

GOVERNMENT OF KERALA

ABSTRACT

Calicut Development Authority - Detailed Town Planning Scheme (revised) for Cheruvannur - Feroke Industrial area - Scheme No. I, II and III - Sanctioned - Orders issued.

LOCAL SELF GOVERNMENT (G) DEPARTMENT

G.O(MS) No. 248/199/LSGD

Dated: Thiruvananthapuram, 17.12.99.

Read:- Letter No. Cl/5239/99 dated 1.11.99 from the Chief Town Planner, Thiruvananthapuram.

O R D E R

(N)
The Chief Town Planner in his letter read above has forwarded a Detailed Town Planning Scheme for Cheruvannur - Feroke Industrial area scheme No. I, II and III, Kozhikode for Government Sanction. Government have examined the scheme in detail and are pleased to accord sanction for the Detailed Town Planning Scheme No. I, II & III for Cheruvannur - Feroke Industrial area (revised) adopted by the Calicut Development Authority as per section 14 (3) of Madras Town Planning Act 1920.

A copy of the scheme Book and map as appeared by Government is herewith forwarded to the Secretary, Calicut Development Authority.

By order of the Governor
K.G. PRAKASH

ADDITIONAL SECRETARY TO GOV

TO

- The Secretary, Calicut Development Authority
(with scheme Book and map)
- ✓ The Chief Town Planner (with scheme Book and map)
- The District Collector, Kozhikode
- The Secretary, Kozhikode Corporation
- The Stock File/O.C.

Forwarded/By order

SECTION OFFICER.

~~FORWARDED BY~~

DETAILED TOWN PLANNING SCHEME FOR CHERUVANNUR FEROKE

INDUSTRIAL AREA- SCHEME NO. II

The Master plan of Calicut Urban Area envisages three major industrial zones for the city. One of these zones is the Cheruvannur-Feroke area at the southern end of the urban area where an industrial complex already exists.

Based on the proposals contemplated in the sanctioned Master Plan, four detailed town planning schemes had been taken up and sanctioned by the Government for industrial development in Cheruvannur Feroke Industrial Belt. DTP Scheme No. II was sanctioned in 1970 vide GO (MS) No. 72/1970 dated 26/11/1970. Considering the development already come up in the area, it was necessitated to revise the sanctioned DTP Schemes prepared about 20 years back. Accordingly one of the schemes ie. DTP Scheme No. IV was revised and forwarded to the Calicut Development Authority.

The Chief Town Planner advised to revise the remaining three schemes and this report pertains to the revision of the Scheme No. II. The detailed town planning scheme covers an area of 155.62 Ha. and is situated wholly within the limits of Cheruvannur & Beypore Panchayath bordering the city limits.

The land use study of the area reveals that major industrial development had not come up in these areas both in public or in private sectors as envisaged in the sanctioned scheme. On the other hand large scale residential development and a number of small scale industries has come up within the area. Considering the present nature of development and inertia in the part of the implementing agencies like Calicut Development Authority and Industrial Department, etc., in acquiring large scale undeveloped areas suitable for industrial development, in the revised scheme a mixed land use pattern is adopted.

In the sanctioned scheme, a hierarchy of roads of width varying from 7m to 18m was proposed to provide access to interior areas. As the revised scheme envisages mixed use development and considering the residential developments already come up in these areas, the width of some of these roads are reduced in the revised scheme.

In the sanctioned Master Plan and in the Detailed Town Planning Scheme, there was a proposal to form a railway siding from Cheruvannur to Beypore port area. But the Government, vide order no. 2635/G3/83/LA & SWD dated 12/9/83 exempted a portion of this land for the formation of a housing colony. Hence in the revised scheme, the proposal of railway line has been dropped even though it is included in the Master Plan. The land use analysis of the scheme is furnished separately.

.....

