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DETAILED TOWN PLANNING SCHEME FOR THEVARA-PERANDOOR CANAL AREA - PART I

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# DETAILED TOWN PLANNING SCHEME

FOR

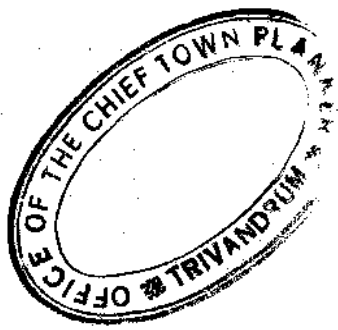
## THEVARA - PERANDOOR CANAL AREA. PART - I

(DRAFT PREPARED BY TOWN PLANNING DEPARTMENT, GOVT. OF KERALA)



COCHIN TOWN PLANNING TRUST

*Carmel* <sup>*Centre*</sup> "TELSTAR", COCHIN - 16-18



## FOREWORD

The Development Plan for the City of Cochin envisages the improvement of a number of canals in the area with a view to solve the acute drainage problems of the city. The Thevara-Perandoor canal running through the central part of the city is the most important among them. This Canal connecting Thevara area in the south and Chittur area in the north, when fully developed, will serve as the major canal among a well designed net work of canal for the efficient drainage of Ernakulam area.

In the Ernakulam zone of the Cochin Corporation, low lying areas are being reclaimed by Government as well as by private agencies at a fast rate. These low lying lands now function as temporary storage basins of storm water

during monsoon seasons; the storm water slowly drains off during low tides. With the gradual reclamation of the low lying fields, the capacity of the storm water reservoir is getting reduced and the nearby built-up areas remain water logged for a long period. In order to solve the above problems of drainage, it is necessary to establish a net work of drainage-canals with adequate sizes along with the reclamation of the low lying fields within the city. Opening of a canal about a Kilometre long between the national Highway on the north and the Metre-guage railway line in the south and connecting the existing Perandoor-Kaloor canal and Thevara-Elamkulam canal is proposed to be taken up as the first step in this direction. The Town Planning Scheme for Thevara-Perandoor canal area provides for the construction of this important canal link in Ernakulam area.

In addition to the construction of this canal, the scheme envisages to develop the low lying areas on either side of the canal mainly for residential purposes and allied uses. This will help to relieve the housing problem of the Cochin Urban Area to some extent and also produce considerable return for the implementation of the scheme.

According to the development plan for Cochin area a sectoral shopping centre serving a population of about fifteen thousand persons has to be located in this scheme area. An area of about 2.8 hectares is provided on the southern side of the proposed Pullepady road extension.

The scheme area forms part of two residential neighbourhoods with an ultimate population of about five thousand in each. The centres providing common neighbourhood amenities for the above two neighbourhoods are also located suitably in the scheme area.

The isolation ward now functioning in the scheme area has to be shifted to a suitable location on the fringe

areas of the city. Similarly the existing cremation ground is also proposed to be shifted to a more convenient locality. When alternative lands are provided elsewhere, these uses in the scheme area will be discontinued.

The Scheme is to be implemented in three parts. Part I of the scheme is dealt with here.

**CHAIRMAN**  
*For and on behalf of*  
**THE COCHIN TOWN PLANNING TRUST**

# THE SCHEME

## Title

1. This scheme may be cited as Detailed Town Planning Scheme for Thevara-Perandoor Canal Area (Part-I)

## Definition

2. In this Scheme unless there is anything repugnant in subject or context:—
  - (a) "Act" means the Town Planning Act IV of 1108 as amended.
  - (b) "Trust" means the Cochin Town Planning Trust constituted under section 44 of the Act.

- (c) "Executive Trustee" means the Executive Trustee appointed under sub-section (1) of section 45 A of the Act.
- (d) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
- (e) "Scheme" means the Detailed Town Planning Scheme for Thevara—Perandoor Canal area (Part 1) as prescribed in para 1 above.
- (f) "Arbitrator" means the arbitrator appointed for the Scheme under section 26 of the Act.
- (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 Act in the Kerala Government Gazette.
- (k) "Rules" means the rules made under section 41 of the Act.
- (l) "Area" means the area to which the Scheme applies.
- (m) "Government" means the Government of Kerala.
- (n) "Building line" means a line which is in 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 for a period of 10 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 line marked on 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 the purview of sections 22, 23 and 24 of the Act and clause 21 (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 Corporation and or the Revenue office as on the date of publication of the notification under section 8 of the Act is given in Schedule I.

