medium industries in the interim development plan for Cochin region, the reassessment of the needs and the trend of development indicates priority for residential development.

## AREA

The scheme area comprises of 38.0 hec. of land in Elamkulam village and 42.713 hec. in Ernakulam village of Kanayannur Taluk in Ernakulam district. The large extent of paddy fields which are unsuitable for extensive agriculture and marshy lands can be used for urban development.

## THE SCHEME

The draft scheme provides for a 36.5 M wide road called Road AA in the scheme map, which is part of a link road between the National Highway bye pass for Cochin city and Mahatma Gandhi Road. The cross section of the road will be as follows:—

Central strip	1.0 M
3 lane traffic (way 9.5 M wide) on either side	19.0 M
3.75 M wide footpath on either side	7.5 M
4.5 M green strip on either side	9.0 M
	<hr/> 36.5 M

36.5

The 36.5 M wide road through Elamkulam West Detailed Town Planning scheme is proposed to extend through this scheme as BB road and to cross the link road forming a major traffic junction within the scheme area. The width of the road south of the junction is proposed to be 36.5 M. These are the major road systems within the scheme. Smaller roads of widths varying from 7.0 M to 15 M. are also provided to serve the scheme area. The cross section of the 30.5 M. wide road is furnished below.

1.00 M. wide Central Strip	1.00 M
6.50 M. wide 2 lane traffic way on either side	13.00 M
3.75 M. wide footpath on either side	7.50 M
4.50 M. green strip on either side	9.00 M
	<hr/> 30.50 M

Land for a new alignment of railway line to Cochin harbour terminus is reserved. This line is proposed to cross the link road (Road AA) over a rail overbridge with a head room of 4.8 M.

The existing canal which flows by the side of the Ernakulam village boundary within the scheme is shallow and is proposed to be filled up. Instead of the above, two drainage canals are proposed one by the side of the proposed railway line and the other from the railway line eastwards to Pathayathodu.

Out of the total area of 48.903 hectares / provided for residential development an area of 21.43 hect. is proposed to be acquired for planned residential developments. This area is proposed to be developed with an average density of 200 to 250 persons per hectare.

An area of 11.38 hectares of land is proposed to be acquired for industrial use.

The land use analysis of the scheme is furnished below:

<u>Type of use</u>	<u>Area in Hect.</u>	<u>Percentage</u>
1. Residential	48.903	60.6
2. Commercial	0.80	1.0
3. Industrial	11.38	14.1
4. Public and Semi public	2.93	3.6
5. Parks and Play area	0.37	0.5
6. Roads, Railways and canals	16.33	20.2
	<u>80.713</u>	<u>100.00</u>

# DRAFT SCHEME

## The Detailed Town Planning Scheme For Elamkulam West Extension Area, Cochin City

### TITLE

1. This scheme may be cited as the Detailed Town Planning scheme for Elamkulam West Extension Area.

### DEFINITION

2. In this scheme unless there is anything repugnant in the subject or context.
  - a) "Act" means the Travancore Town Planning Act 1168 as amended,
  - b) "Municipal Act" means the Kerala Municipal Corporations Act 1961.
  - c) "Trust" means the Cochin Town Planning Trust formed under the Act.
  - d) "Executive Trustee" means the Executive Trustee of Cochin Town Planning Trust.
  - e) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
  - f) "Scheme" means the Detailed Town Planning scheme for Elamkulam West Extension Area, Cochin
  - g) "Arbitrator" means the arbitrator appointed for the scheme under section 27 of the Act.
  - h) "Schedule" means a schedule appended to the Scheme.
  - i) "Map" means a map annexed to the Scheme.
  - j) "Street" includes roads, street and lanes.
  - k) "Date of Scheme" means the date of notification of the scheme under sub-section 12 of the Regulation in the Kerala Government Gazette.
  - l) "Rules" means the rules made under section 41 of the Regulation.
  - m) "Government" means the Government of Kerala.
  - n) "Building Line" means a line which is in the rear of the street alignment and to which the main wall of the building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribe in the Kerala Municipal Building Rules in force.

