

The Chhattisgarh Nagar Palika (Registration of Coloniser, Terms and Conditions) Rules, 1998

CHHATTISGARH

India

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Rule

THE-CHHATTISGARH-NAGAR-PALIKA-REGISTRATION-OF-COLONISER-OF 1998

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The Chhattisgarh Nagar Palika (Registration of Coloniser, Terms and Conditions) Rules, 1998 Published vide Notification No. 19-18-3-98, dated 1-5-1998, C.G. Rajpatra, Part 2, dated 12-2-1999 In exercise of the powers conferred by Sections 292-A, 292-B, 292-C and 292-E read with Section 433 of the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) and Sections 339-A, 339-B, 339-C and 339-E read with Sections 355 and 356 of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961), the State Government hereby makes the following rules, namely :-

1. Short title, commencement and extent.

(1) These rules may be called the Chhattisgarh Nagar Palika (Registration of Coloniser, Terms and Conditions) Rules, 1998. (2) They shall come into force with effect from the date of publication in the "Chhattisgarh Rajpatra". (3) These rules shall apply within the limits of all Municipal Corporation, Municipal Council, Nagar Panchayat x x x.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means in case of Municipal Corporation the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) and in case of Municipal Council and Nagar Panchayats the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961); (b) "Coloniser" means Development Authority, any Society, Co-operative Society registered by the Registrar, Firms and Societies or any other Registered Institution which includes any such person or institution who intends to take up the work of establishment of the colony by developing

that are for the purpose of dividing land, including agriculture land; into plots or group housing and intends to transfer such plots to persons desirous of constructing residential or non-residential or joint residence for inhabitation and whose registration as coloniser has been done by the Competent Authority under these rules;(c)"Municipal area" means such area which is situated within the limits of Municipal Corporation, Municipal Council or Nagar Panchayat x x x;(d)"Municipality" means Municipal Corporation, Municipal Council or Nagar Panchayat, as the case may be;(e)"Sub-Divisional Officer (Revenue)" means the Sub-Divisional Officer appointed under the Land Revenue Code, 1959 (No. 20 of 1959);(f)"Plot Holder" means any such person who holds any plot or has plot from any person under any transfer document or under any transfer agreement in any Municipal area to construct Colony;(g)"Form" means the form appended to these rules;(h)"Competent Authority" means in relation to such Municipal area which comes within the limit of any Municipal Corporation, omitted Municipal Commissioner and in relation to such Municipal area which comes within the limit of any Municipal Council or Nagar Panchayat, the Sub-Divisional Officer (Revenue);(i)"Internal Development Work" means the following development works to be done within the limits of the colony under the prescribed standards:-(i) Levelling;(ii) Demarcation of the proposed roads and plots sanctioned in the layout;(iii) Construction of the proposed road (as per IRC standards);(iv) If in the land of the colony, the road exists at present, in that case the construction or widening of the road on the basis of sanctioned layout (as per IRC standards);(v) Construction of culverts (as per IRC standards);(vi) Construction of proposed drain, if existing then the canalisation of existing drain (as per PHE standards);(vii) Implementation of internal water supply system (as per PHE standards);(viii) Construction of Internal sewage line (as per PHE standards);(ix) Construction of septic tank (if proposed) (as per PHE standards);(x) Fixation of electric poles under the internal electricity system (as per the standards prescribed by the MPEB);(xi) Construction of overhead tank;(xii) Development of proposed open areas in the colony;(xiii) Plantation on road side;(j)"External Development Work" means the following development works as per prescribed criteria :-(i) New roads to be constructed in the shape of approach road starting from the limit of the colony to the existing road of the town;(ii) If the road exists at present attached to the colony, then in that case the expenses to be incurred on the proposed widening of the existing road;(iii) Laying of electric line from the limits of the colony to the existing electric line for the supply of electric in the colony;(iv) The expenditure on connecting the existing system to the system of underground sewerage from the limits of the colony;(v) If water supply in the colony is proposed at the level of urban water supply system, then in that case the laying of new pipe line from the limits of the colony to the existing pipe line;(vi) In respect of approach road of the colony under sub-clause (one) and widening of the existing road under sub-clause (two) it shall be necessary for the competent authority to clearly determine as to what extent the approach road should be widened and under the widening of the existing road how much width is meant for and what shall be the quality of construction of such road that is whether it shall be a WBM or asphalt or of cement concrete;(k)"Development expenses" means the expenditure to be incurred as approved by the competent authority for the completion of the works as mentioned above under clause (i) and (j) as per the prescribed specifications;(l)"Colony" means such colony where there is intention to provide or has been provided to the residents the basic services such as road, water, electricity, disposal of sewerage etc. by dividing or sub-dividing plots. Provided that such plots which are divided amongst the members of the family shall not be included in this definition. However, it shall include the

construction under Group Housing and Joint Housing.Explanation. - Family means the family as defined in the Chhattisgarh Land Revenue Code.

