

DETAILED TOWN-PLANNING SCHEME FOR ELAMKULAM WEST



325

Joint Town-Planning Committee
for Greater Cochin Region,
Ernakulam

Development (Municipal-Rules) Department

G.O.MS.290/69/100

Dated, Trivankuram, 15-2-69

- Read:-
1. From the Executive Trustee, Cochin Town Planning Trust, letter No. TPT-84/68, dated 23-1-1969.
 2. From the Secretary, Board of Revenue, letter No. K.Dis.3446/69/LR, dated 9-7-1969.
 3. From the Chief Town Planner & Consulting Architect to Government, letter No. D2-707/64, dtd. 4-8-1969.

O R D E R

The Executive Trustee has forwarded along with the letter read as 1st paper above a detailed town planning scheme for Elankulam West as laid down under sub-section (2) of Section 12 of the Town Planning Act, 1108 (IV of 1108) and Rule 44 of the Town Planning Rules, 1113, issued under the said Act for Government sanction. The Secretary, Board of Revenue has pointed out certain discrepancies in Form No.9. The Chief Town Planner & Consulting Architect to Government has recommended to sanction the scheme after correcting the discrepancies pointed out by the Secretary, Board of Revenue.

2. Government have also received certain memoranda from the Ernakulam Marshaka Sanghom, from Shri Alexander Parambithara and others, and from the land owners and Kudikidappukars. Government have examined in detail the objections and grievances pointed out in the memoranda. After considering all aspects in question, the Government hereby sanction the detailed Town Planning Scheme for Elankulam West under sub-section (3) of section 12 of the Town Planning Act 1108 (IV of 1108) subject to the correction of the discrepancies pointed out by the Secretary, Board of Revenue as shown in the statement attached.

3. The Cochin Town Planning Trust is requested to see that while implementing the scheme, the difficulties detailed in the memoranda mentioned above are also borne in mind so as to ensure that there is the least opposition.

(By Order of the Governor)

P.K. ABDUL K
Secretary to Government.

To

The Executive Trustee, Cochin Town Planning Trust,
Cochin-16.

The Secretary, Board of Revenue.

The Chief Town Planner & Consulting Architect to Govt.

Copy to : The Private Secretary to Minister (Works)

Forwarded / By Order

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DETAILED TOWN PLANNING SCHEME FOR ELAMKULAM WEST

Under section 7 of the Travancore Town Planning Regulation, 1108 as amended, the Municipal Council of Ernakulam passed a resolution to prepare a Town Planning Scheme for the Elamkulam West area comprising of 150 acres.

This area is situated near the existing central business locality of Ernakulam as well as the Cochin Port. This locality is lacking in many of the basic necessities of civic life. Most of this area is low-lying and waterlogged. Piece-meal private developments are taking place at a fast rate, resulting in a haphazard growth. The low-lying fields are being reclaimed by private individuals, and buildings are being constructed without proper approaches, drainage facilities, etc. In many cases the courtyard level of buildings are below high water level. The Town Planning Scheme for this area will help the development of this area according to sound principles of Planning.

In the context of the overall development of Ernakulam Town this area deserves priority for development, since it is lying close to the already developed areas of the town. The problem of housing is very acute in Ernakulam. As a measure for relieving the housing shortage this area is suggested for proper development. Based on the development plans for the city under preparation in this area, it is proposed to achieve a residential density up to 80 persons per acre. The scheme may mainly help the lower income strata of the society. The policy is to retain the existing dwellings as far as possible except huts. All vacant lands within the scheme area have to be put to development in a minimum period. Acquisition of land, which is not fully built up is envisaged in the scheme. Families displaced on account of the implementation of the scheme would be given alternate accommodation within the scheme area. Out of the areas earmarked for acquisition in the scheme for planned residential development, building plots may be released to the

owners who could construct houses as per the provisions of the scheme. Area acquired will be developed and disposed of by the Joint Town Planning Committee.

