

# **The Uttar Pradesh Urban Planning and Development (Amendment) Bill, 2011**

## **A Bill**

### **Short Title**

Amendment of section-2 of President's Act No.11 of 1973 as re-enacted and amended by U.P. Act 30 of 1974, U.P. Act 13 of 1975, U.P. Act 19 of 1976, U.P. Act 41 of 1976, U.P. Act 47 of 1976, U.P. Act 48 of 1976, U.P. Act 14 of 1978, U.P. Act 10 of 1980, U.P. Act 6 of 1982, U.P. Act 28 of 1983 U.P. Act 21 of 1985, U.P. Act 1 of 1995, U.P. Act 3 of 1997, U.P. Act 9 of 2000 & U.P. Act 1 of 2008

further to amend the Uttar Pradesh Urban Planning and Development Act, 1973

IT IS HEREBY enacted in the Sixty First year of the Republic of India as follows:

1. This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment) Act, 2011.

2. In section-2 of the Uttar Pradesh Urban Planning and Development Act, 1973 hereinafter called as the principal Act;

(a) after clause (h) the following clause shall be inserted, namely:-

(h-1) "final plot" means a plot reconstituted from an original plot and allotted in a land pooling scheme as a final plot;

(b) after clause (ii) the following clauses shall be inserted, namely:-

(ii-1) "occupier" includes;

(i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable.

(ii) an owner living in or otherwise using his land or building;

(iii) a rent free tenant;

(iv) a licensee in occupation of any land or building;

(v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land.

(ii-2)"owner" in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property, and also includes a mortgagee in possession thereof;

(ii-3)"Plot" means a portion of land held in one

ownership and numbered and shown as one plot in a land pooling scheme.

(ii-4)"prescribed" means prescribed by rules made under this Act;

(c) after clause (j) the following clause shall be inserted, namely:-

(jj) "Reconstituted plot" means a plot which is in any way altered by the making of a land pooling scheme.

(d) after clause (kk) the following clause shall be inserted, namely:-

(kkk) "Land Pooling Scheme" means a land pooling scheme prepared under this Act, and includes a plan or plans, together with the descriptive matter, if any, relating to such scheme.

(kkkk)"Town Planning Officer" means Town Planning Officer not below the rank of a Town Planner or Associate Planner of Town and Country Planning Department, Uttar Pradesh appointed under this Act.

3. After section-9 of Chapter-3 of the Principal Act the following section-9A shall be inserted, namely:-

## **9-A LAND POOLING SCHEMES**

### **Power of Authority to prepare Land Pooling Schemes**

1. Subject to the provisions of this Act or any other law for the time being in force, the Authority shall, after the master plan or zonal development plan has come into operation, for the purpose of implementing the proposals contained in the master plan or zonal development plan, prepare one or more Land Pooling Schemes for any part of the area within its jurisdiction.

### **Contents of land pooling scheme**

2. The land pooling scheme shall contain the following particulars or details, so far as may be necessary, that is to say:-

- (a) the area, ownership and tenure of all original plots covered by the land pooling scheme;
- (b) reservation, acquisition or allotment of land with general indication of the uses as contained in the plan to which such land would be put and the terms and conditions, subject to which, such land is to be put to such uses;
- (c) the laying out or relaying out of the land either vacant or already built upon;
- (d) the filling up or reclamation of low lying swamp or unhealthy areas or levelling up of

land;

- (e) the extent to which it is proposed to alter the boundaries of the original plots in accordance with the proposed land pooling scheme as the reconstituted final plots;
- (f) an estimate of the total cost of the land pooling scheme and the net cost to be borne by the Authority;
- (g) proposals to allocate transferable development right to any final plot owner in lieu of loss of area from the original plot with the consent of the owner; and
- (h) the impositions of conditions and restrictions in regard to the set-backs to be maintained around the buildings, the percentage of covered area for a plot, the number, height and character of buildings allowed in specified areas, the purposes for which the buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of non-conforming uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs;
- (i) any other particulars as may be considered necessary.

