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**DRAFT SCHEME**



**DETAILED TOWN PLANING SCHEME**

**FOR**

**CENTRAL AREA - THIRUVALLA.**

*Sanctioned on 11.12.87*  
*GO MS No. 42/87*

## **DRAFT SCHEME**

# **The Detailed Town Planning Scheme for Central Area THIRUVALLA.**

### **TITLE:-**

1. This scheme may be cited as the detailed Town Planning Scheme for Central Area - Thiruvalla.

### **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).
- b) "Municipal Act" means the Kerala Municipalities Act 1960.
- c) "Municipality" means the Thiruvalla Municipality.
- d) "Municipal Commissioner" means Municipal Commissioner Thiruvalla Municipality.
- e) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
- f) "Scheme" means the Detailed Town Planning scheme for Central Area - Thiruvalla.
- 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 in the Kerala Government Gazette under section 12 of the Act.
- k) "Rules" means the rules made under the Section 41 of the Act.
- l) "Area" means the area to which the scheme applies.
- m) "Government" means the Government of Kerala.
- n) "Arbitrator" means the arbitrator appointed for the scheme under section 26 of the Act.

- o) "Building line" means a line which is in the near of the street alignment and upto which the main wall of the building abutting on a street may lawfully extend and except as prescribed in the Kerala Municipal Building Rules in force.
- p) "Town Planner" means Town Planner of Kerala State Town Planning Service holding jurisdiction over the area.

**RESPONSIBLE AUTHORITY:-**

3. The Municipal Commissioner 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 Municipality 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 AND EXTENT:-**

5. The ownership of all lands in the area with extent as per the registers maintained by the Municipality and / or 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 netcost of the scheme is given in form No. 11, schedule II The net cost is proposed to be financed as there in 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 any other agency may be undertaken in such order and at such time as the Municipality may determine and completed within a 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 on any works which under the scheme are to be executed by any authority, owner or any other person as the responsible authority thinks necessary and expedient for purpose of acquiring 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 or other public agency authorised by Government on the lines shown in map D S N / 2, provided that reasonable modifications in the alignment of 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 D S N / 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 Municipality shall Levy only such portion of the betterment contribution payable under the scheme for 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 at least 7 m. width, provided that cul-de-sac not more than 200m. in length can be permitted with a width 5.5 mts.

(b) Every street intended to form the principal approach or means of access to any particular site but is not intended for use as a cart or carriage road shall be at least 3.5 m. 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 approval 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 land fronting or abutting on such streets,

or by acquiring the land covered by the street, provided that, expenses incurred shall be paid by the owner or occupier 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 the 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 for the street, and agreed to contribute the cost of constructing the streets, provided that if 50% of the owners or occupiers abutting any new street have the surrendered lands free of cost for the streets, and paid the cost of construction the responsible authority shall undertake to construct the streets 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.

#### SUBMISSION OF LAYOUT PLANS:-

8. (1) If any owner of land within the scheme 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 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 site intended for building purposes may abut on any existing public street or on existing private street, the owner of the land shall layout and made the street or streets giving access to the site or sites, connecting with an existing street in compliance with the provisions of scheme.

(3) The owner of the land shall not proceed to sub divide, 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.

(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 owners or occupiers.

(5) For the purposes of adjusting the boundary of any street the responsible authority may with the approval of the Chief Town Planner made 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 off his land or portion or portions of the same as site sites for building purposes until a site or portion of the same as site layout plan or plans 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 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 responsible restrictions and conditions and also insist on such modification of the plan as he thinks fit or cause to be made such modification 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 has applied for and obtained permission of the responsible authority under section 15 of the Act and in compliance with the requirements of sub clause 9 (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 in compatible 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 restriction 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 order passed by the responsible authority shall be complied with by the owner or owners or the 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 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 division of lands in the sites for building purposes and the reservation of any lands for community of 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 9 (2) (a) above, shall be submitted to the responsible authority in form specified in the building rules made under section 222 of Municipal 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 building or buildings and also a specification or specifications in regard to the design materials, architecture, drainage, watersupply, use of building and other details of construction.

(b) The responsible authority shall have power to impose reasonable restrictions and conditions while granting permission and to make reasonable modifications 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 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 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 LAND AND ZONING REGULATION:-**

10. (a) A list of lands reserved for various purposes is given in schedule IV (form No. 10).

For the purposes of the scheme the streets or lands which may be approved for, 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 various purposes of the scheme.