### RESPONSIBLE AUTHORITY

3. The Executive Trustee shall be the responsible authority for the purpose of the scheme and shall function as such for a period of 20 years from the date of the scheme unless the Government Order otherwise.

## AREA OF SCHEME

4. The area to which the scheme applies shall be that within the inner edge of the boundary lines (dot and dash) marked in the map.

Nothing in this clause shall be deemed to restrict or otherwise affect the powers of the Trust to claim or levy betterment contribution from the owner of any property not included within the area, which will come under purview of sections 22, 23, and 23 of the Act and Clause 21 (1) of the Scheme.

## OWNERSHIP & EXTENT

5. The ownership of all lands in the area with extend as per the registers maintained in the Corporation and or the Revenue Office as on the date of publication of the notification, under section 8 of the Act is given in Schedule I.

## ESTIMATE OF THE COST

6. (1) An estimate of the total and net cost of the scheme is given in form No. 11 Schedule II. The net cost is proposed to be financed as therein stated. The estimate is liable to such revision as the responsible authority may consider necessary.

(2) The Execution of any works which under the schemes are to be executed by the responsible authority or the council or any other agency may be undertaken in such order and at such time as the Trust may determine and completed Government for financial or other reasons, orders otherwise.

(3) The responsible authority shall have power to specify any date or period within which the execution of any works which under the scheme are to be executed by any authority, owner or other person as the responsible authority think necessary and expedient for the purpose of securing the development of the area without delay and ensuring the efficient operation of the scheme.

## STREETS

7. (1) Subject to the provisions of the scheme, all streets mentioned in schedule III (form No. 8) shall be constructed by the responsible authority on the lines shown in the map 2 provided that reasonable modifications in the alignment of streets or in the layout of any portion of the area may be made by the responsible authority with the approval of the Chief Town Planner.

(2) The streets mentioned in schedule III and shown in map 2 shall be demarcated, formed and constructed by the responsible authority in such manner as he thinks necessary for the proper development of the area or expedient for the safety or convenience of the public, provided that two third of the entire cost of acquisition of lands and of metalling, surfacing, draining and lighting of the streets, may be recovered from the owners or occupiers of lands and buildings abutting the streets in such proportion as may be decided by the responsible authority.

Provided also that whenever the owner has been required to pay or has paid the proportionate cost under the above provision or has been required to leave or has left lands freely for the streets, the Trust shall levy only such portion of the betterment contribution payable under the scheme or it may forgo the contribution entirely.

(3) Any other private street that may be permitted in the area with the permission of the responsible authority and in conformity with the proposed development of the area shall comply with the following conditions unless otherwise approved by the Chief Town Planner.



(a) Every street serving a residential area as a cart or carriage road shall be of at least 7 metres width, provided that cul-de-sacs not more than 200 metres in length can be permitted with a width of 5.5 metres.

(b) Every street intended to form the principal approach or means of access to any particular residential site but is not intended for use as a cart or carriage road shall be at least 3.5 metres in width, provided that such site is considered suitable and approved by the responsible authority for building purposes and provided also that in the opinion of the responsible authority a street to be used as a cart or carriage way cannot be or need not be made in compliance with the requirements of such clause (a).

(4) The responsible authority may with the sanction of the Chief Town Planner, undertake to carry out any private street work or widening of any existing private street (not included in the scheme) whether with the consent of owners or occupiers of buildings or lands fronting or abutting on such streets, or by requiring the land covered by the street, provided that, the expenses incurred shall be paid by the owner or occupiers according to the proration of their respective lands or in such proportions as may be settled by the responsible authority.

