

Tamil Nadu Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1959

TAMILNADU

India

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Act 26 of 1959

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Tamil Nadu Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1959(Tamil Nadu Act 26 of 1959)Statement of Objects and Reasons - Tamil Nadu Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1959 (Tamil Nadu Act 26 of 1959). - Within the last few years, the influx of the population into the towns and cities has led to a great deal of pressure on accommodation and it is noted that, for this purpose, many open spaces and play-fields are being encroached upon. It is also noted that several parks, play-fields and open spaces are not kept in proper sanitary condition and that the Corporation and the municipalities themselves have constructed many buildings for their use and have dumped in many places goods, converting them into sore godowns. If this tendency is allowed to grow, the health of the city population will be seriously affected and the absence of free open spaces, which should act as lungs in urban areas will render the population liable to ill-health, disease or infection. The proposed measure is designed to prevent such a catastrophe.Published in Part IV - A page 452 of the Fort, St. George Gazette Extraordinary, dated the 20th September 1958.Received the assent of the Governor on the 19th February 1960 and first published in Part IV-B, page 27, the Fort St. George Gazette, dated the 2nd March 1960.An act to provide for the preservation and regulation of parks, play-fields and open spaces in the State of [Tamil Nadu]. [Substituted for the word 'Madras' by the Tamil Nadu Adaption of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of laws (Second Amendment) Order, 1969.]Whereas it is expedient to provide for the preservation and regulation of parks, play-fields and open spaces in the State of [Tamil Nadu:] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of laws (Second Amendment) Order, 1969.]Be it enacted in the Tenth Year of the Republic of India as follows: -

1. Short title, extent and commencement.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1959. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for the word 'State of Madras' by Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. (3) It shall come into force at once - (i) in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]; and (ii) in every municipality in the State. (4) The Government may, from time to time, by notification, extend the provisions of this Act from such date as may be specified in the notification to any other local area in the State, and may cancel or modify any such notification. Notes. - This Act was extended to the added territories by section 3 of, and the First Schedule to the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964) repealing the corresponding law in force in those territories.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "executive authority" means the Commissioner, chairman, president, executive officer or other functionary of the local authority concerned who is vested with general executive powers under any of the Acts mentioned in the Schedule; (b) "Government" means the State Government; (c) "open space" means any land, whether enclosed or not, belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used for purposes of recreation, air or light; (d) "park" means a piece of land on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden with trees, plants or flower beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light; (e) "play-field" means a piece of land adapted for the purposes of play, game or sport and used by schools or colleges or clubs.

3. Preparation and submission of list of parks, play-fields and open space by executive authorities.

(1) The executive authority of every local authority shall, not later than six months from the date on which this Act comes into force in the area within the jurisdiction of the local authority, prepare and submit for the approval of the Government a correct and complete list with plans and maps of all the parks, play-fields and open spaces in the area aforesaid containing such particulars as may be prescribed. (2) The Government shall, as soon as may be, after the receipt of the list and other documents referred to in sub-section (1), publish the list in the prescribed manner and such publication shall state at what place and time the maps, plans, and documents aforesaid will be available to the public for inspection.

4. Approval of lists by Government.

(1) Any person interested, may submit his objections or suggestions in writing in respect of anything contained in, or relating to, the list, to the Government, within three months from the date of the publication under sub-section (2) of section 3. (2) The Government may, after considering the objections and suggestions, if any, and making such inquiry as they think fit approve the list with or without modifications. (3) The approval of the Government to a list under sub-section (2) shall be published in the prescribed manner and such publication shall contain the list and shall also state at what place and time particulars relating to the matters mentioned in the list will be available to the public for inspection.

5. Variation or revocation of list.

(1) The Government may, at any time, either suo motu or at the instance of the local authority concerned or of any person interested, vary or revoke a list published under section 4. (2) Before making any such variation or revocation, the Government shall publish in the prescribed manner a draft of such variation or revocation together with a notice specifying a date on or after which such draft will be taken into consideration, and shall consider any objection or suggestion which may be received in respect of such draft from the local authority or any person interested before the date so specified. (3) (a) The Government shall once in every five years review the approved lists of parks, play-fields and open spaces and shall cause revised lists to be prepared. (b) Whenever such a general revision of approved lists has been completed, the Government shall publish in the prescribed manner the revised lists and such publication shall state that objections and suggestions will be considered if they reach the Government within a period of one month from the date of such publication. (4) The Government shall, after considering the objections and suggestions, if any, received within the period referred to in sub-section (3) publish the revised lists in the prescribed manner and the revision shall take effect on such publication.