**Reconstitution of original plots into final plots**

3. (1) In a land pooling scheme, reconstituting the plots, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and where a plot is already built upon to ensure that the buildings, as far as possible, comply with the provisions of the land pooling scheme as regards set-backs.
- (2) For the purpose of sub-section 3(1) of section-9A, the land pooling scheme may contain proposals:-
  - (a) to form a final plot by reconstitution of an original plot by alteration of the boundaries of the original plot, if necessary;
  - (b) to form a reconstituted final plot from an original plot by the transfer wholly or partly of the adjoining lands;
  - (c) to allot a reconstituted final plot to any

owner dispossessed of land in furtherance of the objectives of the land pooling scheme;

- (d) to transfer the ownership of an original plot from one person to another; and
- (e) to provide, with consent of the owners, that two or more original plots each of which is held in ownership severally or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

**Declaration of intention to prepare land pooling scheme**

- 4. (1) The Authority may by a resolution declare its intention to make land pooling scheme in respect of any part of the area within its jurisdiction for which a master plan or zonal development plan has been approved.
- (2) The Authority shall publish the declaration in the form of a notice in at least one local newspaper.
- (3) The notice published under sub-section 4(2) of section-9A shall contain:-
  - (a) the Resolution of the Authority declaring its intention to prepare a land pooling scheme;
  - (b) the name of the place or places where a copy of the site plan showing the boundary of the area to be included in the land pooling scheme together with the proposals of the approved master plan or zonal development plan, as the case may be, for that area shall be open to the inspection of the public at all reasonable hours; and
  - (c) an invitation to furnish information in the form prescribed (to be appended with the notice) within thirty days from the date of publication of such notice in respect of any title or interest which any person may have, in the land or building covered by the intended land pooling scheme.
- (4) The Authority shall forward a copy of the Resolution together with the notice and the site plan as indicated in sub-section 4(3) of section-9A to the government and the Chief Town and Country Planner, Uttar Pradesh.

- (5) The publication of the declaration as provided under sub-section 4(2) of section-9A shall, notwithstanding anything contained in the Land Acquisition Act, 1894, be deemed to be a declaration duly made under section-4 of the said Act.

**Appointment of Town Planning Officer**

5. Immediately before the declaration of the intention to prepare the land pooling scheme, the Authority shall, with the prior approval of the Chief Town and Country Planner, Uttar Pradesh appoint a Town Planning Officer, for preparation of the land pooling scheme.

**Preparation of land pooling scheme**

6. (1) Immediately after his appointment, the Town Planning Officer shall, in accordance with the prescribed procedure, proceed to formulate within one year from the date of his appointment under sub-section 5 of section-9A a draft land pooling scheme in accordance with the provisions of sub-sections 2 and 3 of section-9A.
- (2) Immediately after the draft land pooling scheme has been prepared, the Town Planning Officer shall convene a meeting of the owners of original plots through a public notice and explain the salient features of the draft land pooling scheme. A brief record of the aforesaid meeting shall be maintained by the Town Planning Officer.
- (3) The Town Planning Officer shall immediately thereafter proceed to prepare the final draft land pooling scheme taking into account the record of the meeting under sub-section 6(2) of section-9A and also proceed to determine any or all matters as given below:
- (a) define, demarcate and decide the areas allotted to or reserved for a public purpose or purposes of the Authority and also the reconstituted final plots under the scheme, to the extent of:
- (i) 15% for roads;
  - (ii) 5% for community facilities such as educational, health and other community facilities and utilities;
  - (iii) 15% for parks, playgrounds and open spaces;
  - (iv) 10% for the purpose of providing

housing to Economically Weaker Sections and Low Income Groups;

- (v) 15% for sale by the Authority for residential, commercial or institutional use depending upon the nature of development.

Provided that the percentage of the allotment of land specified in paragraphs (i) to (v) may be altered depending upon the nature of development and for the reasons to be recorded in writing;

Provided further that the percentage of land in the form of reconstituted final plots for the purpose of allotment to the original plot owners shall not exceed 40%.