It is expected that about 1,830 dwelling units could be made available under the housing schemes included in the plan. The bylaws for allotment of plots for houses, and the construction of houses by the Joint Town Planning Committee could be finalised later when the finances to be made available to the Committee are known.

An estimate of cost of the scheme is given in the Schedule accompanying this. The total cost of acquisition and development of the land is about Rs. 78 lakhs. About 900 plots of size varying from $2\frac{1}{2}$ cents for row houses to 12 cents for individual houses or flats are provided in the schemes.

Total area to be acquired

1. Area to be acquired for new roads and for widening of roads	..	21.16	acres
2. Canals	..	1.38	„
3. Public uses—Neighbourhood centres with shops and school, Nursery school, etc.	..	8.78	„
4. Planned residential development	..	65.83	„
Total	..	97.15	„

Total area of the scheme .. 155.30 acres

GEORGE THOMAS,

Chairman,

For and on behalf of the
Joint Town Planning Committee
(Greater Cochin Region)



**The Detailed Town Planning Scheme for
Elamkulam West**

1. *Title*.—This scheme may be cited as the Elamkulam West Detailed Town Planning Scheme.

2. *Definition*.—In this scheme unless there is anything repugnant in the subject or context :—

(a) "Regulation" means Travancore Town Planning Regulation IV of 1108 as amended.

(b) "Committee" means the Joint Town Planning Committee for Greater Cochin Region constituted under section 37 of the Regulation.

(c) "Chairman" means the Chairman of the Committee.

(d) "Director of Town Planning" means the Chief Town Planner and Consulting Architect to Government of Kerala who may also be referred to as "The Chief Town Planner".

(e) "Scheme" means the Detailed Town Planning Scheme for Elamkulam West.

(f) "Arbitrator" means the arbitrator appointed for the scheme under section 26 of the Regulation.

(g) "Schedule" means a Schedule appended to the scheme.

(h) "Map" means a map annexed to the scheme.

(i) "Street" includes roads, streets and lanes.

(j) "Date of Scheme" means the date of notification of the scheme under sub-section 5 of section 12 of the Regulation in the Kerala Government Gazette.

(k) "Rules" means the rules made under section 41 of Regulation.

(l) "Area" means the area to which the Scheme applies.

(m) "Government" means the Government of Kerala.

3. *Responsible Authority*.—The Chairman of the Joint Town Planning Committee shall be the responsible authority for the purpose of the scheme for a period of 10 years from the date of the scheme.

4. *Area of Scheme*.—The area to which the scheme applies shall be that within the inner edge of the boundary line marked on the map.

Nothing in this clause shall be deemed to restrict or otherwise affect the powers of the Committee to claim or levy betterment contribution from the owner of any property not included within the area, which will come under the purview of sections 22, 23 and 24 of the Regulation and Clause 21 (1) of the Scheme.

5. *Ownership and extent*.—The ownership of all lands in the area with extent as per the registers maintained in the Municipal and or the Revenue office as on the date of publication of the draft scheme is given in Schedule I.

6. *Estimate of the cost*.—(1) An estimate of the total and net cost of the scheme is given in 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 any other agency may be undertaken in such order and at such time as the responsible authority may determine and shall be completed within a period of 10 years unless the Government for financial or other reasons, order otherwise.

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

7. *Streets*.—(1) Subject to the provisions of the scheme, all streets mentioned in Schedule III (a) shall

be constructed by the responsible authority on the lines shown in Map No. $\frac{DSN}{2}$ 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 (b) and shown in Map No. $\frac{DSN}{2}$ 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-thirds 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 of any land 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 Committee shall make a proportionate deduction from the betterment contribution payable under the scheme as it may decide or may forego 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 intended to be used as a cart or carriage road shall be at least 22 ft. width.

(b) Every street intended to form the principal approach or means of access to any particular site intended for building purposes but is not intended for use as a cart or carriage road shall be at least 12 ft. 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 sub-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 acquiring the land covered by the street, provided that the expenses incurred shall be paid by the owner or occupiers according to the frontage of their respective lands or in such proportions as may be settled between them and the responsible authority.