6. Prohibition of the use of parks, play-fields and open spaces in certain cases.

- No park, play-field or open space specified in the list published under section 4 or 5 shall, except with the previous sanction of the Government, be used for any purpose other than the purpose or purposes for which it was used on the date of the coming into force of this Act under sub-section (3) of section 1 or on the date with effect from which this Act is extended to the local area concerned under sub-section (4) of section 1, as the case may be.

7. Maintenance of parks, play-fields and open spaces.

- The local authority shall maintain in a clean and proper condition all parks, play-fields and open spaces belonging to or vested in it and included in the list published under section 4 or 5.

8. Prohibition of construction of buildings, etc.

- No person shall, except with the previous sanction of the Government, construct any building or put up any structure likely to affect the utility of the park, play-field or open space or make any encroachment in or over any park, play-field or open space specified in the list published under section 4 or 5.

9. Obligation of owner of parks, play-fields, etc.

(1) In the case of parks and play-fields not vested in the local authority, but included in the list published under section 4 or 5, the executive authority may, by notice, require the owner or the person or authority in occupation of such park or play-field -(i) to maintain such park or play-field in a clean and proper condition, or (ii) to remove or alter any projection, encroachment or obstruction in or over any such park or play-field or to execute such repairs to any building in such park or play-field as the executive authority may consider necessary, within a date specified in the notice. (2) If the owner or the person or authority in occupation fails to comply with the notice under sub-section (1), the executive authority shall himself arrange to -(i) maintain such park or play-field in a clean and proper condition, or (ii) remove or alter the projection, encroachment or obstruction, or (iii) execute such repairs as he may consider necessary and the cost of such maintenance, removal, alteration or repairs shall be recoverable from the owner or the person or authority in occupation in such manner as may be prescribed. (3) Any dispute as to the amount of the cost shall be decided by the Government and their decision shall be final. (4) The executive authority may, instead of, or in addition to, taking action as indicated in sub-section (2), proceed to acquire the land under the Land Acquisition Act, 1894 (Central Act I of 1894), for the purpose of effective management of the land as a park or play-field. (5) Any owner or any person or authority in occupation of a play-field desiring to convert the play-field to any use other than as a play-field may give notice to the person or authority managing the affairs of any educational institution or other duly constituted public body which uses the play-field or to the local authority within whose jurisdiction the play-field is situated to purchase his or its rights in the play-field. If such person, authority, public body or local authority does not agree to purchase his or its rights, he or it may after the expiry of a reasonable period which shall be not less than six months put it to such use as he or it desires.

10. Submission of annual return.

- The executive authority shall submit to the Government in such form and with such particulars as may be prescribed, an annual return in respect of the parks, play-fields and open spaces which are situated within the limits of the local authority concerned and which are specified in the list published under section 4 or 5. The return shall also contain a list of the parks and play-fields in respect of which action was taken under sub-section (2) of section 9 together with particulars as regards the nature of the action taken in respect of them and the steps taken in regard to their proper maintenance.

11. Removal of unauthorised persons.

- If any person enters or remains in any park, play-field or open space belonging, to or vested in the Government or a local authority after having been required by the executive authority or any person authorised in his behalf by the Government or the local authority not to enter or remain in such park, play-field or open space, he may, without prejudice to any other proceedings which may be taken against him, be removed from such park, play-field or open space by any Police Officer or any other person acting on behalf of the Government or the executive authority.

12. Penalties.

- Whoever throws any rubbish into any park, play-field or open space specified in the list published under section 4 or 5 or gets over the railings or fence, or steals or damages the fruits, flowers, plants, grass or any other thing whatsoever therein or commits any nuisance therein, shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

13. Power of control of Government.

(1) If the Government are satisfied, after giving the executive authority an opportunity of explanation, that the executive authority has failed to enforce effectively the provisions of this Act or to execute any work which under this Act the executive authority is required to execute, the Government may order the local authority to do all things necessary for enforcing the provisions of this Act effectively or for executing any work which under this Act, the executive authority is required to execute. (2) For the purposes of this section, the Government shall have the same powers of calling for records, of causing inspection to be made, and of enforcing their orders, of appointing persons to enforce them as they have under sections 40 to 43 (both inclusive) of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Act, 1919 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation 'iotliWisi Order, 1969, as amended by the Tamil Nadu Adaptation of taws (Second Amendment) order, 1969.] Act IV of 1919) or sections 34 and 39 of the Tamil Nadu District Municipalities Act, 1920 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation 'iotliWisi Order, 1969, as amended by the Tamil Nadu Adaptation of taws (Second Amendment) order, 1969.] Act V of 1920).