- (b) decide the person or persons to whom a reconstituted plot is to be allotted; when such plot is to be allotted; and in case such plot is to be allotted to persons in ownership in common, decide the shares of such persons;
- (c) estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted final plots included in the land pooling scheme in the manner as prescribed and the amount of compensation payable for loss of the value and the area or in lieu thereof the extent of allowable transferable development right if the owner so agrees;
- (d) estimate the compensation payable for the loss of the area of the original plot in respect of any original plot which is wholly acquired under the land pooling scheme or in lieu thereof, estimate allowable transferable development right with the consent of the owner;
- (e) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for institutional, religious or charitable purposes on the date on which public notice declaring the intention of

preparation of the land pooling scheme is published under sub-section 4 of section-9A;

- (f) calculate the contribution to be levied on each reconstituted plot included in the land pooling scheme, in order to partly meet the cost of the land pooling scheme which shall be levied on all final plots excluding those allotted to the Authority in proportion to the area of the final plots allotted to each owner on pro-rata basis.
  - (g) where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on the one hand and the mortgagor or lessor on the other;
  - (h) estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a land pooling scheme in accordance with the provisions contained in sub-section 27 of section-9A;
  - (i) determine the period in which the works provided in the land pooling scheme shall be completed by the Authority;  
Provided that the Town Planning Officer may make variations in the land pooling scheme subject to the condition that any variation estimated by him to involve an increase of more than ten percent in the total cost of the land pooling scheme shall require the sanction of the Authority.
- (4) Immediately but not later than one month, after the draft final land pooling scheme has been prepared, the Town Planning Officer shall convene the second and final meeting of the owners of original plots to whom final plots are to be allotted through a public notice and explain the draft final land pooling scheme. A brief record of the aforesaid meeting shall be maintained by the Town Planning Officer.
- (5) Immediately but not later than one month, after the meeting under sub-section 6(4) of

sction-9A the Town Planning Officer shall decide all matters referred to in sub-section 6(3) of sction-9A after taking into account the brief record of the aforesaid meeting and submit the final draft land pooling scheme to the Authority.

- (6) On receipt of the final draft land pooling scheme under sub-section 6(5) of sction-9A the Authority may make such modifications in such scheme as it may consider necessary with the assistance of the Town Planning Officer.

**Publication of the draft land pooling scheme**

- 7. The Authority shall, within one month of the receipt of the final draft land pooling scheme publish a public notice of the preparation of the final draft land pooling scheme in at least one local newspaper inviting objections and suggestions from the public within thirty days of the date of publication of the aforesaid notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to be correct shall be available for sale to the public at a reasonable price.

**Consideration of objections and submission of final land pooling scheme to government for approval**

- 8. (1) After the expiry of the period mentioned in sub-section 7 of sction-9A, a committee constituted by the government shall examine the final draft land pooling scheme in the light of the objections that may have been received and after giving reasonable opportunity of being heard to all such persons who have filed objections and who have made request for being so heard, may make such amendments as it considers proper and prepare the final land pooling scheme.
- (2) The final land pooling scheme prepared under sub-section 8(1) of sction-9A shall be forwarded to the government for approval within three months from the date of expiry of notice under sub-section 7 of sction-9A.

**Approval of government and date of commencement of the land pooling scheme**

- 9. The government may, in consultation with the Chief Town and Country Planner, Uttar Pradesh within a period of sixty days from the date of receipt of land pooling scheme, approve the land pooling scheme with or without modifications by a notification in the Official Gazette and in at least one local newspaper and the land pooling scheme shall come into operation from the date of aforesaid notification.



**Appeal**

10. (1) From every decision contained in the land pooling scheme in matters arising out of clauses (a), (b), (c), (g) and (h) of sub-section 6(3) of section-9A, an appeal shall lie within one month of the notification of approval of the land pooling scheme to the Authority to be prescribed.
- (a) Any person aggrieved by the decision in appeal of the prescribed Authority in matters referred to in sub-section 10(1) of section-9A above, may appeal within sixty days from the date of decision of the prescribed Authority in appeal, to the District Judge within the local limits of whose jurisdiction the area included in the land pooling scheme is situated.
  - (b) The District Judge may transfer the appeal filed before him to the Additional District Judge for disposal.
  - (c) The District Judge or the Additional District Judge, as the case may be, after making such enquiry as he may think fit, may either direct the Authority to reconsider the decision or accept, modify, vary or reject the decision contained in the approved land pooling scheme and shall decide all matters arising out of clauses referred to in sub-section 10(1) of section-9A.
  - (d) The decision of the District Judge or the Additional District Judge, as the case may be, shall be final and conclusive and binding on all persons. A copy of the decision in appeal shall be sent to government and the Authority.
- (2) All other decisions pertaining to clauses (d) to (f) (both inclusive) and clause (i) of sub-section 6(3) of section-9A contained in the land pooling scheme shall forthwith be communicated to the party concerned and any party aggrieved by such decision may, within thirty days from the date of communication of the decision, appeal to the Tribunal for Land Pooling Scheme constituted under sub-section 12 of section-9A, in the manner and accompanied by such fee as may be prescribed.