(5) The responsible authority may, notwithstanding anything contained in sub-clauses (2) and (3) above, with the approval of the Chief Town Planner and subject to any agreement with the owners or occupiers as to the cost of construction, undertake to construct any new street within the area, when the owners of the lands through which the street may pass, have surrendered lands free of cost for the street, and agreed to contribute the cost of constructing the streets, provided that if 50 of the owners or occupiers abutting on any new street have surrendered lands free of cost for the streets, and paid the cost of construction, the responsible authority shall undertake to construct the street without delay, and recover the balance from the remaining owners or occupiers.

(6) No person shall build any well or erect any fence or other construction or projection or make any encroachment in or over any land intended for use as a street or lane.

(7) The responsible authority, shall so far as the funds at his disposal may permit provide a sufficient and satisfactory system of drains along the public streets in the area affected.

## SUBMISSION OF LAYOUT PLANS

(8) (1) If any owner of land within the area intends or proposes to layout a street, lane or pathway or sub-divide, utilise, lease or otherwise dispose of any land as a site or sites for building purposes, he shall, submit for the approval of the responsible authority a site or layout plan showing the land and the site or sites intended or proposed for building purposes and the street or the streets either existing already or intended to be laid out and made by the owners for giving access to the site or sites.

(2) Save in such cases as the site or sites intended for building purposes may abut on any existing public street or an existing private street the owner of the land shall layout and make the street or streets giving access to the site or sites and connecting with an existing street in compliance with the provisions of the scheme.

(3) The owner of the land shall not proceed to subdivide, utilise, sell, lease or otherwise dispose of the site or sites intended for building purposes unless he has carried out or otherwise made arrangement to carry out the street works in compliance with the provisions of the scheme.

(4) If the street or streets, have not been made as required by sub clauses (1), (2) and (3) above the responsible authority may order the street works to be carried



out or carry out the works himself in the manner prescribed in the scheme, in which case, the cost of such works will be recovered from the owner or occupier,

(5) For the purpose of adjusting the boundary of any street the responsible authority may with the approval of the Chief Town Planner make an exchange of land forming part of any street that it may require, with or without paying or receiving any money for equality of exchange or otherwise.

## APPROVAL OF LAYOUT PLANS

9. (a) No owner or other person shall layout a street, lane or pathway or subdivide, utilise, sell, lease or otherwise dispose of his land or portion or portions of the same as site or sites for building purposes until a site or layout plan or plan of subdivision has been approved by the responsible authority provided, that the concurrence of the Chief Town Planner is obtained for the layout plan or plans prepared for laying out of a street, lane, or pathway or for subdividing the lands.

(b) The application for approval of a site or layout plan or plan of a subdivision shall be submitted to the responsible authority in the prescribed form.

The responsible authority may in the interest of the schemes impose reasonable restrictions and conditions and also insist on such modification of the plan as he thinks fit or cause to be made such modifications of the plan as the Chief Town Planner may consider necessary according to clause 9 (1) (a).

(c) The restriction and conditions as laid down by the responsible authority or as decided by the Chief Town Planner shall be adopted by the owner or other person and shall be enforceable.

2. (a) No owner or other person shall construct or reconstruct or in any way alter or add to a building without conforming in every particular with the requirements of the scheme, and unless he has applied for and obtained permission of the responsible authority under section 15 of the Act and is compliance with the requirements of 5(a) below. No building shall be constructed or reconstructed in any land in which building is expressly forbidden or which is reserved in the scheme for any purpose incompatible with building.

(b) The responsible authority may for the purpose of the scheme demolish or cause to be demolished or alter or cause to be altered any building in the area so far as may be necessary for carrying, the scheme into effect.

(3) The responsible authority shall, before granting permission under section 15 of the Act, for any site or layout plan or plan of subdivision or for construction or reconstruction of a building in a site in the area take into consideration the desirability of reconstitution or redistribution of boundaries of any land or plot or plots or site or sites under clause 18 of the scheme as he thinks fit and may impose any restrictions or conditions or pass such orders as may be necessary to secure such reconstitution or redistribution of boundaries of the land, plot or plots or site or sites. The restrictions or conditions imposed or the orders passed by the responsible authority shall be complied with by the owner or owners or the person or persons concerned and shall be enforceable.

