

# DETAILED TOWN PLANNING SCHEME FOR PALARIVATTOM-TRIKKAKARA ROAD, COCHIN

## INTRODUCTION

The Scheme is in the Thrikkakara Panchayat. The area of the scheme is about 110.0 hectares in Thrikkakara South Village of Kanayannur Taluk of Ernakulam District.

Except some pockets of residential development large extents of vacant lands are available within the scheme area. These vacant lands can be developed for residential uses in a planned manner. Eventhough the existing residential areas form a close habitation no proper access roads or other infrastructure facilities are available.

The only major road passing through the north boundary of the scheme area is the road from Palarivattom to Kumarapuram touching the Thrikkakara Civil Station.

The market on the northwest corner of the scheme area cater to the needs of the existing population. There are four small industries within the scheme area.

The only public building available in the area is the Padamugal Government L.P.School. No other community facility is available in the area.

## FEATURES OF DEVELOPMENT

The existing road from Palarivattom to Thrikkakara Civil Station is proposed to be widened to 22 m. A deviation to the existing alignment is proposed towards east of the Padamugal Mosque upto the Civil Station. This deviation will be a continuation of B.B. Road as proposed in the Detailed Town Planning Scheme for Pattupurackal area in Thrikkakara. A net work of minor roads is also proposed ranging from 15 m. width to 7 m. width to meet the needs of the future population in the scheme area.

Out of 83.82 hectares of land zoned for residential use, 19.79 hectares are proposed to be acquired for planned residential development taking into account, the demand for housing due to the construction of civil station, High Court Government Presses etc. in Thrikkakara. The gross density of population suggested for the entire residential neighbourhood is 60 persons per hectare.

An area of 1.84 hectares of land is proposed to be acquired and developed for commercial use and 2.36 hectares of land to be acquired developed for public and semi public use including parks and open spaces.

About 0.43 hectares of land at the north west corner of the scheme and 4.07 hectares of land at the north east corner of the scheme area are reserved for small industrial use in addition to the existing industrial uses in these locations.

The land use analysis of the scheme is as follows:

	<u>% to total area</u>	<u>Area in hectares</u>
1. Residential use	... 76.20%	83.82
2. Commercial use	... 1.68%	1.84
3. Industrial use	... 4.09%	4.50
4. Public & semi public	.. 2.35%	2.58
5. Roads	... 9.13%	10.05
6. Paddy fields and water courses	... 6.55%	7.21
<b>Total:</b>	<u>100.00</u>	<u>110.00</u>

The building line proposed for the roads are as follows:

22 m. wide road	... 4.5 m.
15 & 12 m. wide roads	... 3.0 m.
Below 10 m. wide roads	... 1.5 m.

# DRAFT SCHEME

## The Detailed Town Planning Scheme for Palarivattom - Thrikkakara Road, Cochin.

### TITLE

1. This scheme may be cited as the Detailed Town Planning scheme for Palarivattom-Thrikkakara Road, Cochin.

### DEFINITION

2. In this scheme unless there is anything repugnant in the subject or context:
  - a) "Act" means The Town Planning Act (Act IV of 1108) as amended.
  - b) "Municipal Act" means the Kerala Municipalities Act, 1960.
  - 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 Palarivattom-Thrikkakara Road.
  - g) "Arbitrator" means the arbitrator appointed for the scheme under Section 26 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 Section 12 of the Act in the Kerala Government Gazette.
  - l) "Rules" means the rules made under Section 41 of the Act.
  - 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 prescribed 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 24 of the Act and clause 21 (1) of the scheme.

## OWNERSHIP & EXTENT

5. The ownership of all lands in the area with extent as per the registers maintained in the Panchayat 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 scheme are to be executed by the Responsible Authority or the Panchayat or any other agency may be undertaken in such order and at such time as the Trust may determine and completed within the period of 20 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 which under the scheme are to be executed 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.

## 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 DSN/2 provided that reasonable modifications in the alignment of the 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 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 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 scheme 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 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 by the Responsible Authority.

(5) The Responsible Authority may notwithstanding anything contained in sub clause (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 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 streets in the area affected.

### SUBMISSIN OF LAYOUT PLANS

(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 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. (1) (a) No owner or other person shall layout a street, lane or pathway or sub-divide, 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 sub-division 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 sub-division 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 anyway 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 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 Act, for any site plan or layout plan or plan of sub-division 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 with the approval 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 and 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 lands for building purposes and) reservation of any lands for domestic public purposes shall be laid out and the same 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 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 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.

### RESERVATION OF LAND AND ZONING

10. (a) A list of lands reserved for streets and other non-residential 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 section (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) All future developments in respect of land within the scheme area shall conform to the zoning regulations given below: (Any uses not mentioned therein shall be prohibited).

#### 1) Residential use zones:

(a) All residences, professional offices and studios of the residents, community halls, clubs, parks and playgrounds incidental to the residential uses, public utility buildings such as water supply, drainage and electric installations of a minor nature and small service industries of a non- nuisance character engaging not more than 3 workers with power limited to 3 H.P. or 6 workers without power. Convenience shops such as vegetable shops, groceries, panshops, etc. will be normally permitted.