(b) The Municipality may from time to time 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 commercial activity or for such other purposes which can be prescribed under subsection (k) of section 3 of the Act. Any part of the area so declared shall be included under lands re-served under the scheme and shall be treated as such.

(c) All future development in respect of all lands within the scheme area shall conform to the zoning regulations given below (any use not specified other than agriculture and horticulture and religious use shall be prohibited)

**1. RESIDENTIAL USE ZONE:-**

All residences, parks and playgrounds incidental to the residential use, nursery schools, neighbourhood shops not exceeding 8 m<sup>2</sup> carpet area shall be permitted in all areas zoned for residential use.

Provided that in addition to the above uses (i) professional offices libraries, trading rooms, clubs, educational buildings such as L. P. Schools, small post offices and Telegraphic Offices, hostels and boarding houses small services industries of non-obnoxious nature engaging not more than 3 workers with power installations upto 3 H. P. or 10 workers without power installation may be permitted in all areas zoned for residential use subject to the prior approval of the Town Planner having jurisdiction over the area.

(ii) Government offices of Central, State or local bodies hostels, public utility buildings such as water supply and electrical installation buildings and houses and petrol filling stations, small auto garages engaging not more than 5 workers and other non nuisance type of service industries engaging not more than 5 workers and other non nuisance type of service industries engaging not more

than 10 workers with power limited to 10 H. P. or 20 workers without power installation and areas or building for religious uses shall also be permitted in all areas zoned for residential use with the prior permission of the Chief Town Planner

2. MIXED USE ZONE (Commercial and public uses)

(i) USES PERMITTED:-

All uses permitted shall be same as that under the commercial and public and semi public use zones.

(ii) USES PERMITTED WITH THE APPROVAL OF CHIEF TOWN PLANNER.

All uses except industries in the commercial and public and semi public zones permissible with the approval of Chief Town Planner.

3. ZONING REGULATION FOR TRANSPORT AND COMMUNICATION ZONES -

(i) Uses permitted:- All buildings and uses connected with transport and communication such as bus terminals, railway station etc. and essential repair and service shops related to the above and transportation shops.

(ii) USES PROHIBITED: Any other use not specified in row (i)  
Time limit for shifting non conforming uses:-

Hazardous - 2 years.

Industrial use - 5 years.

All other uses - 10 years.

4. COMMERCIAL USE ZONE.

While sub and retail shops, professional offices, studies commercial offices, financial institutions, restaurants hotels, lodging houses, Auditorium, Theatres, Parks and open spaces, profession services, cinemas, hotels, rooming houses reading rooms, libraries, clubs, non nuisance types of service any light industries employing not more than 10 workers with power limited to 15 H. P. shall be permitted by the responsible authority in all areas zoned for commercial purposes.

Provided that in addition to the above, stacking yards, fire stations, taxi stands, car stands, truck terminals and public convenience, printing presses and job printing works shall be permitted by the responsible authority in selected areas within the commercial zone with the concurrence of the Town Planner.

Provided further that junk yards, garbage disposal yards public offices of local, state and central Government public utility building such as water supply and electrical installations, petrol filling stations, godowns, industrial used of non nuisance character employing not more than 20 workers and power

limited to 30 H. P. small residential buildings not exceeding 50 sq. m. in plinth area, shall also be permitted by the responsible authority in areas zoned for commercial use, with prior permission of the Chief Town Planner.

5 PUBLIC AND SEMI PUBLIC USE ZONE.

(1) All local, State and Central Government and Quasi Government and Offices, social and Cultural establishments, Education institutions, including colleges, technical institution, auditoria, parks and open spaces incidental to the main use, clinics, dispensaries, and related establishments, all public utility buildings in respect of water supply and electricity installations shall be permitted by the responsible authority in the area zoned for public and semi public use.

(ii) The following uses shall be permitted by the responsible authority with the approval of the Chief Town Planner. Transmitting and wireless stations sewage treatment plants garbage dumps slaughter houses isolation hospital and residential uses incidental to the main uses coming under 10 (c) (3) (8) above.

6. MIXED USE ZONE (Residential and commercial)

(i) USES PERMITTED:-

All permitted uses specified under residential and commercial use zones

(ii) USES PERMITTED WITH THE APPROVAL OF CHIEF TOWN PLANNER.

