



**DRAFT T. P. SCHEME
FOR
TRIPPUNITHURA-KARIMUGAL ROAD**



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**PREPARED BY
THE DEPT. OF
TOWN PLANNING
KERALA STATE**

ISSUED BY THE COCHIN TOWN PLANNING TRUST

ON 9-12-1971.

Detailed Town Planning Scheme For Trippunithura-Karimughal Road

INTRODUCTION:

With the establishment of some giant urban industrial concerns outside the Cochin Urban Complex viz. FACT, Oil Refineries, Indian Rare Earths, Hindustan Machine Tools etc., a clearly identifiable industrial belt has sprung up around it. It can reasonably be expected from the aspects of industrial locational economics and the agglomeration advantages of industries that this urban industrial fringe is going to exert a tremendous interacting force over the urban complex of Cochin. In a wider regional vista of spatial planning aspects which concern the growth and change of Cochin Urban area, this industrial fringe deserves utmost planning consideration by way of articulating this area with the central city through road, rail, water, etc., extension of utilities and facilities, housing, recreation and other facilities attached to it etc.

The Interim Development Plan for Cochin Region has examined these aspects in detail and proposals aimed at harnessing the present and potential requirements have been brought out. As a partial accomplishment of these proposals, Cochin Town Planning Trust has notified a Detailed Town Planning Scheme for Tripunithura-Karimughal Road on 10-12-1969 and the draft of which has been prepared by the Department of Town Planning, Kerala State and is being published on 9-12-1971 for the information of the public and for eliciting comments and objections relating to it.

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 Thripunithura-Karimugal Road Area.

Definition.

2. In this Scheme unless there is anything repugnant in the subject or context:-
 - (a) "Act" means Travancore Town Planning Act IV of 1108 as amended.
 - (b) "Trust" means the Cochin Town Planning Trust constituted under Section 44 of the Act.
 - (c) "Chairman" means the Chairman of the Trust.
 - (d) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
 - (e) "Scheme" means the Detailed Town Planning Scheme for Thripunithura-Karimugal Road Area.
 - (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 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 provided that steps and cantilever sunshades above a height of 2.75 m. from the crown level of the road can project upto one metre from the main wall of the building.

Responsible Authority:-

3. The Executive Trustee shall be the responsible authority for the purpose 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 Trust to claim or levy betterment contribution from owner of any property not included within the area, which will come under the purview of sections 22, 23 & 24 of the Act and clause 22 (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 'Act' is given in Schedule 1.

Estimate of the cost:

6. (1) 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.
- (2) 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.
- (3) The responsible authority shall have power to specify any date or period within which the execution of any works shall be carried out by any authority, owner or other person as the responsible authority thinks necessary and expedient for the purpose of securing the development of the area without delay and ensuring the efficient operation of the scheme.

Streets:

7. (1) Subject to the provisions of the scheme, all streets mentioned in schedule III shall be constructed by the responsible authority and other agencies specified in schedule 3 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 in consultation with the Chief Town Planner.
- (2) Any other private street that may be permitted in the area with the permission of the responsible authority and in conformity with the proposed development of the area shall comply with the following conditions unless otherwise approved by the Chief Town Planner.
- (a) Every street intended to be used as a cart or carriage road shall be of at least 6.5 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 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).
- (3) 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 owner or occupiers according to the frontage of their respective lands or in such proportions as may be settled by the responsible authority.
- (4) The responsible authority may, notwithstanding anything contained in sub-clauses (2) & (3) 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 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 may recover the balance from the remaining owners or occupiers.

(5) No persons 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.

(6) The responsible authority, shall so far as the funds at his disposal may permit provide a sufficient and satisfactory system of drains along the public street in the area affected.

8. *Heights of Buildings:-*

Building abutting the Tripunithura-Karimugal Road shall have the following restrictions regarding the number of storeys.

1. In the urban peripheral zone only single storied buildings shall be normally permitted.
2. In the area set apart for commercial and industrial activities, buildings shall have a minimum of two storeys.
3. In the area set apart for residential use, buildings shall have a minimum of two storeys.

9. *Submission of layout plans:*

(i) If any owner of land within the area intends or proposes to layout a street, lane or pathway or subdivide, utilise, lease or otherwise dispose of any land as a site or sites for building purposes, he shall, submit for the approval of the responsible authority, a site or layout plan showing the land and the site intended or proposed for building purposes and the street or the streets either existing already or intended to be laid out and made by the owners for giving access to the site or sites.

(ii) Save in such cases as the site or sites intended for building purposes may abut on any existing public street or an existing private street the owner of 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 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 had 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 that it may require, with or without paying or receiving any money for equality of exchange or otherwise.

10. *Approval of layout plans:*

(1) a) No owner or other person shall layout a street, lane or pathway or subdivide, utilise, sell, lease or otherwise dispose of his land or portion or

portions of the same as site or sites for building purposes until a site or layout plan or plan of subdivision has been approved by the responsible authority if necessary in consultation with Chief Town Planner.

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 in consultation with Chief Town Planner.

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.

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 Act and in compliance with the requirements of 5 (a) below. No building shall be constructed or reconstructed in any land in which building is expressly forbidden or which is reserved in the scheme for any purpose incompatible with building.

b) The responsible authority may for the purpose of the scheme demolish or cause to be demolished or alter or cause to be altered any building in the area so far as may be necessary for carrying the scheme into effect.