- (3) Notwithstanding anything contained in sub-section 10 of section-9A, the filing of an appeal in matters referred to in sub-section 6(3) of section-9A to the prescribed Authority or to the Tribunal of Appeal for Land Pooling Scheme, as the case may be, shall not operate as a bar to the execution of the land pooling scheme.
- (4) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this section.

**Effect of land pooling scheme**

- 11. (1) On and after the day on which a land pooling scheme comes into force:
  - (a) all lands required by the Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Authority free from all encumbrances;
  - (b) all rights in the original plots which have been reconstituted as final plots shall stand determined, and the final plots shall become subject to the rights settled by the Authority and the land records shall be changed accordingly by the concerned Authority;
  - (c) the Authority shall hand over possession of the final plots to the owners to whom they are allotted in the land pooling scheme.

**Constitution of Tribunal for Land Pooling Scheme**

- 12. (1) The Tribunal for Land Pooling Scheme shall be a permanent Tribunal to be appointed by the government consisting of a Chairperson and two assessors for all land pooling schemes within development area.
- (2) The Chairperson of the Tribunal for Land Pooling Scheme shall be the District Judge. An Executive Engineer of the Authority and a Town Planner not below the rank of Associate Planner shall be the two assessors. The assessors shall be appointed by the government.
- (3) The Town Planning Officer shall be present at the proceedings before the Tribunal for Land Pooling Scheme. He shall not be required to give evidence but the Chairperson may require him to assist the Tribunal in an advisory capacity.

- (4) The Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason any assessor appointed under sub-section 12(2) of section-9A.
- Place where Tribunal for land pooling scheme may sit** 13. The Tribunal for land pooling scheme may sit either at the headquarters of the Chairperson or at any other place within the local limits of his jurisdiction which he may deem convenient for consideration and decision of any matter before such Tribunal for Land Pooling Scheme.
- Decision on questions of law and other questions** 14. All questions of law and procedure shall be decided by the Chairperson. All other questions shall be decided by the Chairperson and the two assessors or by a majority.
- Tribunal for Land Pooling scheme not to be court** 15. Nothing contained in this Act shall be deemed to constitute the Tribunal for Land Pooling Scheme to be Court.
- Remuneration of Assessors and payment of incidental expenses of Tribunal for land pooling scheme** 16. (1) In exceptional cases where the Land Pooling Scheme is a large one or the work involved is complicated the government may authorize the Chairperson and the assessors even to receive such special salary or remuneration, as the government may, by order decide from time to time.
- (2) All expenses under sub-section 16(1) of section-9A and all expenses incidental to the working of the Tribunal for Land Pooling Scheme shall be defrayed out of the funds of the Authority and shall be added to the cost of the land pooling scheme.
- Disputed ownership** 17. (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which declaration of intention to prepare a land pooling scheme has been made under sub-section 4(1) of section-9A and any entry in the records of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by the Collector on a submission being made by the Authority at any time for the purpose of deciding who shall be deemed to be the owner for the purpose of this Act.
- (2) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.
- (3) Such decision shall in the event of the civil

court passing a decree which is inconsistent therewith, be corrected, modified or rescind in accordance with such decree as may be practicable after such decree has been brought to the notice of the Authority either by the Civil Court or by any person affected by such decree.

- (4) Where such a decree of the court is passed after the scheme has been notified under sub-section 9 of section-9A such scheme shall be deemed to have been suitably varied by reason of such decree.