3. Registration of the coloniser.

(1)Such coloniser who in any municipal area, omitted-(i)intends to take up the work of establishment of the colony by developing that area for the purpose of dividing any land into plots;(ii)intends to transfer such plot to the persons desirous of constructing residential or non-residential or joint residence for inhabitation; shall apply to the competent authority for registration in Form-One appended to these rules.(2)It shall be essential to enclose the following documents with each application for registration under sub-rule (1),-(i)copy of the receipt, in proof of depositing the registration fee in the treasury of the municipality as mentioned in Rule 4;(ii)Bank Guarantee of Rupees five lacs in case of such municipal area whose population is 3 lakh or more and the Bank Guarantee of Rupees one lakh in case of such municipal area whose population is less than three lakh Bank Guarantee shall be essential for the full period of the registration :Provided that in case of Co-operative Housing Society it shall not be necessary to submit the Bank Guarantee along with the application submitted for registration and the application shall be considered without Bank Guarantee. If the application is sanctioned the registration shall be done. Provided that the Co-operative Housing Society shall submit Bank Guarantee as prescribed under these rules within a period of 90 days from the date of receipt of the intimation of registration otherwise the registration shall be deemed to have been cancelled.(3)In case the application for registration is rejected, the Bank Guarantee and the balance amount shall be refundable to the applicant after deducting twenty per cent amount of the registration fee deposited under sub-rule (2).(4)In case the application of registration is rejected, the reasons thereof shall be recorded in writing, and the action to accept or reject the application, as the case may be, shall necessarily be completed within thirty days from the date of receipt of the application. * * *(5)In case the application of registration is rejected, the appeal may be filed to the State Government within thirty days from the date of rejection of the application of registration.(6)The registration certificate shall be issued in Form-Two appended to these rules and the Competent Authority shall have power to mention any other conditions looking to the local circumstances, apart from the terms and conditions as mentioned in these Rules or Act.(7)The registration certificate shall be valid for five years, thereafter it may be renewable.(8)For each colony, separate registration certificate shall not be necessary to take in any municipal area.(9)The competent authority shall publish the list of the names of registered colonisers every three months by pasting it on the notice board of the office of the competent authority, notice board of the office of the Collector and at public places.

4. Registration and renewal fee.

- The registration fee shall be Rs. 5,000/- (Rupees five thousand) and the renewal fee shall be Rs. 2,000/-(Rupees two thousand) which shall be deposited in the treasury of the municipality and the receipt thereof shall have to be obtained.

5. Disqualifications for registration.

- Any person, Society, Co-operative Society registered by Registrar, Firms and Society and elected Director of any other registered institution shall not be eligible for registration, if,-(a)Any information given in the application as submitted is not correct or the information is incomplete.(b)The financial condition of the applicant is not satisfactory.(c)(i)has been convicted of an offence punishable under Section 153-A or Section 171-E or Section 171-F or sub-section (2) or sub-section (5) of Section 505 of the Indian Penal Code, 1860 (No. 45 of 1860) or under the Protection of Civil Rights Act, 1955 (No. 22 of 1955) or under Section 125 of the Representation of the People Act, 1951 (No. 43 of 1951), or Sections 3 and 4 of the Dowry Prohibition Act, 1961 (No. 28 of 1961) or Section 10 or Section 11 of the Chhattisgarh Local Authorities (Electoral Offences) Act, 1964 (No. 13 of 1964) unless a further period of six years has elapsed since his release after undergoing the sentence.(ii)has been convicted by a Court in India,-(a)for an offence not falling under sub-clause (one) and sentenced to imprisonment for a period of not less than two years, or(b)for contravention of any provisions of the Chhattisgarh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984), or of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs.Explanation.-In this clause,-(a)"Law providing for the prevention of hoarding or profiteering" means any law or any order, rule or notification having the force of law provided for,-(i)the regulation of production or manufacture of any essential commodity,(ii)the control of price at which any essential commodity may be bought or sold,(iii)the regulation of acquisition, possession, storage, transportation, distribution, disposal, use or consumption of any essential commodity,(iv)the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale.(b)"Drug" shall have the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (No. 23 of 1940).(c)"Essential commodity" shall have the same meaning as assigned to it in the Essential Commodity Act, 1955 (No. 10 of 1955).(d)"Food" shall have the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954).(e)If the registration certificate of the applicant was rejected earlier under Rule 7 or 14.(f)The competent court has declared him as of unsound mind.

