



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३०(४)]

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असाधारण क्रमांक ५९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 (Amendment) Bill, 2017 (L. A. Bill No. XXIII of 2017), introduced in the Legislative Assembly on the 31st March 2017, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXIII OF 2017.

A BILL

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

Mah. XXXVII of 1966. WHEREAS it is expedient further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 2017. Short title.

Amendment
of section 2 of
Mah. XXXVII
of 1966.

2. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"), for clause (5A), the following clause shall be substituted, namely :—

Mah.
XXXVII
of 1966.

"(5A) "compounded structure" means any development of land in respect of which the compounding charges, infrastructure charges and premium as levied by the Collector under the provisions of sub-section (2B) of section 18 or by the Planning Authority under section 52A, are paid by the owner or occupier of such structure and which upon such payment has been declared as compounded structure by the Collector or Planning Authority, as the case may be;"

Amendment of
section 18 of
Mah. XXXVII
of 1966.

3. In section 18 of principal Act, in sub-section (2B), after the words "compounding charges" the words ", infrastructure charges and premium" shall be inserted.

Insertion of
section 52A in
Mah. XXXVII
of 1966.

4. After section 52 of the principal Act, the following section shall be inserted, namely :—

Provisions
relating to
certain
developments
as
compounded
structure.

52A. (1) Notwithstanding anything contained in this Act or any other law, for the time being in force, or in any judgment, order or direction of any Court, where unauthorised development has been carried out on or before the 31st December 2015, in the area of Development Plan, the State Government may, upon the request of the Planning Authority, specify the terms and conditions on compliance of which and the compounding charges, infrastructure charges and premium on payment of which, the Planning Authority may declare such development as compounded structure.

(2) On declaration of such development as compounded structure under sub-section (1), no further proceedings under any law for the time being in force against the owner or occupier of such structure shall be taken or continued :

Provided that, no further development shall be permissible in any compounded structure, other than repairs and maintenance, and any development or reconstruction of such structure shall be only as per the provisions of the prevailing Development Control Regulations."

Amendment of
section 53 of
Mah. XXXVII
of 1966.

5. In section 53 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely :—

"(1) (a) Where any development of land has been carried out as indicated in clause (a) or (c) of section 52, the Planning Authority may, subject to the provisions of this section, serve on the owner, developer or occupier a prior notice of 24 hours requiring him to restore the land to conditions existing before the said development took place ;

(b) if the owner, developer or occupier fails to restore the land accordingly, the Planning Authority shall immediately take steps to demolish such development and seal the machinery and materials used or being used therefor.

(1A) Where any development of land has been carried out as indicated in clause (b) or (d) of sub-section (1) of section 52, the Planning Authority may, subject to the provisions of this section, serve one months' notice on the owner, developer or occupier requiring him to take necessary steps as specified in the notice."

6. In section 142 of the principal Act, the following proviso shall be added, namely :—

Amendment of
section 142 of
Mah. XXXVII
of 1966.

“Provided that, no sanction shall be necessary where unauthorised development has been carried out on the plot having area more than 1000 square meters.”.

STATEMENT OF OBJECTS AND REASONS.

The State Government had set up a committee headed by the Municipal Commissioner of the Greater Mumbai Corporation to look into the issue and to make report to the Government, so as to enable the Government to take the decision in the matter of unauthorised developments in the urban areas.

2. The committee submitted its report to the State Government with certain recommendations regarding legal and administrative reforms to be undertaken for controlling the unauthorised developments as well as regularization of unauthorized constructions in the urban areas.

3. The Government had framed a policy providing for regularization of certain unauthorised developments as well as legal and administrative measures for controlling the unauthorised developments in the urban areas.

4. The policy was subjected to the PIL Nos. 80/2013 and 138/2013 and the Hon'ble High Court declined to grant permission to implement the policy stating that it is contrary to the provisions of Maharashtra Regional and Town Planning Act, 1966 and the Development Control Regulations and no policy is required as said Act provides for regularisation unauthorised developments.

5. The State Government is satisfied that it is expedient to make suitable amendments in the Maharashtra Regional and Town Planning Act, 1966, for removing the basis on which the Hon'ble High Court has declined to grant leave to implement the said policy and to enable the Planning Authority to request the State Government for regularisation of unauthorised developments carried out on or before the 31st December 2015, those are in conformity with Development Control Regulations, by declaring such structures as compounded structures after payment of compounding charges, infrastructure charges and premium by the owner or occupier as well as to control the unauthorised developments carried out in their respective jurisdiction.

6. Further to do away with the previous sanction for prosecution in the cases where unauthorised development has been carried out or being carried out on the plot having area more than 1000 square meters.

7. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 30th March 2017.

DEVENDRA FADNAVIS,
Chief Minister.