**Restrictions on use and development of land after declaration of intention to prepare a land pooling scheme**

18. (1) On or after the date on which the declaration of the intention to prepare land pooling scheme is published under sub-section 4(2) of section-9A:
- (a) no person shall within the area included in the declaration erect or proceed with any building work, remove, pull down, alter, make additions to or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material or sub-divide any land or change the use of any land or building unless such person has applied for and obtained necessary permission from the Authority;
  - (b) The Authority on receipt of such application shall at once furnish the applicant with a written acknowledgement of its receipt and may, after an enquiry, either grant or refuse such permission or grant it subject to such conditions as the Authority may think fit to impose. If the Authority communicates no decision to the applicant within thirty days from the date of such acknowledgement, the applicant shall be deemed to have been granted such permission;
  - (c) If any person contravenes the provisions contained in clause (a) or clause (b), the Authority may direct such person by a notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down, or alter any building or other work or

restore the land in respect of which such contravention is made to its original condition;

- (d) Any expenses incurred by the Authority under clause (c) shall be a sum due to such Authority under this Act from the person in default or the owner of the plot.
- (2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Authority under sub-section 18(1) of section-9A except in respect of a building or work begun or a contract entered into before the date on which the Authority has published the declaration to prepare the land pooling scheme under sub-section 4(2) of section-9A and only in so far as such building or work has proceeded at the time of the publication of the aforesaid declaration.

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the Authority.

- (3) Where under sub-section 18(2) of section-9A:
- (a) the purpose to which any plot of land may not be used has been specified, such plot of land shall within such period of not less than one year, as may be stipulated in the scheme, cease to be used for such purpose and shall be used only for the purpose specified in the land pooling scheme;
  - (b) the purpose to which any existing building may not be used has been specified, such building shall, within such period of not less than three years as may be specified in the scheme, cease to be used for the purpose other than the purposes specified in the land pooling scheme;
  - (c) the purpose to which any plot of land with existing buildings may not be used has been specified in the land pooling scheme and the existence of such buildings is inconsistent with the provisions of the land pooling scheme,

such buildings shall, within a period of not less than ten years or a period as may be stipulated in the land pooling scheme cease to exist;

Provided that such a period shall not be less than the reasonable life of the building;

- (4) Any person aggrieved by the decision of the Authority under this section may, within thirty days from the date of the decision, appeal to the Authority as may be prescribed and the order of the said Authority in appeal shall be final.
- (5) The restrictions imposed by this section shall cease to operate in the event of the land pooling scheme being withdrawn by the Authority on its own or on the direction of the government under sub-section 19 of section-9A.

**Withdrawal of land pooling scheme by the Authority**

- 19. (1) If at any time before the land pooling scheme is published under sub-section 7 of section-9A, a representation is made to the Authority by a majority of the owners in the area that the land pooling scheme should be withdrawn, the Authority shall invite from all persons interested in the land pooling scheme, objections to such representation.
- (2) On receipt of the objection, and after making such inquiry as it may think fit, the Authority by a notification in the local newspaper, withdraw the land pooling scheme and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.
- (3) Simultaneously with such withdrawal, the Authority shall submit to the government the copy of the notice withdrawing the land pooling scheme and a report of its enquiry made in this behalf.
- (4) At any time prior to the publication of the land pooling scheme under sub-section 7 of section-9A, the government, if it is satisfied that it is in the public interest, may direct the Authority to withdraw a land pooling scheme. Thereupon the Authority shall withdraw the land pooling scheme by a notice published in the local newspaper. Upon such withdrawal no further proceedings shall be taken in regard to

such land pooling scheme.

**Power of Authority to evict summarily**

20. (1) On and after the day on which a land pooling scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the land pooling scheme may, in accordance with the prescribed procedure, be summarily evicted by the Authority or any of its officers authorized in that behalf.
- (2) If the Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the District Magistrate shall, at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority.

**Power to enforce land pooling scheme**

21. (1) On and after the date on which the approval of a land pooling scheme has been notified under sub-section 9 of section-9A, the Authority after giving the prescribed notice and in accordance with the provisions of the land pooling scheme:
- (a) remove, pull down, or alter any building or other work in the area included in the land pooling scheme which is such as it contravenes the land pooling scheme or in the erection of which or carrying out of which, any provision of the land pooling scheme has not been complied with;
- (b) execute any work which it is the duty of any person to execute under the land pooling scheme, in such case where it appears to the Authority that delay in the execution of the work would prejudice the efficient operation of the land pooling scheme.
- (2) Any expenses incurred by the Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of sums due to the Authority under the provisions of this Act.
- (3) If any action taken by the Authority is questioned, the matter shall be referred to the government or any officer authorized by the government in this behalf; and the decision of the government or of the said officer, as the

case may be, shall be final and conclusive and binding on all persons.