All uses except industries in the residential and commercial zones permissible with the approval of Chief Town Planner. Non nuisance type service and small industries employing not more than 10 workers and installation with upto 10 H. P. motor will also be permitted with the approval of Chief Town Planner.

7. RECREATIONAL USE ZONE.

(i) USES PERMITTED:-

Parks, open spaces and maidans, play grounds statia etc.

(ii) USE PERMITTED WITH THE APPROVAL OF CHIEF TOWN PLANNER.

Pavilion and grand stands, bath houses, public utilities temporary usage for fairs, exhibitions, circus, picnics etc.

8 INDUSTRIAL ZONE:-

All types of industries as specified in Annexure-I, retail and wholesale business incidental to the industries, storage stocking yards, ware houses and godowns of non nuisance and non inflammable materials, small offices incidental to industries shall be permitted by responsible authority in all areas zoned for industrial purposes.

Provided that residences incidental to industrial uses, truck terminals, junkyards and waste disposal plants shall be permitted by the Responsible Authority with the prior permission of the Chief Town Planner.

No land which is under wet cultivation or which is low lying shall be deemed fit for building constructions unless its level is raised suitably above the level of the adjoining streets or as may be approved by the Responsible Authority.

Industrial zones shall be governed by the following provisions.

- (i) 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 consistent units shall be a minimum of 12 m. except in the case of a cul-de-sac not exceeding 150 m. where the minimum width of road shall be 10 m.
- (ii) No plot shall be less than 15 m. of average width and 25 m. of average depth.
- (iii) When the area of land under sub division is 0.5 hect. or more, 10% of the total area shall be provided as an amenity open space.
- (iv) The amenity open space provided as above shall have a means of access as if it were 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 15 m.
- (v) In the case of a layout or sub division of a land with one hectare or more in area, a suitable site for an electric transformer shall also be provided.
- (vi) Open spaces to be left free of construction in industrial plot shall be a minimum of 7.5 m. both in front and rear and 3 m. on each of the sides.
- (vii) In the case of an industry where the internal drainage system is proposed to be connected to the public sewerage system if any, prior approval of the arrangements shall be obtained from the Responsible Authority.
- (viii) Industrial waste and effluents if proposed to be discharged in to nearby water bodies, the dilution of such waste shall be such that in the opinion of the responsible authority, the water bodies are not polluted.

- (ix) All industrial establishments exceeding 3 storeys in height shall be provided with automatic fire detection and fire extinguishing equipment and first aid kits on all floors and landings.
- (f) (1) Coverage and F. A. R. for shops in commercial zone.
  - (a) Maximum coverage 60%
  - (b) Maximum Floor Area Ratio 200.

NOTE-1 The Maximum percentage of coverage shall limit the plinth area of a building. The floor area ratio or F. A. R. value shall limit the total built up area on all floors. The F. A. R. and coverage together shall regulate height of buildings. F. A. R. shall be calculated as follows:-

F. A. R. - TOTAL COVERED AREA ON ALL FLOORS X 100 PLOT AREA.

- (2) The layout of markets and/or shopping centres if any, shall be approved by the Chief Town Planner.
- (3) Every shop unit in the commercial zone shall have a carpet area of not less than 15 sq. m. with a width not less than 3 m. In the case of stalls in markets, the carpet area of such stalls shall not be less than 5 sq. m. with a width not less than 2 m.
- (4) In all cases a minimum front open space of 3 m. of the prescribed building line whichever is more and a width of 3 m. at rear shall be provided.
- (5) Access streets in commercial areas shall not be less than 12 m. in width except in the case of cul-de-sac not exceeding 150 m. in length for which the minimum width shall be 10 m.
- (6) All stalls in public market shall be provided with a paved access passage of not less than 2 m. in width.
- (7) Fish and meat stalls shall be provided with a flyproof enclosure and paved access passage and these stalls shall have a minimum width of 2.2 m.
- (8) All commercial buildings exceeding 3 storeys in height shall be provided with automatic fire detection and fire extinguishing equipment and first aid kits on all floors and landings.

(9) 1. COVERAGE AND F. A. R. OF PUBLIC AND SEMI - PUBLIC ZONES.

Occupancy	Maximum permissible coverage	Maximum permissible F. A. R.
1. Educational	30%	150
2. Medical	25%	100
3. Assembly	40%	70
4. Governmental or semi public business.	30%	50

2. The occupancy open spaces to be left free of construction in plots for public and semi public purposed shall be a minimum of 7.5 m. in front and at rear and 3 m. on either side.

