

# **The Rajasthan Urban Improvement (Change of Use of Residential Land or Premises for Commercial Purposes) Rules, 1974**

RAJASTHAN

India

## **The Rajasthan Urban Improvement (Change of Use of Residential Land or Premises for Commercial Purposes) Rules, 1974**

### **Rule**

### **THE-RAJASTHAN-URBAN-IMPROVEMENT-CHANGE-OF-USE-OF-RES of 1974**

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The Rajasthan Urban Improvement (Change of Use of Residential Land or Premises for Commercial Purposes) Rules, 1974 Published vide Notification No. F.3(216) T.P./72. G.S.R. 131, dated 10-10-1974, Published in Rajasthan Gazette, Extraordinary, Part 4-C(1), dated 14-10-1974, page 367 In exercise of powers conferred by sub-section (I) of Section 74 and Section 73-B of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) the State Government hereby makes the following rules, the same having been previously published as required by under sub-section (2) of Section 74 of the said Act, in the Rajasthan Rajpatra, Part III (B) Extraordinary, dated 20th August, 1974, namely:-

### **1. Short title & Commencement.**

(1) These rules may be called the Rajasthan Urban Improvement (Change of use of Residential Land or Premises for Commercial Purposes) Rules, 1974. (2) These rules shall come into force upon their publication in the Official Gazette.

### **2. Definition.**

- For purpose of these rules, the term commercial purpose' means use of any land or premises for hotel or Cinema purposes and shall include the use thereof partly for residential and partly for

Cinema or Hotel purpose.

### **3. Purpose for which change of use permissible.**

- Whenever a person who has residential land and/or premises wishes to change, the use of the land so used by him, to commercial purpose, he may submit an application in writing in Form 'A' to the Collector of the District. Such applications shall be verified by the applicant as a plaint according to the provisions of Code of Civil Procedure, 1908.

### **4. Scrutiny and enquiry of application.**

(1) Within 30 days of receipt of application, it shall be scrutinised and enquired by the Collector or any other officer authorised by the State Government in this behalf. He shall refer each application to the Chief Town Planner/Urban Improvement Trust/Municipal Board/Council for advice. (2) On receipt of the reference, the Chief Town Planner/Urban Improvement Trust/Municipal Board/Council shall give advice within one month recommending the case for permission for change of use or give reasons for its rejection. If such advice is not given by any authority within one month from the date of receipt of the communication from the Collector, the Collector or any other Officer authorised by the State Government in this behalf shall proceed further in the matter without waiting for advice and it shall be presumed that the Chief Town Planner, Urban Improvement Trust, Municipal Board/Council concerned has no objection to such permission. (3) The Collector shall submit his report to the State Government with the relevant record together with his recommendations. Before submitting the report to the Government, the Collector shall consider the following points:- In case of conversion of land and/or premises for hotels.

**1. For hotels. - Only residential hotels may be permitted in the residential areas. Transit hotels and City hotels may not be permitted.**

**2. The net plot area may not be less than 4,000 Sq. yards so that all uses like parking and other facilities could be conveniently designed and provided for within the plot.**

**3. The height and coverage restrictions for the hotel building shall be such that the proposed building shall not change the character of the residential area. In other words, coverage and height restrictions shall be the same as for other residential plots in that area**

**4. The plot shall not be hemmed in by other residential plots. In other words, corner plots and other such plots facing public open space should be considered for suitability than the others.**

## **5. The plot must front on a major road i.e. a road having a minimum right of way of 80'.**

In case of conversion for cinemas. - (1) Provisions of the Cinematograph Act and the Rules made thereunder shall be adhered to.(2)It should be ensured that the construction of cinemas in residential areas does not cause nuisance to the inhabitants of that area.(3)Plots should not be hemmed in by other residential plots i.e. corner plots or other such plots facing public open space should be considered more suitable than others.(4)The plot must front on a major road, i.e. the road having a minimum right of way of 100'.(5)The height and coverage restrictions should be such that the proposed cinema building should not change the character of the residential area i.e. coverage and height restrictions should be the same as for other residential plots in that area.