**Power to make minor variation in land pooling scheme on ground of error, irregularity or informality**

22. (1) If after the land pooling scheme has come into force, the Authority considers that the land pooling scheme is defective on account of an error, irregularity or informality or that the land pooling scheme needs variation or modification of a minor nature, the Authority shall, by a notice in the local newspaper publish a draft of such variation in the prescribed manner.
- (2) The draft variation published under sub-section 22(1) of section-9A shall state every amendment proposed to be made in the land pooling scheme.
- (3) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours.
- (4) Not later than one month of the date of the publication of the draft variation, any person affected thereby may communicate in writing his objection to the Authority.
- (5) After receiving the objections under sub-section 22(4) of section-9A the Authority shall after making such enquiry as it may think fit, notify the variation with or without modification by notification in the local newspaper.
- (6) From the date of the notification of the variation in the local newspaper, with or without modifications, such variation shall take effect as if it were incorporated in the land pooling scheme.

**Power to vary land pooling scheme**

23. A land pooling scheme may at any time be varied by a subsequent land pooling scheme prepared and published in accordance with this Act:  
 Provided that, when a land pooling scheme is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent land pooling scheme; and the date of publication of the varied scheme shall, for the purposes of sub-sections 18, 25, and 26 of section-9A be deemed to be the date of publication of scheme referred to in these sections.

**Apportionment of cost of land pooling scheme withdrawn**

24. In the event of a land pooling scheme being withdrawn, the cost of the land pooling scheme shall be borne by the Authority or be paid to the



Authority, as the case may be, by the owners concerned, in such proportion as the government may in each case determine.

**Cost of land pooling scheme**

- 25 (1) The cost of a land pooling scheme shall include:
- (a) all sums payable by the Authority under the provisions of this Act which are not specifically excluded from the cost of the scheme.
  - (b) all sums spent or estimated to be spent by the Authority :-
    - (i) in the making of the land pooling scheme;
    - (ii) in the execution of the land pooling scheme; and
    - (iii) in the execution of such part of the peripheral and trunk services as may be considered reasonable.
  - (c) three fourth of all sums payable as compensation for land reserved or allotted for any public purpose;
  - (d) all legal expenses incurred by the Authority in the making and in the execution of the land pooling scheme;
  - (e) the amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final land pooling scheme, each of such plots being estimated at its market value on the date of publication of declaration of intention under sub-section 4 of sction-9A with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.
- (2) The estimated cost of works referred to in sub-clauses(ii) and (iii) of clause (b) of sub-section 25(1) of sction-9A shall be as per the schedule of rates applicable on the date the land pooling scheme is published by a public notice under sub-section 7 of sction-9A and shall include such escalation as may be considered reasonable.

- Contribution towards cost of land pooling scheme**
- 26 (1) The cost of the land pooling scheme shall be met wholly or in part by a contribution to be levied by the Authority on each final plot included in the land pooling scheme calculated by the Town Planning Officer in proportion to the ratio of the area of each final plot to the sum total of the area of final plots excluding areas of final plots allotted to the Authority on pro-rata basis.
- (2) The owner of each final plot included in a land pooling scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.
- Compensation in respect of property or right injuriously affected by land pooling scheme**
27. The owner of any property or right whose interest is injuriously affected by the making of a land pooling scheme shall, if he makes a claim before the Authority within thirty days of the receipt of the notice from the Authority be entitled to obtain compensation in respect thereof from the Authority or from any person benefited or partly from the Authority and partly from such person as the Authority may in each case determine.
- Exclusion or limitation of compensation in certain cases**
28. (1) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provisions contained in the land pooling scheme, if under any other law for the time being in force applicable to the areas for which such scheme is made, no compensation is payable for such injurious affection.
- (2) The property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a land pooling scheme which with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (h) of sub-section 2 of section-9A.
- Provision for cases in which the owner is not provided with a plot in the final land pooling scheme**
29. (1) If the owner of an original plot is not provided with a final plot in the land pooling scheme the net amount of his loss shall be payable to him by the Authority.
- (2) Where the final land pooling scheme provides for award of Transferable Development Right to any owner of the final plot, the Authority shall furnish to such owners a certificate of

Transfer of Development Right in such form and in such manner as may be prescribed.