3. The responsible authority shall, before granting permission under section 15 of the Act and for any site plan or layout plan or plan of subdivision 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 reconstructions or redistribution of boundaries of the land, plot or plots or site or sites. The restrictions or conditions imposed or the orders passed by the responsible authority shall be complied with by the owner or owners or the person or persons concerned, and shall be enforceable.

4. Notwithstanding anything contained in the scheme, the responsible authority may prepare a layout plan for any portion of the area to determine the lines on which the detailed development of such area shall take place and the manner in which the streets, subdivisions of lands into sites for building purposes and the reservation of any lands for public purposes shall be laid out in consultation with the Chief Town Planner. The layout so finalised in consultation with the Chief Town Planner 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 ground plan and plan of each floor, elevation and sections of the existing building or buildings and also a specification or specifications in regard to design, materials, architecture, drainage, water supply, use of building and the other details of building construction.

b) The responsible authority shall have power to impose reasonable restrictions and conditions while granting permission and to make reasonable modification or alteration in the location structural or architectural design or materials of

the building or buildings as he thinks fit. 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 3 months from the date of receipt of the application, the application shall be deemed to be sanctioned if not otherwise inconsistent with the provision of the scheme.

Reservation of lands and zoning:

11. (a) 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, and 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, in consultation with the Chief Town Planner and subject to such conditions and restrictions as he may think fit, to be reserved for shopping, housing, public uses or for such other purposes which can be prescribed under sub section (k) of section 3 of Act. Any part of the area so declared shall be included under lands reserved under the scheme and treated as such.

(c) Agriculture or horticulture may be permitted in the areas reserved under (a) and (b) above,

(d) 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.

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

(f) No land in the area 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.

12. Uses ordinarily permitted in the "Urban peripheral zone" specified in the layout plan.

(i) Agriculture

(ii) Horticulture (iii) Dairy and poultry farm

(iv) Farm houses and their ancillary buildings and uses within the plot area 4 with a minimum extent of 20 ares.

(v) Milk chilling centres and pasteurisation plants.

Uses permitted in the above zone under special circumstances with the concurrence of the Chief Town Planner.

(i) Places of worship

- (ii) Schools, Libraries, Educational & Cultural buildings
- (iii) Parks and other public & semi-public, recreational uses not conducted for profit.
- (iv) Storage, processing and sale of farm products, on the property where these items are produced.
- (v) Public utility buildings.

Acquisition of lands:

13. 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 section 12 of the Act in the Kerala Government Gazette 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:

14. 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 rules framed for the purpose by the Trust and these rules shall be binding on the purchaser, transferee, or his/her heirs, assignees and their successors.

15. a) Every site intended for buildings other than dwelling houses shall be not less than 37 sq. metres and width 3.6 m. 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.

b) 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 subclause (a) the responsible authority shall decide whether in the interest of the scheme, permission shall be given to build on such plots or sites 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.

16. i) Every site for dwelling house or other building shall, unless it abuts on an existing public street or on 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) Boundary walls or fences of approved designs 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.

iii) 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 metre 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 ground level of the plot.

iv) The responsible authority in consultation with Chief Town Planner shall have power to fix the heights of the storeys of the shops, business and commercial buildings and the ultimate height of the whole building or line of buildings according to their individual architectural requirements and to

insist that any other architectural details may be incorporated in the design provided that the individual architectural requirements of any part shall be viewed in consideration of the general appearance.

v) The building line in respect of all the streets shall be as shown in Map No. DSN/2 - 18 and specified in Schedule III.

vi) The minimum off street parking space to be provided for the buildings of the types specified below shall be as specified against each.

Minimum off street parking spaces.

Type of use	One parking space shall be provided for every.
Office buildings	90 Sq.m of office floor space.
Restaurants	15 seats of accommodation
Hotels	4 guest rooms
Industrial buildings	100 employees in industry
Multi-family dwellings	6 dwelling units
Lodging estt. & tourist homes	5 guest rooms
Retail Business	additional 60 Sq. metres of area over and above the first 90 Sq. metres of area. No parking space shall be insisted for the 1st. 90 Sq. metres of area provided that each off-street parking space shall not be less than 18 Sq. metres of area inclusive of drives, aisles and such other provisions required for adequate access. If parking space or spaces required under this sub section is provided in the vicinity in parking areas by property owners or by groups of property owners for their mutual benefit, the responsible authority may construe such parking space or spaces as meeting the off-street parking requirement under this sub section.

Prohibition of building in an unhealthy site:

17. With a view to prevent 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

18. Sufficient means of 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 its having previously been treated sanitarly in the manner required by the responsible authority.

Housing Schemes:

19. (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, Kerala State Housing Board or other housing agencies, to take up housing schemes with the previous sanction of the Government.

(b) Existing private dwelling house, if any within the housing scheme are with reasonably sized plots as decided by the Trust may be exempted from acquisition.

Reconstitution of Boundaries:

20. (a) Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed by the Act (i) to suit the alignments of 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.

Advertisements:

21. 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:

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

Claim for betterment:

23. (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 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 regulations, 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.

24. 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 within the scheme.

Regulation of scheme rules:

25. 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:

26. 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 obligations under the scheme.

Penalty:

27. 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 Act.

CHAIRMAN

For and on behalf of the
COCHIN TOWN PLANNING TRUST.

SCHEDULE.

- 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 widenings of existing streets 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.