### Estimate of the cost

6. (i) An estimate of the total and net cost of the Scheme is given in Schedule II. The estimate is liable to such revision as the Responsible Authority may consider necessary.
- (ii) Any works which under the Scheme are to be executed by the Responsible Authority or any other agency may be executed 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.
- (iii) 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.

### Street

- 7 (i) Subject to the provisions of the Scheme, all streets mentioned in Schedule III shall be constructed by the Responsible Authority on the lines shown in the Map provided that reasonable modifications in the alignment of street 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

- (ii) 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 and 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 of at least 6.5 metres in 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 site intended for building purposes 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).

- (iii) The Responsible Authority may 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 owners or occupiers according to the frontage of their respective lands or in such proportions as may be settled by the Responsible Authority.

- (iv) The Responsible Authority may, notwithstanding anything contained in sub-clauses (ii) and (iii) above with the sanction of the Trust 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 free of cost 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 free of cost 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.

- (v) 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.
- (vi) 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 layout plans

- 8. (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 Trust 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 layout plans

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

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

The Responsible Authority may in the interest of the 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, according to clause 9 (1) a.

- (c) The restrictions and conditions as laid down by the Responsible Authority shall be adopted by the owner or other persons and shall be enforceable
- (ii) (a) No owner or other person shall construct or reconstruct or in any way alter or add to a building without conforming in every particular with the requirements of the Scheme and unless he has applied for and obtained permission of the Responsible Authority under section 15 of the Act and in compliance with the requirements of (v) (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

to be altered any building in the Area so far as may be necessary for carrying the Scheme into effect.

(iii) The Responsible Authority shall, before granting permission under section 15 of the Act 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.

(iv) 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 public purposes shall be laid out in consultation with the Chief Town Planner. The layout plan so finalised in consultation with the Chief Town Planner shall be read as part of the Scheme, and shall be enforceable.

(v)(a) Subject to the provisions of the section 15 of the Act every application for permission required to be obtained under clause (ii) (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 buildings 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. 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 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 provisions of the Scheme.

### Reservation of lands and zoning

10. (i) A list of lands reserved for streets and other purposes 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 included under lands reserved for the purpose of the Scheme.

(ii) 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 and subject to such conditions and restrictions as he may think fit, to be reserved for shopping, housing 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.

(iii) Agriculture or horticulture may be permitted in the Area reserved under (i) and (ii) above.

(iv) 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, industrial building, factory or workshop.

- (v) Factories, warehouses and industrial buildings of an unobjectionable character shall be permitted only in the localities specified for that purposes provided that light industries of a non-offensive nature driven by electric motor up to 20 H. P. may be permitted in the areas reserved for shops and business premises.
- (vi) In the lands shown as prohibited in the Map mentioned in Schedule IV, construction of buildings shall be absolutely prohibited. The lands in such localities may be used as parks, gardens or for agriculture, horticulture or other similar purposes.
- (vii) 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 intercourse or recreation or as hospitals or dispensaries or for any other purposes may be permitted by the Responsible Authority.
- (viii) 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.

#### 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 Act and without prejudice to the interests of the Scheme.

The notification of the Scheme under sub-section 5 of the section 12 of the Act in the Kerala Government Gazettee shall in

respect of any land mentioned in Schedule V operate as a declaration under section 6 of Land Acquisition Act in force for the purpose 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 or acquired under the Scheme by sale, 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 these shall be binding on the purchaser, transferee, his or her heirs, assignees and their successors.

#### Minimum areas for dwelling houses and buildings

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

Condition	Area in Sq mtrs	Minimum width in metre on road frontage
For one family dwelling houses [single or double storeyed]	140	9
For each additional family and its housing convenience	Add. 75 Sq. metre in area of plot	

#### Explanation

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

- (ii) Every site intended for buildings other than dwelling houses shall be not less than 37 sq. metres in area and 3.6 metres in

width 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 shops, godowns etc.

