



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५१(२)]

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असाधारण क्रमांक १०८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015 (Mah. Ord. XVIII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015 (Mah. Ord. XVIII of 2015), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 29th August 2015.

MAHARASHTRA ORDINANCE No. XVIII OF 2015.

AN ORDINANCE

*further to amend the Maharashtra Regional and Town
Planning Act, 1966.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that
circumstances exist which render it necessary for him to take immediate

Mah. XXXVII of 1966. action further to amend the Maharashtra Regional and Town Planning Act,
1966, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short
title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015.
- (2) It shall be deemed to have come into force on the 22nd April 2015.

Insertion
of section
26A in Mah.
XXXVII of
1966.

2. After section 26 of the Maharashtra Regional and Town Planning Act, 1966, the following section shall be inserted, namely :—

Mah.
XXXVII
of 1966.

Revised
draft
Development
plan.

“26A. (1) Notwithstanding any time-limit fixed in sections 23, 25 and 26, the State Government may, at any stage of preparation of draft Development plan, in the larger public interest and for reasons to be recorded, by Order, direct the Planning Authority or the said Officer, to prepare a revised draft Development plan. On such Order being issued, the concerned Planning Authority or the said Officer, shall publish a revised draft Development plan, in the manner as provided by section 26, within the time-limit specified in the Order :

Provided that, the State Government may, either *suo motu* or on application from the Planning Authority or the said Officer, by an Order and for reasons to be recorded therein, extend the said time-limit for publication of the revised draft Development plan.

(2) It is hereby declared that, any direction issued by the State Government to the Planning Authority or the said Officer, during the period commencing on the 22nd April 2015, being the date of commencement of the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015 and ending on the date of publication of the said Ordinance in the *Official Gazette*, shall be deemed to have been issued under this section.”.

Mah.
Ord.
XVIII
of 2015.

STATEMENT

Chapter III of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) provides for preparation, submission and sanction to Development plan. Section 31 of the said Act provides for the sanction of the State Government to the draft Development plans prepared by the Planning Authorities prepared under the sections 26 to 30 of the said Act.

2. In some cases it is observed that the Development plan prepared by the Planning Authorities is defective and have irregularities and is not in consistent with the ground realities which necessitates it to be corrected at the initial stage, before submission thereof to the State Government.

3. The State Government, therefore, considers it expedient to amend the said Act with a view to provide that, if the draft Development plan prepared and published by the Planning Authority under section 26 of the said Act, shall, if so directed by the State Government, be rectified at the level of the Planning Authority and that a revised draft Development plan prepared accordingly be published for inviting objections and suggestions from the general public.

4. Sub-section (1) of section 154 of the said Act, as substituted by Mah. XLIII of 2014, empowers the State Government to issue directions or instructions to the Regional Board, Planning Authority or Development Authority for implementing or bringing into effect the Central or State Government programmes, policies or projects or for the efficient administration of the said Act or in the larger public interest. It further provides that, it shall be the duty of these authorities to carry out such directions or instructions, within the time-limit specified in such directions or instructions.

However, the legal position as to whether the powers under said sub-section (1) of section 154 can be invoked with a view to direct the Planning Authority to undertake revision of the draft Development plan which is defective, is not free from doubt.

5. It is, therefore, considered expedient to incorporate a new section 26A, with a view to make an explicit provision in the said Act to the effect that the State Government may, at any stage of preparation of draft Development plan, in the larger public interest and for reasons to be recorded, by Order, direct the Planning Authority or the said Officer, to prepare a revised draft Development plan. It is also considered expedient to provide that, on such Order being issued, the concerned Planning Authority or the said Officer, shall publish a revised draft Development plan, in the manner as provided by section 26, within the time-limit specified in the Order issued by the State Government.

6. Since, the said sub-section (1) of section 154, as substituted by Mah. XLIII of 2014, came into force on the 22nd April 2015, it is also considered expedient to provide that, the proposed section 26A shall be deemed to have come into force from that date i.e. the 22nd April 2015. It is also considered expedient to provide that any direction issued by the State Government to

the Planning Authority or the said Officer, after the said date, i.e. the 22nd April 2015, shall be deemed to have been issued under the provisions of the said section 26A.

7. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), this Ordinance is promulgated.

Mumbai,
Dated the 29th August 2015.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

DR. NITIN KAREER,
Principal Secretary to Government.