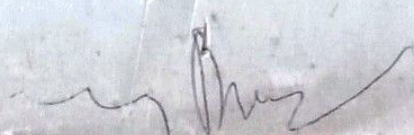


# DRAFT SCHEME

THE DETAILED TOWN PLANNING SCHEME  
FOR  
KADAVANTHRA ROAD

JOINT TOWN PLANNING COMMITTEE FOR GREATER COCHIN REGION

ERNAKULAM



# DETAILED TOWN PLANNING SCHEME FOR KADAVANTHRA ROAD—ERNAKULAM TOWN

---

## 1. INTRODUCTION:

The area covered by the scheme consists of 125 acres of land. The Kadavanthra Road is a stretch of about  $1\frac{1}{2}$  miles extending southwards from Tripunithura Road up to Thevara canal serving the southern portion of Ernakulam town. This road has an average width of 30 ft. at present.

As per the Master Plan of Ernakulam town the above road will form one of the major residential streets. The proposed width of the road is 50 ft. The Master Plan also envisages to connect Kadavanthra and Perumanoor by a link road since these are not connected by road. The traffic from Mattancherry and the harbour area to Tripunithura side can take an alternative route through this link road and Kadavanthra Road. This is an urgent necessity as the existing Tripunithura Road coming within the town limit is highly congested.

The area lying south of Tripunithura Road is having a very low density of residential development. The above roads will afford better communication facilities and will open up the southern portion of Ernakulam town for immediate development. Since Kadavanthra road extends from Elamkulam Road, the traffic from Edappally to Cochin can also take an alternative route through these roads. This will be a shorter route to Cochin from Edappally and will relieve the traffic congestion on M. G. Road.

According to the proposals of the scheme, about 15 acres of land lying on the western side of the road is reserved for town centre and 1.55 acres of land on the eastern side of the road is to be acquired for the neighbourhood centre as envisaged in the Master Plan of Ernakulam town. An area of 18 acres of land is proposed to be acquired for the planned residential developments. The proposed density is about 100 persons per acre. It is proposed to retain as far as possible pucca and moderate structures so as not to dislocate the existing families. Plots accommodating the existing houses may be released to the owners in this area without detriment to provisions of the scheme if decided by the authority. Areas as decided by the authority will be set apart for individual houses or flat developments. Out of the areas earmarked for acquisition in the scheme for planned residential development, building plots may be released to owners if they could construct houses within a stipulated time as per approved plans and if the authority decides so.

## 2. THE SCHEME :

### Title

1. This scheme may be cited as the Detailed Town Planning Scheme for Kadavanthra Road.

### Definition

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

(a) "Regulation" means Travancore Town Planning Regulation 1108 (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 Joint Town Planning 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 Town Planning Scheme for Kadavanthra Road as described in Clause 1 above.
- (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, street or road-widening and lanes.
- (j) "Date of Scheme" means the date of notification of the scheme under subsection (5) of section 12 of the Regulation in the Kerala Government Gazette.
- (k) "Rules" means the rules made under section 41 of the Regulation.
- (l) "Area" means the area to which the Scheme applies.
- (m) "Government" means the Government of Kerala.

#### **Responsible Authority**

3. 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.

#### **Area of Scheme**

4. 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 19 (1) of the scheme.

#### **Ownership and extent**

5. 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 notification, under section 8 of the Regulation 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 Schedule V. 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 work which under the Scheme is to be done 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 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 the date or period within which any work under the Scheme shall be executed by any authority owner or other person as the responsible authority thinks necessary and expedient, for the purpose of securing the timely development of the area and ensuring the efficient operation of the Scheme.

7. (1) Subject to the provisions of the Scheme, all streets mentioned in Schedule II shall be constructed by the responsible authority on the lines shown in the map No. DSN/2—6 provided that reasonable modifications in the alignment of streets or in the lay-out of any portion of the area may be made by the responsible authority in consultation with the Chief Town Planner.

(2) Any private street that may be permitted in the area by the responsible authority shall comply with the following conditions unless otherwise approved by the Chief Town Planner:—

(a) Every street intended to be used as a cart road or carriage road shall be of at least 22 ft. in 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-road or carriage-road shall be of 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-road or carriage-way cannot be or need not be made in compliance with the requirement of sub-clause (a).

(3) 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 street or lane.

(4) 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.

#### Submission of lay-out plans

8. (1) If any owner of land within the area intends or proposes to lay-out a street, lane or pathway or subdivide, utilise, lease or otherwise dispose of any land or any portion of the same as a site or sites for building purposes, he shall submit for the approval of the responsible authority, a site or lay-out 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.

(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 lay-out 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) 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.