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 Municipality 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 Municipality dispose of any land belonging to the Municipality or acquired under the scheme by sale, auction, exchange, lease or otherwise, subject to the rules framed for the purpose by the Municipality and these rules shall be binding on the purchasers, transferers, heirs, and assigns and their successors.

MINIMUM AREA OF DWELLING HOUSES AND BUILDINGS:-

(13) a. Minimum area of residential plots shall be as given below.

	Area in Sq. m.	Minimum width in mts. on road frontage.
1. For one family dwelling houses (single or double storeyed).	120	9
2. For each additional family and its housing convenience.	Add 50 Sq. m. 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 there with.

b. For godowns, warehouses, fuel depots and business premises, it shall be open to their responsible authority to specify any suitable extent for each godown, warehouse etc.

c. Where a plot or site held in single ownership prior to the date of notification of the scheme under section 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 reorganisation of boundaries of plots. If the latter course is proposed, the matter shall be decided by the Arbitrator in accordance with the provisions of the rules.

d. In the land proposed to be acquired and developed for residential purposes, the average housing density shall not be less than 25 dwelling units / hectares.

(14) 1. Every building site unless it abuts on an existing public street or on existing private street in conformity with the scheme shall be made to abut to its full width in front on a street laid down and made in accordance with the provisions of the scheme.

2. The building line in respect of all streets shall be as shown in map. No DSN / 2 and specified in Schedule III.

3. Boundary walls or fences alone shall be erected in the space between the building line and the edge of the adjacent street.

4. No boundary wall or fence erected between the building line and edge of the adjacent street shall be on a greater height than 1.5 m. 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 m. above the level of the ground of the plot.

5. Open space requirements of a building shall be in conformity with the municipal building rules in force unless otherwise provided for in the scheme.



6. 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 (6 x 3m) 18 sq. m. shall be provided for every.
Lodging Establishments, tourist homes, and hotels with lodging accommodation.	4 guest rooms.
Educational Institutions	10 sq. m. carpet area of administrative office area and public service area.
Medical Buildings	20 beds.
Assembly	33 seats.
Government or semi public buildings.	96 sq. m. carpet area.
Shops hotels and Restaurants	90 sq. m. upto 500 sq. m. and 200 sq. m. thereafter.
Industrial	200 sq. m. carpet area.

7. The responsible authority in consultation with the Chief Town Planner shall have power to fix the height of 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 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 BUILDINGS IN UNHEALTHY SITES.**

(15) With a view to prevent contamination of water courses and channels, 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 others or occupiers of sites

abutting there of and every site and building shall be provided with suitable drains leading there from to the nearest street drain. All the sullage shall be disposed of in such a way so 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 there-by or allowed to flow into drains or channels after necessary treatment as required by the responsible authority.

**HOUSING SCHEME:-**

- (17) a) Housing scheme may be undertaken in conformity with the provisions of the scheme by the Municipality or Municipality may enter into contract with, co-operative housing societies or other housing agencies, to take up housing scheme with the previous sanction of the Government.
- b) The sites of existing pucca and moderate dwelling houses with reasonable appurtenant area may be exempted from acquisition of land as decided by the responsible authority.

**RECONSTITUTION OF BOUNDARIES:-**

- (18) a) There necessary, boundaries of sites of lands shall be reorganised 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 a land from one person to another.
- b) Proposals for reorganisation or alteration of boundaries of sites or lands or for reconstitution of plots or sites in the area shall be made by 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 traders name and business exhibited on shops or notice exhibited on shops or notice exhibited on public buildings shall be permitted within the area unless otherwise approved by the responsible authority.

**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 15 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 Municipality 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 16 years.
- 2) Notwithstanding anything contained in the above sub clause, the Municipality 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.

**POWER OF THE RESPONSIBLE AUTHORITY TO MAKE AGREEMENT:-**

- (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) 1) The responsible authority, may if it thinks in any 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 requirements made obligatory by any law, provided that it is satisfied that there are circumstances warranting such dispensation or modification.
- (23) 2) Government 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 of the scheme other than 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) Refer 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:-**

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 other orders, conditions, proceedings, restrictions, limitations or terms made or imposed under in pursuance of any of the provisions of the scheme, the rules or the Act shall on convictions be punished in accordance with section 43 of the Act.

CHIEF TOWN PLANNER.