

Master Plans & DTP Schemes - Major statutory provisions

Master Plans and **Detailed Town Planning Schemes** are plans prepared, processed and sanctioned as per the provisions prescribed in the Kerala Town and Country Planning Act 2016. The major relevant provisions in the Act regarding these plans are briefly mentioned here.

The development plans and detailed town planning schemes published/sanctioned under the erstwhile relevant acts in force in the State are deemed to be Master Plans and Detailed Town Planning Schemes published/sanctioned under KTCP Act 2016 (Section 113 (1) & (2) of KTCP Act 2016).

Section 61 of KTCP Act 2016 stipulates that use and development of land has to be in conformity with provisions of Master Plans and Detailed Town Planning Schemes. Once the Master Plan or Detailed Town Planning Scheme has come into operation, no person shall use or cause to use any land or carry out development in any land, or change the use of land otherwise than in conformity with or with prejudicial to the Master Plans and Detailed Town Planning Schemes. Provisions of Detailed Town Planning Schemes shall prevail over the provisions of the Master Plans where both plans are in force in an area.

Section 50 of the Act provides for review, revision, variation and revocation of Plans. The Municipal Corporation, Municipal Council, Village Panchayat, or Joint Planning Committee, as the case may be, shall duly review, revise or get revised the plan in force, incorporating necessary modifications and get it sanctioned. The Government may also if it deems necessary vary the Plan. A Master Plan or a Detailed Town Planning Scheme shall be revoked by a subsequent Master Plan or Detailed Town Planning Scheme, as the case may be.

In cases where a sanctioned Master Plan already exists, its provisions shall apply until the published Master Plan is sanctioned- Section 36(12).

In cases where a sanctioned Master Plan or Detailed Town Planning Scheme already exists in the area, its provisions shall apply until the published Detailed Town Planning Scheme is sanctioned - Section 46(7).

Interim Development Orders- With the general object of controlling interim development of land included in any planning area in respect of which a decision has been taken by a resolution to prepare a plan or notified for preparing Detailed Town Planning Scheme, the Municipal Corporation, Municipal Council, Village Panchayat, or Joint Planning Committee, as the case may be, may prepare Interim Development Orders and forward to Government for sanction - Section 63(1).

'Interim development' means development during the period between the date of decision taken to prepare a Plan and the date of coming into operation of the Plan in the case of Master Plan and in the case of Detailed Town Planning Scheme, the period between the date of notification of intention to prepare the Plan under this Act and the date of coming into operation of the Plan. The restrictions imposed by the Interim Development Orders shall cease to operate with the coming into operation of the Plan.

The Interim Development Orders shall cease to operate in the event of failure to publish the Plan within the time limit prescribed for publication of the Plan. Where no such interim development orders are issued, use and development of land in the area shall be governed by the provisions of the published draft Plan from the date of publication of the notice in the Official Gazette inviting objections and suggestions - Section 63(4).

In the case of a Master Plan or a Detailed Town Planning Scheme deemed to have been published under this Act provided in section 113, Government may, in consultation with the Chief Town Planner and the Local Self Government Institution concerned, by order, issue Interim Development Orders for the purpose of controlling use and development of land in the area - Section 63(4).