DETAILED TOWN PLANNING SCHEME FOR CHERUVANNUR- FEROKE
INDUSTRIAL AREA - SCHEME NO. II

1. TITLE:

This Scheme may be cited as the Detailed Town Planning Scheme for Cheruvannur-Feroke Industrial Area- Scheme No.II

2. DEFINITION

In this scheme, unless anything repugnant in the subject or context,

- a. "Act" means the Madras Town Planning Act 1920 (Act iv of 1108) as amended.
- b. "Arbitrator" means the Arbitrator appointed for the scheme under section 27 of the Act.
- c. "Authority" means the Calicut Development Authority formed under the Act.
- d. "Building Line" means a line beyond the street line and upto which the main wall of the building facing that street may lawfully extend except as prescribed in the Kerala Building Rules 1984 in force.
- e. "Chief Town Planner" means The Chief Town Planner to the Govt. of Kerala.
- f. "Date of Scheme" means the date of notification of the scheme under section 12 of the Act, in the Kerala Govt. Gazette.
- g. "Government" means the Government of Kerala.
- h. "Map" means the Map annexed to the scheme.
- i. "Municipal Act" means the Kerala Municipalities Act, 1994.
- j. "Rules" means the rules made under Section 44 of the Act.
- k. "Schedule" means the schedule appended to the scheme.
- l. "Scheme" means the Detailed Town Planning Scheme for Cheruvannur Feroke Industrial Area – Scheme No. II
- m. "Secretary" means the Secretary of the Calicut Development Authority.

3 RESPONSIBLE AUTHORITY

The Secretary of the Calicut Development Authority 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 Govt. orders otherwise.

4. AREA OF THE SCHEME.

The area to which the scheme applies shall be that within the inner edge of the boundary line (dot and dash) marked in the Map. Nothing in this clause shall be deemed to restrict or otherwise affect the powers of the Authority to claim or levy betterment contribution from the owner of any property not included within the area, which will come under the purview of sections 22 and 23 of the Act and Clause 21(1) of the Scheme.

5. OWNERSHIP AND EXTENT

The ownership of all land in the area with extent as per the registers maintained in the revenue office, as on date of the publication of notification under section 8 of the Act, is given in schedule 1.

6. ESTIMATE OF THE COST

1. An estimate of the total and net cost of the scheme is given in Form No.11, Schedule II. The net cost is proposed to be fixed as therein stated. The estimate is liable to such revisions, 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 by any other authority, may be undertaken, in such order and such time as the Calicut Development Authority may determine, and completed within the period of 20 years unless the Government, for financial or other reasons order otherwise.
3. The responsible Authority shall have power to specify any date or period within which the execution of any works under the scheme are to 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.

7. STREETS

1. Subject to the provisions of the scheme, all streets mentioned in schedule III (Form No.8) shall be constructed or caused to be constructed by the Responsible Authority on the lines shown in the Map DSN/2 provided that the responsible authority may modify 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. Any other private street that may be permitted in the area with the permission of the responsible authority and in connection with the 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 22' width.
 - 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 12' width, provided that such site is considered suitable for building purposes 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 or need not be made in compliance with the requirements of the sub-clause (a) above.
3. The Responsible Authority may with the sanction of the Chief Town Planner, undertake or carry out any private street or the widening of any existing private street (not included in the scheme) either with the consent of the owners or occupiers of the buildings or land fronting or abutting on such streets, or by acquiring the land covered by the street, provided that the cost incurred shall be paid by the owners or occupiers according to the frontage of their respective lands or in such proportion as may be settled by the responsible authority.
4. The responsible Authority may notwithstanding anything contained in sub-clause (2) & (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 land through which the street may pass, have surrendered the land free of cost for the street and agreed to contribute to the cost of constructing the streets, provided that, if 50% of the owners or occupiers abutting on any new street have surrendered land free of cost for the streets and paid the cost of constructing the streets, the Responsible Authority shall undertake to construct the street without delay and 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 and over any land intended for use as a street or lane.
6. The Responsible Authority shall, as far as the funds at his disposal may permit, provide a sufficient and satisfactory system of drains along with the public streets in the area affected.

