

# **RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Regulations, 2003**

RAJASTHAN

India

## **RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Regulations, 2003**

### **Rule**

### **RIICO-INDUSTRIAL-AREAS-PREVENTION-OF-UNAUTHORIZED-DEVELOPMENT-REGULATIONS, 2003**

- Published on 1 January 2003
- Commenced on 1 January 2003
- [This is the version of this document from 1 January 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Regulations, 2003 Published vide Notification No. RIICO/A-3/(2) 2/200/03 dated April 21, 2003; Published in Rajasthan Raj-Patra, Part (7), dated May 2, 2003 Page 21(5) In exercise of the powers conferred by sub-section (2) of section 18 of the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Act, 1999 (Act No. 9 of 2002), the RIICO with the prior approval of the State Government hereby makes the following regulations; namely:-

#### **1. Short title, extent and commencement.**

(1) These regulations may be called the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Regulations, 2003. (2) They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions.**

- Words and expressions defined in the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Act, 1999 or rules made thereunder and used in these regulations, shall have the same meaning as assigned to them in the said Act or the rules made thereunder.

### **3. Responsibility of the officers of RIICO.**

(1) Every Sr. Dy. General Manager, Sr. Regional Manager, Regional Manager, Assistant Regional Manager or any other officer as directed generally or specially by the Managing Director, shall ensure in the industrial areas falling within his jurisdiction or control, then-(i) no person at his own instance or at the instance of any other person commences, undertakes or carries out development on any land-(a) without permission required under the Land Disposal Rules; or (b) which is not in accordance with any permission granted; or (c) which is in contravention of any condition subject to which such permission has been granted; or (d) after the permission for development has been duly revoked; (ii) no person continues to use or allows the use of any land or building in contravention of the provisions of a plan without being allowed to do so under the Land Disposal Rules, or where the continuance of such use has been allowed under the aforesaid rules, or rules or regulations made under the Act, continues such use after the period for which such use has been allowed or without complying with the terms and conditions under which the continuance of such use has been allowed; (iii) no person makes any encroachment on any land, not being private property, except steps over drain in any public street; and (iv) no person makes any obstruction upon any land not being private property, except steps over drain in any public street. (2) Where any person is found indulged in any unauthorized development or unauthorized use of any land or building or is found responsible for encroachment or obstruction on any land, the Unit Head of the industrial area concerned or in his absence any other officer authorised by the Managing Director, shall immediately send a specific detailed report thereof together with the action initiated by him. to the Managing Director. (3) The Managing Director or in his absence, the Executive Director, after having examined the report, may issue further directions as considered necessary by him to the Unit Head of the industrial area or any other authorised officer of the Corporation, as the case may be. (4) The Unit Head of every industrial area, shall regularly send a monthly report by 15th of the next ensuing month to the Managing Director, in which apart from the reference of the important activities being undertaken or carried on in his region, a specific note relating to the offenses committed under the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Act, 1999, shall be incorporated.

### **4. Filing of complaint under the provisions of the Act.**

(1) An officer of RIICO, not below the rank of an Assistant Regional Manager, authorised generally or specially in this behalf by the Managing Director, shall be competent to file a complaint in the court of the competent jurisdiction against a person who is found guilty of breach of any of the provisions of the Act. (2) The Managing Director may, after a complaint is filed in a court, in appropriate cases, take any decision or take any steps as he deems proper, under the provisions of section 9 of the Act.

### **5. Removal of encroachment or obstruction.**

(1) The officer authorised under Section 4(1), shall be empowered to get removed (the encroachment or the obstruction on any land with the help of any officials or employees of the Corporation, including the help of paid labour, in accordance with the provisions of section 4 of the Act. (2) The said authorised officer shall issue a notice on plain paper stating the short details of the

encroachment made or the obstruction caused, of not less than three days to the person who has made the encroachment or has caused the obstruction, for removing the same under sub-regulation (1).(3)The expenses incurred for removal of such encroachment or obstruction shall be recoverable by the said authorised officer from the person who had made the encroachment or caused the obstruction.

## **6. Removal of unauthorized development.**

- Where any unauthorized development of land has been carried out by any person, the officer authorised under Regulation 4(1), shall be empowered to take appropriate steps in accordance with the provisions of section 6 of the Act.

## **7. Removal or discontinuance of unauthorized development summarily.**

- Where any person has carried out any development on any land unauthorisedly as indicated in sub-section (1) of section 3 of the Act, the officer authorised under Regulation 4(1), shall be empowered to take action in accordance with the provisions of section 7 of the Act.

## **8. Power of entry, inspection or search.**

- Where any case of default or contravention committed or made against the provisions of the Act comes to the knowledge of the corporation through any means, the officer authorised under Regulation 4(1) shall be empowered to make entry, inspection or search and to take all other steps required to be taken, in accordance with the provisions of section 10 of the Act and the rules made thereunder.

