

draft detailed town planning scheme for ward 1-west hill area-calicut corporation

prepared by : the department of town planning, kerala state.
published by : the joint town planning committee, calicut region

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Preface

The historic city of Calicut with over a century of its existence as a local body, has grown without any proper planning into a sprawling urban centre over years. Narrow and congested roads, inadequate water supply, complete absence of an underground sewerage system, lack of adequate open spaces for affording recreational facilities, dearth of proper housing are some of the vital and vexed problems facing City fathers and Planners.

However, the need for proper planning has been keenly felt. The various problems arising out of uncontrolled expansion, can be tackled effectively only by a perspective plan, taking into consideration the future needs of the city as well. The Department of Town Planning has prepared a Master Plan for the city which has been processed by the Joint Town Planning Committee, Calicut Region, to its final stage and sanctioned by the Govt. in their order G. O. (MS) 529/68-DD dt. 14-11-1968.

The Master Plan being only a broad frame work of the development of the city, its implementation can be done only through the execution of Detailed Town Planning Schemes area-wise. The Detailed Town Planning Scheme for Ward I West Hill area is one among such area - wise plans taken up for processing by the Committee. The main objective of this scheme is provision of suitable access roads and other basic amenities so as to develop it as a good residential area with adequate Marketing facilities. The scheme envisages acquisition of about 9 Hectares of land for residential purposes as the entire scheme area is more residential in outlook.

The Detailed Town Planning Scheme for Ward I West Hill is presented in the following pages for eliciting public opinion. This scheme was originally commenced by the Calicut Corporation, but its processing has now been passed on to the Committee. I wish that members of the public and especially those directly concerned would offer their considered and dispassionate views on the

plan to help the Committee and the Government to finally adopt it with such modifications as are deemed necessary.



M. G. K. MOORTHY, I. A. S.
District Collector & Ex. Officio Chairman
Joint Town Planning Committee,
Calicut Region.

Calicut, }
30-11-'72 }

Detailed Town Planning Scheme for Ward I West-Hill Area Calicut Corporation

INTRODUCTION

The area covered by the scheme comprises about 51.00 hectares of land. This scheme was initiated in 1948. West Hill area is one of three nuclei around which Calicut has grown since the days of British rule.

The development Plan for Calicut Urban Complex envisages this area to be developed for residential use with an average density of 100 to 125 persons per acre.

The existing landuse shows that the area is not fully developed. The major aim of this scheme is to provide suitable access roads and basic amenities for optimum development of this area.

MAJOR PROPOSALS OF THE SCHEME AREA :

1. The Madras-Calicut Trunk Road bordering the scheme on the west is proposed to be widened to 24 metres.
2. East-Hill—Karaparamba road is proposed to be widened to 15 metres.
3. Land for a shopping area and a park are proposed to be acquired.
4. 7 metres wide internal access roads are suitably provided.
5. It is proposed to acquire about 9 hectares of land for residential purposes.

Out of the area earmarked for acquisition in the scheme for residential development, building plots may be released to the owner who could construct houses as per the provisions of the scheme.

(Sd/-) MATHEW VARGHESE
Chief Town Planner
Govt. of Kerala.

Draft Rules

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| Title | 1. This scheme may be cited as the Detailed Town Planning Scheme for Ward I West-Hill area. |
| Definition | 2. In this scheme unless there is anything repugnant in the subject or context. <ul style="list-style-type: none">(a) "Act" means the Madras Town Planning Act 1920.(b) "Council" means the Calicut Corporation Council(c) "Executive Authority" means the Executive Authority of the Calicut Corporation Council.(d) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.(e) "Scheme" means the Town Planning Scheme for Ward I West Hill Area.(f) "Arbitrator" means the Arbitrator appointed for the scheme under section 27 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 or lanes.(j) "Date of Scheme" means the date of notification of the scheme under sub-section (5) of section 14 of the Act in the Kerala Gazette.(k) "Rules" means the rules made under section 44 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 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.(o) "Municipal Act" Means Kerala Municipal Corporation Act 1961. |

Responsible Authority	3. The Executive authority subject to the control of the Corporation council shall be the responsible authority for the purpose of the scheme and shall function as such for a period of 10 years from the date of scheme unless Government order otherwise.
Area of the scheme	4. The area to which the scheme applies shall be that within the inner edge of the boundary line marked in the map. Nothing in the clause shall be deemed to restrict or otherwise affect the powers of the council to claim or levy betterment contribution from the owner of any property not included in the scheme area, which will come under the purview of section 23 or 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 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) The works proposed under the scheme are to be executed by the responsible authority or any other agency in such order and at such time as the council 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 on the line 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 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 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 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) 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 may recover the balance from the remaining owners or occupiers.
- (5) 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.
- (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.