8. SUBMISSION OF LAYOUT PLANS

1. If any owner of land within the area intends or proposes to layout a street, lane or pathway or subdivide, utilize, lease or otherwise dispose off any land or any portion of the same as a site or sites for building purpose, he shall submit for the approval of the Responsible Authority, a site or layout plan showing the land and the sites or sites intended or proposed for building purpose and the street or the streets either existing already or intended to be laid out and made by the owners for giving access to the site or sites.
2. Save in such cases as the site or sites intended for building purposes may abut on any existing public street or an existing private, the owner of the land shall layout and make the street or streets giving access to the site or sites and connecting with an existing street and shall subject to the provisions of the Scheme.
3. The owner of the land shall not proceed to sub-divide, utilize, sell, lease or otherwise dispose of the site or sites intended for building purposes unless he has carried out or otherwise made arrangements to carryout the street works in compliance with the provisions of the scheme.
4. If the street or streets have not been made as required under sub-clause (1), (2) & (3) above, the Responsible Authority may order the street works to be carried out or carry out the works himself in the manner prescribed in the scheme, in which case, the cost of such works will be recovered from the owner or the occupier.
5. For the purpose of adjusting the boundary of any street, the Responsible Authority may, with the approval of the Chief Town Planner, make an exchange of land forming part of any street that it may require, with or without paying or receiving any money for quality of exchange or otherwise.

9. APPROVAL OF LAYOUT PLANS

1. a No owner or other person shall layout a street, lane or pathway or sub-divide, utilize, sell, lease or otherwise dispose off 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-divisions 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 sub-dividing the land.
- b. The application for approval of a site or layout plan or plan of sub-division shall be submitted to the Responsible authority in the prescribed under schedule. The Responsible Authority may in the interest of the scheme impose reasonable restrictions and conditions and also insist on such modifications 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 person and shall be enforceable.

10. RESERVATION OF LAND AND ZONING

- a) A list of lands reserved for streets and for other non-residential purposes is given in schedule IV (Form No. 10). For the purpose of the scheme, the streets or footpaths which may be approved or made in accordance of the provisions of the scheme, which are not mentioned in schedule IV shall be also deemed to be included under land reserved for the purpose of the scheme.
- b) The Responsible Authority may from time to time to meet the demand, declare any part of the area, with the approval of the Chief Town Planner and/or subject to such conditions and restrictions as he may think fit, to be reserved for commercial activity or for such other purposes which can be prescribed under sub-section (k) of the section 4 of the Act.
Any part of the area so declared shall be included under land reserved under the scheme and treated as such.
- c) All future developments in respect of the land within the scheme area shall confirm to the zoning regulations ~~given below: (Any uses not mentioned therein shall be prohibited).~~ of the sanctioned development plan for Calicut urban area 2001.
- d) Save as otherwise provided in the scheme every part of the area shall be entirely utilised for industrial purposes only, provided that hotels and flats, clubs and buildings for public worship or institution (other than a reformatory or industrial school for mentally defective or epileptic persons) or buildings for use as places of social intercourse or recreation or as hospitals or dispensaries or for any other purposes may be permitted by the responsible authority with the previous approval of the Chief Town Planner.
- e) No land in the area 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.

11. ACQUISITION OF LAND

1. Any land in the area required for the purpose of the scheme may be acquired by purchase, exchange or otherwise by the authority at any time subject to the provisions of the land acquisition act and without prejudice to the interest of the scheme.
2. The responsible authority may take up acquisition of any land which may be found necessary in future and which is not included in the scheme within the land for acquisition, with the specific consent of the Chief Town Planner and the Government.
3. The notification of the scheme under section 5 of section 14 of the Act in the Kerala Government Gazette shall in respect of any land mentioned in Schedule IV operate as a declaration under section 6 of land acquisition act 1894 for the purpose of the scheme.

12. DISPOSAL OF LAND

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

13. CONSTRUCTION BY THE SIDE OF PUBLIC STREET

1. Every building site, unless it abuts on an existing public street or an existing private street in conformity with the scheme 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 the street shall be as shown in Map. DSN/2 and specified in schedule III.
4. Boundary walls and fences alone shall be created in the space between the building line and the edge of the adjacent street.
5. No boundary wall or fence created between the building line and edge of the adjacent street shall be of height greater than 1.5M measured from the level of the centre line of such street also where the level of the compound is higher than the road, this height may be exceeded so as to a height of 1 M above the level of the ground of the plot.
6. Open space requirements of a building shall be in conformity with the KBR 1984 in force unless otherwise provided in the scheme.
7. Minimum off-street parking space for motor vehicles shall be provided for various types of buildings as specified in the scheme in force unless otherwise specifically mentioned in these rules.