#### Approval of lay-out approach

9. (1) (a) No owner or other person shall lay-out a street, lane or pathway or subdivide, utilise, sell, lease or otherwise dispose of any land or portion or portions of the same as site or sites for building purposes until a site or lay-out plan or plan of subdivision has been approved by the responsible authority.

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

The responsible authority may in the interest of the Scheme 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 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 Regulation and in compliance with the requirements of clause 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, for any site plan or lay-out plan or plan of subdivision or permission for construction or reconstruction of a building in a site in the area taken into consideration the desirability of reconstitution or redistribution of boundaries of any land, or plot or plots or site or sites under clause 17 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 reconstruction 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 lay-out 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 land for communal or public purposes shall be laid out. Such lay-out plan after approval by the Chief Town Planner and subject to 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 section 15 of the Regulation every application for permission required to be obtained under clauses 1 (a) and 2 (a) above, shall be submitted to the responsible authority in the form specified in the Building Rules made under section 222 of the Kerala Municipalities Act 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.

#### **Architectural control**

(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, 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 responsible authority shall have power to fix the height of the storeys of the buildings, and the ultimate height of the whole building or the buildings. The restrictions and conditions as laid down by the responsible authority shall be complied with and the plans, elevations 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 order 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.

## Preservation of land and zoning

10. (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 purposes 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) No land in the area which is under wet cultivation or which is lowlying shall be considered fit for building construction unless its level is raised suitably above the level of the adjoining street, or as may be approved by the responsible authority.

## 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 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 the section 12 of the Regulation in the Kerala Government Gazette shall in respect of any land mentioned in Schedule III operate as a declaration under section 6 of the Kerala Land Acquisition Act 1961 for the purposes of the Scheme.

## Disposal of land

12. The responsible authority may, with the approval of the Committee, dispose of any land belonging to the Committee 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. (I) The building line in respect of all new streets shall be as shown in map No. DSN/2—6 and specified in Schedule II.

It shall be 10 ft. on either side for Kadavanthra Road. One "chajja" (cantilevered slab) at a height not less than 9 ft. from the crown of the road may be permitted to be taken up to the edge of the property. Above this height, sunshade, balcony, etc., may project up to 4 ft. in the space between building line and the edge of the road. In exceptional cases an average of 8 ft. building line with a minimum of 4 ft. may be permitted.

(II) No boundary wall or fence erected between the building line and edge of the adjacent street shall be of a greater height than 3' 6" measured from the level at the central line of such street except that at pillars.

(III) (a) There shall be a minimum of 5 ft. side space for 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. in the case of dwelling houses or shop buildings built in a continuous line. (Maximum length 200 ft.)

## (IV) 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. in 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 vehicular parking space required by the Scheme is provided in the parking areas by groups of property owners for their mutual benefits, the authority may construe such use of this space as meeting the off-street parking requirements of the said clause.

**TABLE**

**Minimum off-street parking spaces**

Type of use	..	One parking space shall be provided for every.
Theatres & Auditoriums	..	20 seats of accommodation.
Retail business	..	500 sq. ft.
Office buildings	..	1,000 sq. ft. of office floor space
Restaurants	..	15 seats of accommodation
Hotels & lodging houses	..	4 rooms provided
Multi-family dwellings	..	6 dwelling units

**Prohibition of building in unhealthy sites**

14. With a view to preventing of 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 the construction of any building in any area, in which, in his opinion, the erection of building would be objectionable.

**Drainage**

15. Every site and building shall be provided with 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 sanitarly in the manner required by the responsible authority.

**Housing Schemes**

16. 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.

**Reconstitution of boundaries**

17. (a) 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 (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 notifications specified any particular time or period, when such proposals should be made to him.

### **Claim for compensation**

18. Any person whose property is injuriously affected by any refusal to grant the permission applied for under section 15 of the Regulation and or by the making of the Scheme, shall, if he wants to make a claim for the purpose under section 17 of the Regulation, submit such claim within 24 months of the date of the Scheme unless the Government order otherwise.

### **Claim for betterment**

19. (1) Claims for betterment contribution under section 22 of the Regulation in respect of all properties whose value has increased or is likely to increase 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, unless the Government order otherwise. The betterment contribution shall be levied, and recovered in accordance with the provisions of sections 23 and 24 of the Regulation, 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.

20. Subject to the provisions of section 35 of the Regulation, the responsible authority may make any agreement with any person or body in furtherance of carrying out the Scheme or any matter in connection therewith provided that such agreement is not inconsistent with the Scheme.

### **Regulation of Scheme Rules**

21. The responsible authority may, if he 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 he is satisfied that there are circumstances warranting such dispensation or modification and his decision shall be final.

### **Time of execution of map**

22. 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;

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

23. 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 the Regulation.

**P.S. PADMANABHAN**

CHAIRMAN

**For and on behalf of the Joint Town Planning  
Committee for Greater Cochin Region**