(4) Notwithstanding anything contained in the scheme, the responsible authority may in with the consultation of the Chief Town Planner prepare a layout plan for any portion of the area to determine the lines on which the detailed development of such area shall take place in the manner in which the streets, subdivisions of lands into sites for building purposes and the reservation of lands into sites for building purposes and the reservation of any lands for communal or public purposes shall be laid out and the case shall be read as part of the scheme, and shall be enforceable.

(5) (a) Subject to the provisions of section 15 of the Act every application for permission required to be obtained under clause 2 (a) above, shall be submitted to the responsible authority in the form specified in the building rules made under section 222 of Kerala Municipalities Act, 1960 with such variations as circumstances may require and shall be accompanied by a site plan and plans of each floor, elevation and section of the existing building or buildings and also a specification or specifications in regard to the design materials, architecture, drainage, water supply, use of building and other details of building constructions.

(b) The responsible authority shall have power to impose reasonable restriction, and conditions while granting permission and to make reasonable modification or alteration in the location, structural or architectural design or materials of the building or buildings as he thinks fit. or shall cause to be made such modifications or alterations as the Chief Town Planner may consider necessary. The restrictions and conditions as laid down by the responsible authority shall be complied with and the plans and specifications approved or modified or altered by the responsible authority or as decided by the Chief Town Planner shall be adopted by the applicant, owner or other persons concerned and shall be enforceable. If the responsible authority fails to give a reply or pass any orders within 3 months from the date of receipt of the application, the application shall be deemed to be sanctioned, if not otherwise inconsistent with the provisions of the scheme.

(6) The Development of Commercial area shall be governed by the following requirements:-

(a) The width of every new street, public or private intended for use as a cart or carriage way giving access to or through a commercial precinct consisting of a continuous row of shops exceeding ten in number shall be not less than 12 metres, except in the case of a cul-de-sac not exceeding 150 metre where the minimum width shall be 9 metres.

(b) The frontage of every commercial building abutting such street shall have a minimum width of 6 metre. In such or large units individual shops with a frontage not less than 3 metre, may however be accommodated, provided that the area or areas unit shall be 15 sq. metre. In public or private markets with row of stalls exceeding 6 in number, the frontage of each stall shall be a minimum of 2 metre with a minimum area of stall 5 sq.m.

(c) For every mercantile building abutting a commercial street the minimum set back from the street shall be 3 metre.

(d) In a street no building intended for mercantile use shall be located in a plot less than 60 sq. m. in extent.

(e) No service garage or auto workshop buildings shall be located in such a street unless the site has a minimum area of 300 sq. m. and an average plot width not less than 12 metre.

(f) The layout of all new commercial streets shall be subject to the approval of the responsible authority.

## RESERVATION OF LANDS AND ZONING

10. (a) A list of lands reserved for streets and other purposes is given in Schedule IV (Form No. 10).

For the purpose of the Scheme the streets or foot paths which may be approved or made in accordance with the provisions of the scheme which are not mentioned in Schedule IV shall also be deemed to be included under lands reserved for the purpose of the scheme.

(b) The Trust may from time to time, to meet the demand declare any part of the area with the approval of the Chief Town Planner or and subject to such conditions and restrictions as he may think fit, to be reserved for commercial activity or for such other purposes which can be prescribed under sub sections (k) of Section 3 of the Act. Any part of the area so declared shall be included under lands reserved under the scheme and treated as such.

(c) Agriculture or horticulture may be permitted in the areas reserved under (a) and (b) above.

(d) Commercial activity will not be permitted except in areas specified for the same and the use provisions in commercial zones will be as specified in the zoning regulations given in the accompanying sheets.