(5) The responsible authority may, notwithstanding anything contained in sub-clauses (2), (3) and (4) above with the sanction of the Committee 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 left lands freely for the street, and agreed to contribute the cost of constructing the streets, provided that if 50 per cent of the owners or occupiers abutting on any new street have left lands freely for the streets, and paid the cost of construction, the responsible authority shall undertake to construct the street without delay, and may recover the balance from the remaining owners or occupiers.

(6) No person shall build any wall 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 street in the area affected.

8. *Submission of layout plans*.—(i) If any owner of land within the area intends or proposes to layout a

street, lane or pathway or subdivide, 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 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.

(ii) 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.

(iii) 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 arrangements to carry out the street works in compliance with the provisions of the scheme.

(iv) If the street or streets have not been made as required by sub-clauses (i), (ii) and (iii) 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.

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

9. *Approval of layout approach.*—(1) (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 who shall consult the Chief Town Planner before granting approval.

(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 form prescribed under Schedule VI.

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.

(c) The restrictions 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 Regulations and in 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 Regulation and for any site plan or layout plan or plan of subdivision or permission 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 reconstructions 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 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 and the manner in which the streets, subdivisions of lands into sites for building purposes and the reservation of any lands for communal or public purposes shall be laid out and submit the same for the approval of the Chief Town Planner. The layout plan as approved by the Chief Town Planner and the restrictions and conditions if any imposed by him shall be read as part of the scheme, and shall be enforceable.

(5) (a) Subject to the provisions of the section 15 of the Regulation 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 ground plan and plan of each floor, elevation and sections of the existing building or buildings and also a specification or specifications in regard to design, materials, architecture, drainage, water supply, use of building and the other details of building construction.

(b) The responsible authority shall have power to impose reasonable restrictions 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 further modified 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 three months from the date of receipt of the application, the application shall be deemed to be sanctioned, if not otherwise inconsistent with the provision of the scheme.

10. *Preservation of land and zoning.*—(a) A list of lands reserved for streets and other purposes under sub-section (k) of section 3 is given in Schedule IV.

For the purpose of the scheme the streets or lanes 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 Committee may from time to time, to meet the demand, declare any part of the area with the sanction of the Chief Town Planner or and subject to such conditions and restrictions as he may think fit, to be reserved for shopping, hutting or poor class housing or for such other purposes which can be prescribed under sub-section (k) of section 3 of the Regulation. Any part of the area so declared shall be included under lands reserved under the scheme and treated as such.

(c) In the area, may be permitted agriculture or horticulture or such home industries as will not lead or tend to create insanitation, unhealthiness, nuisance or loss of amenity.

(d) Huts shall not be permitted in the area except in places reserved for hutting under sub-clause (a) or (b) above and thatch shall not be used for roofing huts, and other construction with thatched roof shall be permitted in the area bounded by streets.

(e) Shops and business premises will not be permitted except in areas specified for the same.

Note.—For the purpose of this sub-clause “shop” means a building designed for the purpose of carrying on retail trade not being a special industrial building or petroleum filling station and includes a light industrial building (not being a factory or workshop within the meaning of the Indian Factories Act, 1934) on the same premises and ordinarily incidental to the conduct of retail business thereon, a market or a hotel.

Business premises means a building designed for use as an office, theatre or for any business purpose but does not include a petroleum filling station, special industrial building, factory or workshop.

(f) Factories, warehouses and industrial buildings of an unobjectionable character shall be permitted only in the localities specified below provided that light industries of a non-offensive nature driven by electric motor up to 20 H.P. may be permitted with the approval of the Chief Town Planner in the areas reserved for shops and business premises.

(g) In the lands shown as prohibited in Map No. DSN/2 mentioned in Schedule IV, construction of buildings shall be absolutely prohibited. The lands in such localities may be used as parks, gardens or topes or for agriculture, horticulture or other similar purposes.