## **5. Decision by the State Government.**

(1)The State Government shall consider recommendation of the Collector and may allow the change of the use of residential land and/or premises of the applicant to commercial purpose subject to the payment of conversion charges as provided herein under and subject to following terms and conditions.(2)The applicant shall pay the following conversion charges:-(a)Where the change of use is in respect of land and/or premises with full proprietary rights-

### **75.**

% of the appreciated value of such land and/or premises subject to a maximum of Rs. 200/- per sq. yard if such change of use is only for hotel purpose and Rs. 100/- per yard if the change of use is only for cinema purpose.(b)Where the change of use is in respect of land or premises with lease hold rights 5% of the appreciated value of such land/or premises which shall be subject to revision every 15th year in the first instance and every 10th year later on and the amount of upward revision shall at each state be not less than 24% but shall not exceed Rs. 200 per sq. yard if such change of use is only for hotel purpose and Rs. 100/-per sq. yard if the change of use is only for cinema purpose.(3)A committee consisting of the Collector of District, chairman, U.I.T./President, Municipal Board/Council Executive engineer, P.W.D. and Dy. Town Planner shall assess the present market price of the land or use as residential area and the market price of the area after change of land use into commercial purpose and submit the report to the State Government where the proposals of the Committee shall be scrutinised by a Committee consisting of the Financial Commissioner, Secretary, Town Planning Department and Chief Town Planner and rates, decided finally by the latter committee shall be deemed to be the appreciated value of any land and/or premises.(4)The amount of premium may be realised by the Government in the following manner:-

- |   |                                     |
|---|-------------------------------------|
| (1) For amounts upto Rs. 10,000/-             | One installment.                    |
| (2) For amounts from Rs. 10,001/- to 25,000/- | In two equal yearly installments.   |
| (3) For amounts Rs. 25,000/- to Rs. 50,000/-  | In three equal yearly installments. |

(4) For amounts more than Rs. 50,000/-

In four equal yearly installments.

(5) The rate of interest shall be 9% per annum and in case of default of a payment in time, extra 3% shall be charged as penal interest.

## **6. Conversion not to be permitted.**

- Land and/or premises in respect of which acquisition proceedings are pending under the provisions of Rajasthan Land Acquisition Act, 1953 or any other law in force shall not be allowed change of use under these rules.

## **7. Conversion as a result of mutual agreement.**

- Notwithstanding anything contained in these Rules, in respect of residential land and/or premises where no objection certificate or permission has been granted for construction of a hotel or a cinema after entering into an agreement with the owner of such land or premises by the Urban Improvement Trust, Municipal Board/Council or the Collector or State Government, the State Government may allow change of use of land and/or premises for commercial purpose on payment of conversion charges prescribed under rule 5. Form A Application for permission to use Residential Land and/ or for Commercial purposes in Urban Areas (Under rule (3)) To, The Collector, District..... Sir, I hereby apply under the Rajasthan Urban Improvement (Change of use of Residential Lands or Premises for Commercial Purposes) Rules, 1974, for permission to use the residential land and or premises, particulars whereof are given here under.

## **2. The required particulars are given below:-**

(i) Name of the applicant with parentage and address..... (ii) Particulars of land and/or premises in respect of which permission is required (with six copies of maps and drawing showings details of neighbouring lands and/or premises). (a) Name of the Town with name of Mohalla. (b) House Number/Plot No. (c) Area of open land. (d) Built up area. (e) Area of land and/or premises for which change of use is applied for (indicating it on map). (f) Value of land and/or premises (g) Annual Value of land and/or premises. (h) Original use to which the land is being put according to patta (Copies of sale deeds and pattas be enclosed chronologically). (i) Purpose for which the change of use is required. (j) Amount of house tax payable. (k) Whether the applicant is income tax payer? If so, give permanent Code No.

## **3. That the applicant is owner of the land and/or premises referred to above.**

## **4. That the land is situated in the City/Town ..... of.... Tehsil ..... and District.**

**5. I hereby certify that the information given above is correct according to my knowledge and belief and I hereby bind myself to pay the necessary conversion charges and abide by the conditions on which the land is allowed to be used for construction of Hotel/Cinema.**

Witness .....Dated.....Place.....Signature of the Applicant.