## **9. Power to seize or attach the property.**

- Where any land is encroached upon or some obstruction has been created thereon, the officer authorised under Regulation 4(1) shall be empowered to attach or seize any property found on such land or attached to such land or permanently fastened to anything attached to such land, in accordance with the provisions of section 4 of the Act and the rules made thereunder.

## **10. Permission for continuance of unauthorized development or contravention.**

(1)Where a person has carried out any unauthorized development on any land as indicated in sub-section (1) of section 3 of the Act, or continues to use or allows the use of any land or building in contravention of the provisions of sub-section (2) of section 3 of the Act, he may apply for permission of continuance of unauthorized development on the land or continuance of use of the land or the building in contravention of the provisions of the plan, to the Managing Director or any other officer authorised by him generally or specially in this behalf, through an application on a plain paper in writing with the copy of the notice received, stating therein-(i)the details of the

unauthorized development or the contravention of the provisions of the plan;(ii)since when the said unauthorized development or the contravention of the provisions of the plan has been continuing;(iii)the circumstances under which such unauthorized development or contravention of the provisions of the plan was made;(iv)the difficulties which may arise in case of removal of such unauthorized development or the contravention of the provisions of the plan;(v)the extent of permission sought for continuance of such unauthorized development or contravention of the provisions of the plan, with justification;(vi)the undertaking of compliance, with the terms and conditions including any payment or reimbursement, specified by the Managing Director or the authorised officer in case of full or partial permission is allowed; and(vii)any other relevant fact or statement looking to the specific circumstances of the matter.(2)on receipt of the application under sub-regulation (1), the Managing Director or the authorised officer may, after conducting such inquiry as he deems proper, after going into the facts on records obtained otherwise and after hearing the person making the application-(a)either reject the application for permission in full stating the grounds of rejection in the order; or(b)accept the application for permission in full with such terms and conditions as specified in the order; or(c)partly accept and partly reject the application for permission, stating the grounds of part acceptance and of part rejection in the order.(3)Where the application for permission is rejected in full or in part, the Managing Director or the authorised officer shall also state in his order as to in which manner and by which time not exceeding thirty days the person making the application, shall remove the unauthorized development or contravention of the provisions of the plan.(4)Where the application for permission is accepted in full or in part, the Managing Director or the authorised officer shall state in his order as to in which manner and by which time not exceeding thirty days, the terms and conditions laid down by him for such permission shall be complied with by person making the application.(5)Where in the case of grant of the permission for continuance of unauthorized development or contravention against the provisions of the plan, in full or in part, the person making the application fails to comply with the terms and conditions in the manner and the time, specified in the order of the Managing Director or the authorised officer, the said permission, in full or part, as the case may be, shall stand withdrawn automatically.(6)Where the application for permission of continuance of unauthorized development or contravention of the provisions of the plan is rejected by the Managing Director or where any permission granted but stands withdrawn under sub-regulation (5), the person making the application or the person making the default shall be liable to legal action under the provisions of the Act.

## **11. Institution and defending of the cases.**

(1)The Managing Director shall, through the Executive Director or the Advisor (Infra) or any other officer designated by him, have a general supervisory control over the tiling and defending of the cases in connection with the offenses committed under the Act.(2)The Managing Director may appoint a panel of advocates or specific advocates for specific cases under the Act, on such terms and conditions including payment of fees, and other incidental expenses as agreed to, looking to the nature, expediency and importance of the case or cases.(3)The Managing Director may, direct the authorised officer or any other officer, to pursue or defend the case or appeal as Officer incharge of it.(4)The Officer-in-charge of a case or cases shall provide all relevant records, documents and information to the advocate(s) representing the Corporation in the court(s).(5)The Officer-in-charge

or any of his duly authorised subordinate shall remain present in the court(s) on every date of hearing of the case(s), and shall pursue or defend the same properly through the Advocate(s) representing the Corporation.(6)The Officer-in-charge shall maintain a serially numbered register of such cases with index in the beginning and having allotted some pages to each case. At the beginning of the page allotted to a case, short details of the case shall be recorded and thereafter, a few lines on proceedings carried out on each date of hearing shall regularly be entered into.(7)Where in interim or final order, for or against the Corporation is passed by the Court, the Officer-in-charge shall obtain the certified copy thereof and shall send the same with the report of the advocate representing the case, to the officer designated by the Managing Director and sitting at the Head Office of the Corporation, for further necessary action.

## **12. Exercise of the powers of the Board under the Act/Rules.**

- Where any immediate action is required to be taken in the interest of the Corporation under the Act or the rules made thereunder, the Managing Director may with the consent of the Chairman of the Corporation may exercise any power of the Corporation under the Act or the rules which in his opinion safeguard the interest of the Corporation, and he shall place a detailed report thereof in the meeting of the Board held immediately after the power of the Board is exercised by him and the Board shall take a view on the power already exercised and action which may be required in future, if any.