(h) Save as otherwise provided in the scheme every part of the area shall be entirely utilised for residential purposes only, provided that hotels and flats, clubs and buildings for public worship or institution (other than a reformatory or industrial school for mentally defective or epileptic persons) or buildings for use as places of social intercourses or recreation or as hospitals or dispensaries or for any other purposes may be permitted by the responsible authority with the previous approval of the Chief Town Planner.

(i) No land in the area which is under wet cultivation or which is low-lying shall be fit for residential or other building construction unless its level is raised suitably above the level of the adjoining street, or as may be approved by the responsible authority.

11. **Acquisition of lands.**—Any land in the area required for the purpose of the scheme may be acquired by the purchase, exchange or otherwise by the Committee at any time subject to the provisions of the Regulation and without prejudice to the interests of the Scheme.

The notifications of the Scheme under sub-section (5) of section 12 of the Regulation in the Kerala Government Gazette all in respect of any land mentioned in Schedule V operates as a declaration under section 6 of Land Acquisition Act, 1894 for the purpose of the scheme.

12. **Disposal of land**—The responsible authority may with the approval of the Committee dispose of any land belonging to the local authority or acquired under the scheme by sale, in auction, exchange, lease, or otherwise, subject to compliance with the provisions of the scheme and subject also to the payment of assessment or ground rent at the rate in force for the time being. The rates so fixed shall be liable to revision from time to time in accordance with the rules in force at the time of such revision. The condition subject to which sites shall be disposed of, may be, as decided by the responsible authority, and those shall be binding on the purchaser, transferee, his or her heirs, assignees and their successors.

13. **Minimum areas for dwelling houses and buildings.**—
(a) Minimum area of residential plots is given below:

	Area in sq. ft.	Minimum width in feet on road frontage
For one family dwelling houses (single or double or storeyed)	1,500	30
For each additional family and its housing convenience	Add 800 sq. ft. in area of plot	..

Explanation.—“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 without houses, latrines and other similar appurtenances as are ordinarily used or intended to be used therewith.

In the areas which are reserved under sub-clauses (a) and (b) of clause 10 for poor class dwelling or huts, the density shall not exceed 30 to gross acre and every site shall have at least 1000 sq. ft. and width of 20'. In such cases for two family or multi-family dwellings for excess family more than one in the same building there should be additional areas of 600 sq. ft. and additional width of 16'.

(b) Every site intended for buildings other than dwelling houses shall be not less than 400 sq. ft. and width 12', 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) In the areas specified for poor class houses or huts 4 to 10 per cent of such areas shall be separately reserved as public open spaces in addition to the lands reserved or set apart for streets and lanes.

(d) Where a plot or site held in single ownership prior to the date of notification of the schedule under sections 8 to 10 of the Regulation is less than the minimum prescribed in the sub-clause (a) the responsible authority shall decide whether in the interest of the scheme, permission shall decide whether in the interest of the scheme, permission shall be given to build or 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 is proposed the matter shall be decided by Arbitrator in accordance with the provision of rules.

14. (i) Every site for dwelling house or other building shall, unless it abuts on an existing public street or an existing private street made in conformity with the provisions of this 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) The building line in respect of all new streets shall be as shown in Map No. DSN/2 and specified in Schedule III.

It shall be 5 ft. for all other streets.

(iii) Boundary walls or fences alone shall be created in the space between the building line and the edge of the adjacent street, except in shopping areas where arcaded verandah or roofed pathway of a pleasing character and of design, architecture and material approved by the Chief Town Planner shall be permitted.

(iv) No boundary wall or fence erected between the building line and edge of the adjacent street shall not be of a greater height than 5 ft. measured from the level at the centre line of such street provided that at pillars. 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 3 ft. above the level of the ground of the plot.

(v) (a) There shall be a minimum of 5 ft. on a side of a building, if any opening is given such as doors, windows or ventilators on that side.

(b) There shall be a minimum side space of 10 ft.

(c) In the case of dwelling houses or shop buildings built in block in a continuous line.