**Payment of net amount due to Authority**

30. (1) The net amount payable under the provisions of this Act by the allottee of a final plot included in a land pooling scheme shall be payable to the Authority within a period of thirty days from the date of notice to him for making payment of such amount.
- (2) If the allottee of the final plot fails to make payment within the period stipulated under sub-section 30(1) of section-9A the Authority shall take possession of part of the final plot equivalent to the value of amount payable and the owner shall be bound to execute sale deed of such part in favour of Authority and on execution of the sale deed such land shall vest with the Authority free from all encumbrances.
- (3) The Authority shall be free to use, develop or sell by auction such land to generate funds for implementation of the master plan or the zonal development plan.
- (4) The area of the final plot to be transferred to the Authority shall be based on the rates of the final plot in their undeveloped state as determined by the Town Planning Officer under sub-section 6 of section-9A of this Act.
- (5) If the allottee of final plot on receipt of notice under sub-section 30(1) of section-9A opts for transfer of part of final plot in lieu of amount payable under sub-section 30 (1) of section-9A the provisions of sub-section 30(2), 30(3), and 30(4) of section-9A shall be applicable.

**Power of Authority to make agreement in respect of land pooling scheme**

31. (1) The Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in the land pooling scheme subject to the power of the government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the land pooling scheme comes into force.
- (2) Such an agreement shall not in any way affect the determination of the matters as stated in sub-section 6(3) of section-9A or

the right of third parties, but it shall be binding on the parties to the agreement:

Provided that, if any agreement contains any provisions which are inconsistent with the land pooling scheme as published by the Town Planning Officer under sub-section 7 of section-9A, such an agreement shall be void:

Provided further that, if the agreement is modified by the government, either party shall have the option of avoiding it, if it so elects.

**Recovery of arrears**

32. Any sum due to the Authority under the provisions of this Act or any rule or any regulation made thereunder, shall be a first charge on the plot on which it is due, subject to the prior payment of the land revenue, if any, due to the government thereon and if it is not paid on demand on the day on which it becomes due or on the day fixed by the Authority, shall be recoverable by the Authority, as arrears of land revenue.

**Execution of works in the land pooling scheme by Authority**

33. (1) The Authority shall complete all the works provided in a land pooling scheme within the period stipulated under clause (i) of sub-section 6(3) of section-9A.  
Provided that, in exceptional circumstances on application by the Authority, the government may, by an order in writing specifying circumstances grant to the Authority in this behalf further extension of time as it may deem fit.
- (2) If the Authority fails to complete the work within the period stipulated or within the period extended under sub-section 33(1) of section-9A, the government may, notwithstanding anything contained in sub-section 33(1) of section-9A, require the Authority to complete the works within a further period as it may consider reasonable or appoint an officer to complete such works at the cost of the Authority.

4. After clause (b) of sub-section (2) of section-55 of the Principal Act, the following clauses shall be inserted namely:-

- (b<sub>1</sub>) the form in which information shall be furnished by any person in respect of title or interest which any person may have, in the land or building covered by the intended land pooling scheme under clause

- (c) of sub-section 4(3) of section-9A;
- (b<sub>2</sub>) the procedure to be followed by the Town Planning Officer for formulation of land pooling scheme under sub-section 6(1) of section-9A;
- (b<sub>3</sub>) the manner in which and the method by which, the value of original and reconstituted plots and compensation payable shall be determined under clause (c) of sub-section 6(3) of section-9A;
- (b<sub>4</sub>) the manner and the form of notice to be served by the Town Planning Officer under clause (h) of sub-section 6(3) of section-9A;
- (b<sub>5</sub>) the manner and fee to be accompanied for filing appeal in Tribunal for Land Pooling Scheme under sub-section 10(2) of section-9A;
- (b<sub>6</sub>) the procedure for summary eviction of a person under sub-section 20(1) of section-9A;
- (b<sub>7</sub>) the form of the notice to be given under sub-section 21(1) of section-9A;
- (b<sub>8</sub>) the manner of publication of the draft variation of land pooling scheme under sub-section 22(1) of section-9A;
- (b<sub>9</sub>) the manner and form of certificate of Transfer of Development Rights under sub-section 29(2) of section-9A.