## ZONING REGULATIONS FOR COMMERCIAL ZONE.

USES PERMITTED (1)	Retail and wholesale shops, godowns and ware houses, professional offices, studios, commercial offices, financial institutions, job printing works, theatres, cinemas, hostels, hotels, lodging houses, restaurants, cart stand, taxi stand, bus stands, parks and open spaces non-nuisance type of industries employing not more than 10 workers and using 15 H. P. Motors, existing residential uses and all existing uses normally permitted in public and semi public use zone, such as Government & Cuasi-Government offices, schools, medical buildings, community & utility buildings.
USES RESTRICTED (2)	<p>i. Social service institutions, printing press, service garages, truck terminals. Use of items coming under row 2(1) shall be restricted by the responsible authority.</p> <p>ii. Industrial uses of non-nuisance character employing not more than 20 workers and installation not exceeding 30 H. P. petrol filling stations and areas and buildings for religious purposes and small residential buildings not exceeding 100 sq. m. plinth area. Usage of items in Row 2 (ii) shall be restricted by the Responsible authority with the concurrence of the C. T. P. to Govt.</p>
USES PROHIBITED (3)	Junk yards, storage of materials causing dust, objectionable odours and fumes etc. and any other use specified in rows (1) and (2).

Time limit for shifting Non-conforming uses from the scheme area:—

Hazardous uses	3 years.
Industrial use	5 years.
Other uses	10 years

### 10. (c) Coverage and F.A.R. of commercial zone

1. Maximum coverage .. 60 per cent
2. Maximum F.A.R .. 200 "

### NOTE

The maximum percentage of coverage shall limit the plinth area of a building. The floor area ratio or F.A.R. value shall limit the total built up area on all floors. F.A.R. shall be calculated as below:

## U. A. R.

Total covered area on all floors X 100  
plot area

10. (f) Factories, warehouses and industrial buildings shall be permitted only in the localities specified for the purpose, and shall be governed by the following provisions.

1) The width of every new street, public or private intended for use as a cart or carriage way giving access to or through an organized industrial area with not less than six constituent units, shall be a minimum of 12m., except in the case of cul-de-sac not exceeding 150m where the minimum width of road shall be 10m.

2) No plot shall be less than 15m av. width and 25m av. depth.

3) When the area of the land under development work, layout of sub division is 0.5 hec. or more; 10% of the total area shall be provided as an amenity open space.

4) The amenity open space provided as above shall have a means of access as if it was a separate plot and as far as possible shall be in one place and in no case less than 5acrs. No dimension of such amenity open space shall be less than 15Ms.

5) In the case of a layout or sub division of a land one hec. or more in area, a suitable site for an electric transformer shall be provided.

6) The open spaces to be left free of construction in industrial plots shall be a minimum of 7.5m in the front and 3m on each of the sides and the rear.

7) The layout of street and land sub division in industrial area shall be subject to the approval of the Chief Town Planner to Government.

## ACQUISITION OF LANDS

11. Any land in the area required for the purpose of the scheme may be acquired by purchase, exchange or otherwise by the Trust at any time subject to the provisions of the Kerala Land Acquisition Act and without prejudice to the interests of the scheme.

## DISPOSAL OF LAND

12. The responsible authority may with the approval of the Trust dispose of any land belonging to the Trust (Corporation) or acquired under the scheme by sale, auction, exchange, lease, or otherwise, subject to rules framed for the purpose by the Trust and those rules shall be binding on the purchaser, transferee, heirs, assignee and their successors.