**Submission of
Lay out Plans**

8. (1) 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 buildings 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 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 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 clause (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 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 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 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 plans of a sub-division 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 or as decided by the Chief Town Planner 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 17 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 17 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.
- (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 sub-divisions 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 lay out 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 17 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 238 of Kerala Municipal Corporation Act 1961 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 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**

10. (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,

which are not mentioned in Schedule IV shall also be included under lands reserved for the purpose of the scheme.

- (b) The Committee 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 4 of the 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 shall be permitted only in the localities specified for that purpose provided that light industries of a non offensive nature driven by electric motor upto 20 HP. may be permitted with the approval of the Chief Town Planner in the areas reserved for shops and business premises.
- (f) In the lands shown as reserved under 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.

- (g) Save as otherwise provided in the scheme every part of the area shall be entirely utilised for residential purposes and uses incidental thereto only, provided that buildings for public and semipublic uses may be permitted by the responsible authority with the concurrence of the Chief Town Planner.
- (h) 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 council 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 14 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**

12. The responsible authority may with the approval of the council dispose of any land belonging to the council or acquired under the scheme by sale, auction, exchange, lease or otherwise subject to the rules framed for the purpose by the council and these rules shall be binding on the purchaser transferee or heirs, assignees and their successors.

Minimum areas for dwelling houses and buildings

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

Conditions	Area in Sq. metres	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. metres in area of plot.	

- (b) Every site intended for buildings other than dwelling houses shall be not less than 37 sq. metres and width 3.6 metres, 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 section 10 or 12 of the Act is less than the minimum prescribed in the sub clause (a) 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.
14. (i) Every site for dwelling house or other building shall, unless it abuts on an existing public street or an existing private street 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.
 - (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 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 level of the ground of the plot.

- (v) (a) 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 space for motor vehicles shall be provided for various types of buildings as per the following table :

Type of use	One parking space of 18 sq. ms. shall be provided for every
Theatre and Auditorium	20 seats of accommodation
Office buildings	90 sq. m. of office floor space
Restaurants	15 seats of accommodation
Hotels	4 guest rooms provided
Industrial buildings	100 employees in industry
Multifamily dwellings	6 dwelling units
Lodging estts (without eating facilities for public)	6 guest rooms provided.
Retail business	No parking space need be insisted for the first 90 sq. m. of floor area. For every additional 60 sq. m. one parking space each shall be 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 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.

**Prohibition of
building in
Unhealthy sites**

15. 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 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 or adjacent streets. It may be used for watering gardens and compounds if 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. (a) Housing Schemes may be undertaken in conformity with the provisions of the scheme by the council or Committee or the Committee or council 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 owners of dwelling houses within the scheme are a may be exempted from acquisition of their lands subject to a reasonable extent, as decided by the responsible authority.

**Reconstitution
of Boundaries**

18. (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

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 Council.

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 20 of this act submit such claim within 12 months of the date of the scheme.

Claim for Betterment

21. (1) Claims for betterment contribution under section 23 of the Act in respect of all properties which have increased or are likely to increase in value by making the scheme shall be made by the Committee 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 24 and 25 of the Act every year 10% of the increase in value for a period 20 years.

- (2) Notwithstanding anything contained in the above sub-clause, the Committee may with the previous approval of the Government, agree with any owner to receive a fixed payment either in a lumpsum or by instalments in lieu of the betterment contribution.

22. Subject to the provisions of section 36 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 Government or the responsible authority as the case may be, may if it thinks in any particular case and subject to any conditions as it 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 its 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,
- (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

26. 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 44 B of the Act.