14. PROHIBITION OF BUILDING IN UNHEALTHY SITES

With a view to prevent contamination of water sources and channels due to the existence of burial grounds, sewage pumping stations, treatment plants, 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 option, the construction of building would be objectionable.

15. DRAINAGE

Sufficient means of effective 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 to the nearest street or to the sewer. The sullage water shall be disposed off in such a way as to prevent it from running on to or stagnating on adjacent streets. It shall not be used for watering gardens or compounds if no nuisance is created thereby or allowed to flow into drains or channels or if it has not previously been treated sanitarily in the manner required by the responsible authority.

16. RECONSTITUTION OF BOUNDARIES

1. Where necessary, boundaries of site on land shall be reconstituted and plots reconstituted with the approval of the City Engineer or the Town Planner in the manner prescribed in the act (i) to suit the alignment of the proposed streets, (ii) to provide frontage to the street, (iii) to alter or improve the size and shape of any plot in order to render it more suitable for building purposes, (iv) to

the transfer of ownership of land or portion of land from one person to another and (v) to ensure a planned development of the area.

2. Proposals for redistribution or alteration of boundaries of sites or land or for reconstitution of plots or sits in the area shall be made, by the owner or owners concerned or by the responsible authority as the case may be, to the arbitrator in accordance with the rules at any time unless the arbitrator, by notification specified any particular time or period when such proposals should be made to him.

17. ADVERTISEMENT

No form of advertisement other than that of traders name and business exhibit on shops or notice exhibited in public buildings shall be permitted within the area unless otherwise approved by the Panchayat.

18. CLAIMS OF COMPENSATION

Any persons whose property is injuriously affected by any refusal to grant 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 the act, submit such claim within 12 months of the date of the scheme.

19. CLAIM FOR BETTERMENT

1. Claim 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 the making of the scheme shall be made by the authority 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 at 10% of the increasing value for a period of 20 years.
2. Notwithstanding anything contained in the sub clause above, the authority may, with the previous approval of Government agree with any owner to receive a fixed payment either in a lump sum or by installments in lieu of the betterment contribution.

20. POWER OF THE RESPONSIBLE AUTHORITY TO MAKE ~~AGRICULTURE~~ AGREEMENT

Subject to the provisions of section 36 of the act, the responsible authority may make any agreement with any person or body furtherance of carrying out the scheme or any matter in connection therewith provided that such agreement is not inconsistent with the scheme.

21. REGULATION OF SCHEME RULES

1. The responsible authority may, if he things in particular case and subject to any conditions as he may impose, dispense with or modify with the concurrent of the Chief Town Planner, any of the requirements of the scheme other than the requirements made obligatory by any law, provided that, which is satisfied that there are circumstances warranting such dispensation or modification.

2. The Govt. may in any particular case and subject to any condition as they may impose and in consultation with the Chief Town Planner dispense with or modifying any of the requirements of the scheme other than the requirements made obligatory by any law and their decision shall be final.

22. EXECUTION OF THE SCHEME

1. Responsible Authority may, on the sanction of the scheme by the Govt., execute the scheme proposals in a *phased* face to manner. The Authority may co-ordinate with Govt. Dept. and other agencies in the execution of the scheme proposals and may cause the cost of implementation of the scheme by various agencies to be included in the annual budget of these agencies on a priority criteria.
2. Pending sanction of the scheme by Govt., the responsible authority may, after publication of the scheme, and approval by the authority, take up priority project and necessary land acquisition after obtaining sanction for the same from the Chief Town Planner and Secretary to the Govt.
3. After sanctioning of the scheme by the Govt., the scheme shall be in operation till such time the scheme is revoked or till another scheme is notified and published for the same area or part of the area included in this scheme.
4. After sanction of the scheme by the Govt., the responsible authority may allowed reasonable time to any owner or a person to carry out or execute any works or to fulfil his obligations under the scheme.

23. 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 schemes 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 of the act.