## MINIMUM AREAS FOR DWELLING HOUSES AND BUILDING

13) (a) Minimum area of residential plots is given below:

Area in m <sup>2</sup>	Mini. width in mts. on road frontage.
For one family dwelling houses (single or double or storeyed) 120,00	9 m
For each additional family and its housing convenience.	
Add 80m <sup>2</sup> in area of plot.	9 m

## NOTE

Dwelling house or hut means a house or a hut designed or intended to be used wholly or principally for human habitation and for a single family only together with out-houses latrines and other similar appurtenances as are ordinarily used or intended to be used therewith.

b) Every site intended for buildings other than dwelling houses shall be not less than 40m<sup>2</sup> and width 6m provided that in the case of shops, godowns, fuel depot, and other business premises, it shall be open to the responsible authority to specify any suitable extent for each shop, godown etc.

c) Where a plot or site held in single ownership prior to the date of notification of scheme under section 8 to 10 of the Act is less than the minimum prescribed in the sub clause (a) above the responsible authority shall decide whether in the interest of the scheme, permission shall be given to build on such plots or site or whether the plot shall be incorporated in adjacent plots or site or sites by reconstitution or redistribution of boundaries of plots. If the latter course is proposed, the matter shall be decided by the Arbitrator in accordance with the provision of rules,

d) In the land proposed to be developed for residential purposes, the average gross density of dwelling unit should be 200 to 250 persons per hectare.

14. i) Every building site unless it abuts on an existing public street or an existing private street in conformity with the scheme be made to abut to its full width in front on a street laid down and made in accordance with the provisions of this scheme.

ii) building line in respect of all the streets shall be as shown in Map 2 and specified in Schedule III.

iii) Boundary walls or fences alone shall be erected in the space between the building line and the edge of the adjacent street.

iv) No boundary wall or fence erected between the building line and edge of the adjacent street shall be of a greater height than 1.5m. measured from the level at the centre line of such street. Provided also where the level of the compound is higher than that of the road this height may be exceeded so as to have a height of 1m. above the level of the ground of the plot.

v) Open space requirements for a building shall be in conformity with the Municipal building rules in force unless otherwise provided for in the scheme.

vi) Minimum off street parking spaces for motor vehicle shall be provided for various types of buildings as per the following table.

### MINIMUM OFF STREET PARKING SPACES

Type of use.	One parking space of 18sq.m. shall be provide for every.
Theatres & Auditoriums	20 seats of accommodation.
Commercial	90 sq. m. carpet area or fraction thereof
Office buildings	90 sq. m. of office floor space.
Restaurants	15 seats of accommodation
Hotels	4 Guest rooms provided
Industrial buildings	50 employees in industry.
Multi family dwellings	6 dwelling units.
Lodging without eating facilities for public	6 guest rooms provided

vii) The responsible authority in consultation with the Chief Town Planner shall have power to fix the height of the storeys of the shops; business and commercial buildings and the ultimate height of the whole buildings or line of buildings according to their individual architectural requirements and to insist that any other architectural details may be incorporated the design provided that the individual architectural requirement of any part shall be viewed in consideration of the general appearance.

## PROHIBITION OF BUILDING IN UNHEALTHY SITES.

15. With a view to prevent contamination of water sources and channels due to existence of burning grounds, sewage tanks and stations, power plants or insanitary or lowlying lands, the responsible authority may refuse to sanction any building within portions of the area, in the vicinity of which in his opinion the erection of building would be objectionable.

16. Sufficient means of affectual drainage and discharge of sewage shall be provided in every private street by the owners or occupiers of sites abutting thereof and every site and building shall be provided with suitable drains leading therefrom to the nearest street drain. All the sullage water shall be disposed off in such a way as to prevent it from running on to or stagnating on adjacent streets. It may be used for watering gardens and compounds if no nuisance is created thereby or allowed to flow into drains of channels on it having previously been treated sanitarly in the manner required by the responsible authority.

## HOUSING SCHEMES

17 a) Housing schemes may be undertaken in conformity with the provisions of the schemes by the Trust or the Trust may enter into contract with co-operative Housing societies or other housing agencies, to take up housing schemes.

b) The sites of pucca dwelling houses with appurtenant area may be exempted from acquisition of lands to a reasonable extent, as decided by the responsible authority.