(b) The following shall be permitted by the Responsible Authority with the approval of the Chief Town Planner:

Minor Educational buildings, police and fire stations, small post offices, telegraph offices, hostels, boarding houses, commercial offices, petrol filling

stations, small auto garages engaging not more than 5 workers and other non- nuisance type service industries engaging not more than 10 workers with power limited to 10 H.P. or 20 workers without power and new areas or buildings for religious uses.

## 2) Local Commercial Zone

(a) Retail shops, professional offices, studios, commercial offices, hostels, hotels, lodging houses, restaurants, cart stand, taxi stand, bus stops, libraries and reading rooms, clinics, dispensary, non- nuisance types of service and small industries employing not more than 10 workers and installations not exceeding 15.0 H.P. motors and existing residential uses.

(b) The following uses shall be permitted by the Responsible Authority with the approval of the Chief Town Planner.

Social welfare institutions, printing presses, service garages, industrial uses of non- nuisance character employing not more than 20 workers and power not exceeding 30 H.P. petrol filling stations, areas and buildings for religious uses and small residential buildings not exceeding 50 m<sup>2</sup> in plinth area.

## 3) Small Industrial use Zone

(a) All types of small industries other than obnoxious and nuisance type industries, retail and wholesale business incidental to the industries, storage, other uses incidental to the industrial use.

(b) The following uses shall be permitted by the Responsible Authority with the approval of the Chief Town Planner.

All types of small residences not exceeding 50m<sup>2</sup> of plinth area, bus and truck terminals, junk yards, stacking yards, petrol filling stations, minor storage of explosive and fire works etc.

## 4) Public and Semi public use zone including parks and open spaces

(a) Government establishments, social and cultural establishments community facilities including clinics, dispensaries, educational institutions, etc. public utilities and related buildings, parks, open spaces and maidans, playgrounds, open air theatre, etc.

(b) The following uses shall be permitted by the Responsible Authority with the approval of the Chief Town planner.

Residential uses incidental to uses coming under 3(a) above.

## 5) Agricultural use zone

(a) Paddy fields and garden lands, pastures, grazing grounds, fodder cultivation, removal of clay/gravel upto a depth of 1m. below the level of land surrounding the agricultural area and existing religious uses.

(b) Farm houses, dairy and poultry farms, public utility and service areas, milk processing plants, storage and processing of farm products, service and repair of farm machinery, brick kilns, cremation grounds and religious uses shall be permitted by the Responsible Authority with the approval of the Chief Town Planner.



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

1. Maximum coverage ... 60 percent
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 FAR value shall limit the total built up area on all floors. FAR shall be calculated as below:

$$\text{F. A. R.} = \frac{\text{Total covered area on all floors} \times 100}{\text{plot area}}$$

(d) Small Industries, warehouses and industrial buildings shall be permitted only in the localities specified for the purposes, 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 organised industrial area with not less than six constituent units, shall be a minimum of 12M, except in the case of a cul-de-sac not exceeding 150M, where the minimum width of road shall be 10M.
- 2) No plot shall be less than 15M. average width and 25M. average depth.
- 3) When the area of the land under development work, layout or subdivision 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 piece and in no case less than 5 ares. No dimension of such amenity open space shall be less than 15M.
- 5) In the case of a layout or subdivision 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 interest 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 (Panchayat) 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 BUILDINGS

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

	Area in m <sup>2</sup>	Minimum width in metres on road frontage.
For one family dwelling houses (single or double or storeyed)	200	9
For each additional family and its housing convenience	Add 100 m <sup>2</sup> in area of plot.	9

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 the scheme under Sections 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 sites by reconstitution or redistribution of boundaries of plots. If the later 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 acquired and developed for residential purposes, the average gross density of population shall not be less than 80 p.p.h.

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) The building line in respect of all the streets shall be as shown in Map No. DSN/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 of 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 vehicles 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 18 sq.m shall be provided for every
Theatres & Auditoriums	50 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	44 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 in 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 or 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.

## DRAINAGE

16. 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 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 it having previously been treated sanitarly in the manner required by the Responsible Authority.

## HOUSING SCHEME

17. (a) Housing schemes may be undertaken in conformity with the provisions of the scheme by the Trust or the Trust 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 sites of pucca and moderate dwelling houses with appurtenant area may be exempted from acquisition of lands to a reasonable extent, as decided by the Responsible Authority.

## RE CONSTITUTION 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 trader's name and business exhibited on shops or notice exhibited on public buildings shall be permitted within the area unless otherwise approved by the trust.

## 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 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. (1) Claims for betterment contribution under Section 22 of the Act 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 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 23 and 24 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 Government, agree with any owner to receive a fixed payment either in a lump - sum or by instalments in lieu of the betterment contribution.

## POWER OF THE RESPONSIBLE AUTHORITY TO MAKE AGREEMENTS

22. Subject to the provisions of Section 35 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 consistant with the scheme.

## REGULATION OF SCHEME RULES

23. (1) The Responsible Authority, may, if he 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 requirement made obligatory by any law, provided that he is satisfied that there are circumstances warranting such dispensation or modification.

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

## TIME OF EXECUTION OF THE 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 person to carry out or execute any works or to fulfil his obligation under the scheme.

## PENALTY

25. Any person who commits or knowingly permits a breach of any of the provisions of the scheme or 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 Act.

## SCHEDULE

- 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. 3
- IV Lands proposed to be reserved in form No. 10
- V Lands proposed to be acquired for the scheme in form No. 9.