(vi) **Off street parking space for motor vehicles.**—
1. Off-street parking space shall be provided on any plot on which the uses specified in the following table are hereafter established. Such parking space shall be provided with adequate vehicular access to a street.

1.1 Each off-street parking space provided shall not be less than 200 sq. ft. of area. The area of drives, aisles and such other provisions required for adequate access shall not be counted as part of the 200 sq. ft.

1.2. Off-street parking spaces provided shall not be less than the minimum requirement specified in the following table for each type of use.

1.3. If a vehicle parking space required by these regulations is provided in parking areas by groups of property owners for their mutual benefit, the authority may construe such use of this space as meeting the off-street parking requirement of those regulation.

Minimum off-street parking spaces

Type of use	One parking space shall be provided for every
Theatre and Auditoriums ..	20 seats of accommodation
Retail business ..	500 sq. ft
Office buildings ..	1000 sq. ft. of office floor space
Restaurants ..	15 seats of accommodation
Hotels ..	4 guest rooms provided
Industrial buildings ..	100 employees in industry
Multi-family dwellings ..	6 dwelling units
Lodging establishment and tourist homes ..	5 guest rooms provided.

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

15. *Prohibition of building in an unhealthy site.*—With a view to prevention of contamination of water sources and channels of unhealthiness due to existence of burning grounds, sewage tanks and stations, power plants or insanitary or low-lying 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. *Drainage.*—Sufficient means of effectual 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 suitable drains leading therefrom to the nearest street drain. All the sullage water shall be disposed of 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 or channels on its having previously been treated sanitarily in the manner required by the responsible authority.

17. *Housing Schemes.*—(a) Housing schemes may be undertaken in conformity with the provisions of the scheme by the Committee or the Committee may enter into contract with Co-operative Housing Societies or other housing agencies, to take up housing schemes with the previous sanction of the Government.

(b) The owners of dwelling houses within the scheme area may be exempted from acquisition of their lands ^{apparentment} ~~subjected~~ to a reasonable extent, as decided by the responsible authority.

18. (a) *Reconstitution of boundaries.*—Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed by the Regulation (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, or (ix) to procure the transference of ownership of land or portion of land from one person to another.

(b) Proposals for re distribution 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.

19. *Advertisements.*—No form of advertisement other than that of the traders' name and business exhibited on shops or notice exhibited on public buildings shall be permitted within the area unless otherwise approved by the Committee.

20. *Claim for compensation.*—Any person whose property is injuriously affected by any refusal to grant the permission applied for under section 15 of Regulation and or by making of the scheme shall be if he wants to make a claim for the purpose, under section 18 of this Regulation submit such claim within 12 months of the date of the scheme.

21. *Claim for betterment.*—(1) Claims for betterment contribution under section 22 of the Regulation in respect of all properties which have increased or are likely to increase in value by the making of the scheme shall be made by the Committee to the Arbitrator in accordance with the rules, within 24 months of the date of the scheme. The betterment contribution shall be levied, and recovered in accordance with the provisions of sections 23 and 24 of the Regulations, every year at 10 per cent of the increase in value for a period of 20 years.

(2) Notwithstanding anything contained in the above sub-clause, the Committee may with the previous approval of the Government, 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 35 of the Regulation, 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 inconsistent within the case.

23. *Regulation of Scheme Rules.*—The responsible authority may, if it thinks in any particular case and subject to any conditions as he may impose, dispense with or modify in consultation with 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 and his decision shall be final.

24. *Time of execution of map.*—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 Chief Town Planner;

(2) allow reasonable time to any owner or person to carry out or execute any works or to fulfil his obligations under the scheme.

25. *Penalty.*—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 43 of Regulation.

SCHEDULES

- I. Ownership and extent of land included in the scheme in Form No. 7.
- II. Estimate of total and net cost of schemes in Form No. 11.
- III. List of new streets or widenings of existing streets in Form No. 8.
- IV. Lands proposed to be reserved under clause (k) of section 3 in Form No. 10.
- V. Land proposed to be acquired for the scheme in Form No. 9.