## RECONSTITUTION OF BOUNDARIES

18 a) Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed in the Act (i) to suit the alignments of the proposed streets (ii) to provide frontage on streets (iii) to alter or improve the size and shape of any site or plot in order to render it more suitable for building purposes, (iv) to procure the transference of ownership of land or portion of land from one person to another.

b) Proposals for redistribution or alteration of boundaries of sites or lands or for reconstitution of plots or sites in the area shall be made by the owner or owners concerned or by the responsible authority as the case may be, to the Arbitrator in accordance with the rules at any time unless the Arbitrator by notification specified any particular time or period when such proposals should be made to him.

## ADVERTISEMENT

19. No form of advertisement other than that of the trades, traders name and business exhibited on shops or notice exhibited on public buildings shall be permitted within the area unless otherwise approved by the responsible authority.



## CLAIM FOR COMPENSATION

20. Any person whose property is injuriously affected by any refusal to grant the permission applied for under section 17 of the Act and or by making of the scheme shall be if he wants to make a claim for the purpose under section 18 of the Act submit such claim within 12 months of the date of the scheme.

## CLAIM FOR BETTERMENT

21. (i) Claims for betterment contribution under section 25 of the Act in respect of all properties which have increased for are likely to increase in value by the making of the scheme shall be made by the Trust to the arbitrator in accordance with the rules, within 36 months of the date of the Scheme. The betterment contribution shall be levied, and recovered in accordance with the provisions of section 25 and 26 of the Act every year at 10% of the increase in value for a period of 20 years.

2) Notwithstanding anything contained in the above sub clause, the Trust may with the previous approval of the Govt., agree with any owner to receive a fixed payment either in a lump-sum or by instalments in lieu of the betterment contribution.

22. Subject to the provisions of section 37 of the Act, the responsible authority may make any agreement with any person or body in furtherances of carrying out of the scheme or any matter in connection therewith provided that such agreement is not in consistent with the scheme.

## REGULATION OF SCHEME RULES

23. i) The responsible authority, may, if it thinks in particular case and subject to any conditions as he may impose, dispense with or modify with the concurrence of the Chief Town Planner, any of the requirements of the scheme other than the requirements made obligatory by any law, provided that it is satisfied that there are circumstances warranting such dispensation or modification.

2) Government may in any particulars case and subject to any condition as they may impose and in consultation with Chief Town Planner dispense with or modify any of the requirement of the scheme other than the requirement made obligatory by any law and their decision shall be final.

## TIME OF EXECUTION OF SCHEME

24. Notwithstanding anything contained in the scheme the responsible authority may without prejudice to the efficient operation of the scheme.

1) Defer the execution of any or all works for a period of not more than two years from the date of the scheme unless otherwise permitted by the Government,

2) Allow reasonable time to any owner or persons to carry out or execute any works or to fulfill his obligation under the scheme.



## MANNER OF EXECUTION OF THE SCHEME

25. The State departments of Public Works and Public Health Engineering and Kerala State Electricity Board have to co-ordinate with the Trust by providing their own financial resources for implementing the portions of works assigned to them. They have to follow the phasing of implementation evolved by the Trust and make necessary provisions of finance in their budgets in consultation with the Trust.

## PENALTY

26. Any person who commits or knowingly permits a breach of any of the provisions of the scheme or who neglects or fails to comply with any of the provisions of the scheme or any orders, conditions, proceedings, restrictions, limitations or terms made or imposed under or in pursuance of any of the provisions of the scheme, the rules or the act shall on conviction be punished in accordance with Section 44-B of the Act.

## SCHEDULES

- I. Ownership and extent of land included in the scheme in form No. 7
- II. Estimate cost of the scheme in form No. 11
- III. List of new streets and widening of existing streets in form No. 8
- IV. Lands proposed to be reserved in Form No. 10
- V. Lands proposed to be acquired for the scheme in form No. 9.