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

(iv) The site area and coverage for the buildings to be constructed in the area to be acquired and developed for residential use shall be as follows:—

- (a) Fully detached units should not have a plot area of more than 150 sq. metres. The ground coverage shall not be more than 55% of the area of the site.
- (b) Semi-detached buildings should not have a plot area exceeding 300 sq. metres [for two dwelling units]. The ground coverage shall not be more than 60% of the area of the site.
- (c) Flat construction can be permitted with a net density of 35 dwellings per acre of land.

No buildings shall be permitted facing the inspection road proposed along side the drainage canal. The plots abutting this road shall not be accessible from this road.

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 the Map and specified in Schedule III.

It shall be 1.5 metres for all other streets.

(iii) Boundary walls or fences alone shall be erected 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 and material approved by the Responsible Authority shall be permitted.

(iv) No boundary wall or fence erected between the building line and edge of the adjacent street shall be of a greater height than 1.5 metres 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 1 metre 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.

#### Off street parking space for motor vehicles

(vi) 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:

(a) Each off-street parking space provided shall not be less than 18 sq. m. of area. The area of drives, aisles and such other provisions required for adequate access shall not be counted as part of the 18 sq. m.

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

(c) If a vehicle parking space required by these regulations is provided in parking areas by groups of property owners for their mutual benefit, the Responsible Authority may construe such use of this space as meeting the off-street parking requirement of these regulations.

## Minimum off-street parking spaces

Type of use	One parking space shall be provided for every
Theatre & Auditoriums	20 seats of accommodation.
Office buildings & Wholesale business	90 sq. ms of office/Wholesale business 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 & tourist homes	5 guest rooms provided
Retail business	No parking space need be insisted for the first 90 sq metres of plinth area. For every additional 60 sq metres of plinth area one parking space shall be provided.
Godown and warehouses	180 sq. m. of storage space.

- (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 be incorporated in the design provided that the individual architectural requirements of any part shall be viewed in consideration of the general appearance

### Prohibition of building in an unhealthy site

15. With a view to prevention of contamination of water sources and channels 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.

### Drainage

16. Sufficient means of effectual drainage and discharge of sewage shall be provided in every private street by the owners or occu-

piers of sites abutting thereof and every site and building shall be provided with suitable drains leading there from 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.

### Housing Schemes

- 17 (i) 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 sanctions of the Government.
- (ii) The owners of dwelling houses within the scheme area may be exempted from acquisition of their lands subjected to a reasonable extent, as decided by the Responsible Authority.

### Reconstitution of boundaries

- 18 (i) Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed by the Act (a) to suit the alignments of the proposed streets, (b) to provide frontage on streets, (c) to alter or improve the size and shape on any site or plot in order to render it more suitable for building purposes, or [d] to procure the transference of ownership of land or portion of land from one person to another.
- (ii) 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 part or time or period when such proposals should be made to him.

### Advertisements

- 19 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 Trust.

### Claim for compensation

20 Any person whose property is injuriously affected by any refusal to grant the permission applied for under section 15 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 (i) 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 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 Act, every year at 10% of the increase in value for a period of 20 years.

(ii) 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.

22 Subject to the provisions of section 35 of the Act, the Responsible Authority may make any agreement with any person or body in furtherance of carrying out of the Scheme or any matter in connection therewith provided that such agreement is not inconsistent with the Scheme.

### Regulation of Scheme Rules

23 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.

### Time of execution of Scheme

24. Notwithstanding anything contained in the Scheme the Responsible Authority may without prejudice to the efficient operation of the Scheme.

(i) 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.

(ii) allow reasonable time to any owner or persons to carry out or execute any works or to fulfil his obligations under the Scheme

### Penalty

25. 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 Act.

### SCHEDULES

I Ownership and extent of land included in the Scheme in

Form No. 7

II Estimate of total and net cost of Scheme in Form No. 11

III List of new streets and widening of existing streets in Form No. 8

IV Land proposed to be reserved in Form No. 10

V Land proposed to be acquired for the scheme in Form No. 9.

CHAIRMAN

For and on behalf of

THE COCHIN TOWN PLANNING TRUST