6. Maintenance of Register.

- The Competent Authority shall maintain a register in Form-Three, wherein the full details of the registration certificate, issued under these rules shall be entered together with terms or conditions, subject to which registration certificate has been granted and it shall contain full address of the applicant. Every person who has obtained the registration certificate shall inform the Competent Authority in case of any change in his address.

7. Cancellation of Registration Certificate.

- The Competent Authority on his own motion or on information from any source and for reasons to be recorded in writing, may cancel the registration certificate for contravention of any of the term, condition or terms or conditions or any provision of the Act or these rules :Provided that no registration certificate shall be cancelled unless a reasonable opportunity of being heard is given to

the holder of the registration certificate. An appeal may be filed to the State Government within thirty days from the date of the order of cancellation of registration certificate :Provided further that if any colonizer constructs more than one colony and out of which one colony is constructed lawfully and in the other one some irregularities are committed, then for this reason the registration certificate shall not be cancelled and in the colony in which irregularities are found, action shall be taken for those irregularities only :Provided that if it is found that the colonizer is repeatedly committing irregularities, then his registration may be cancelled

8. Application for the development of the colony and permission fee.

(1)When a colonizer registered under Rule 3 wants to establish any colony and take up development work, then he shall submit an application in five copies to the Competent Authority in Form-Four together with the fee prescribed under sub-rule (2) at least ninety days before the proposed date for starting the development work of the colony or sale of plots.(2)The following fee for the permission of development of the colony shall be payable, which shall be deposited by the colonizer in the treasury of Municipality and the true copy of the receipt shall be enclosed with the application to be submitted under sub-rule (1) :-

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| (i) Area of Municipal Corporation having a Population of 3 lakh or more. | Rs. 10,000/- per hectare. |
| (ii) Area of Municipal Corporation having a population of less than 3 lakh. | Rs. 4,000/- per hectare. |
| (iii) Area of Municipal Council | Rs. 2,000/- per hectare. |
| (iv) Nagar Panchayat | Rs. 1,000/- per hectare. |

9. No objection certificate to be obtained.

(1)On receipt of the application under Rule 8, the Competent Authority shall obtain the following No objection/permissions :- (a)Under the Urban Land Ceiling Act, 1976; (b)Necessary certificate under the Chhattisgarh Town and Country Planning Act, 1973; (c)From the Nazul Officer.(2)If No objection or permission prescribed in sub-rule (1) is not given by the concerned departments within forty-five days of the receipt of letter from the Competent Authority, then it shall be deemed their sanction and the application shall be disposed of under Rule 8 within ninety days from the date of the receipt of application.(3)If no information is received by the Applicant Colonizer within specified period under sub-rule (2) from the Competent Authority regarding disposal of the application, then colonizer shall inform the Competent Authority in writing. On non-issue of No Objection Certificate/permission by the Competent Authority within thirty days of the receipt of the information then on expiry of the said period, permission shall be deemed as granted to the applicant colonizer, but in counting of the above period of time, the period from the date fixed for obtaining any additional information or documents, from the applicant and the date of receipt of such information or document, shall be waived. This deemed permission shall be valid to the extent that it does not violate the provisions of the then applicable Acts/rules/bye-laws, in other words deemed permission shall be valid under the then applicable Act/rules/bye-laws.

10. In Residential Colonies, availability of Plots/Houses for the weaker sections of the society.

(1) In every residential colony in the urban area, out of the area of the developed plots by the Colonizer, fully developed Plots equal to fifteen per cent of the size of 32 to 40 square meter area, shall have to be reserved for persons belonging to economically weaker sections. (2) Such colonizer who wishes to offer the constructed residential houses instead of developed plots in his residential colony for the persons of the economically weaker sections under sub-rule (1) then they may make available the houses of the size of 20 to 24 sq. meter constructed on an area equal to one fourth of the total area of the developed plot. (3) In respect of the land on which the Urban Land (Ceiling and Regulation) Act, 1976 is applicable, the colonizer shall have to reserve developed plots of the size of 32 to 40 sq. meter area on at least 25% area of the total developed area for the persons belonging to economically weaker section in accordance with the condition for exemption from the State Government for that land under Section 20 of the Urban Land (Ceiling & Regulation) Act, 1976 : Provided that if the Colonizer wishes to make available the constructed residential houses instead of developed plots for the persons of economically weaker sections he may make available the constructed residential houses of the size 20 to 24 square metre on an area equal to one fourth of the total areas of the developed plot. (3-a) The value of the land for the allotment of reserved plots shall be determined on the basis of the provisions of the Urban Ceiling (Maximum Limit and Regulation) Act, 1976 for awarding compensation to the person concerned. In such value the expenses likely to be incurred on the development of the plot shall be included proportionally. (4) Such colonizer, who do not wish to develop plots or construct houses for economically weaker section in his colony having an area of 0.4 hectares or more under sub-rule (1) or (2) or sub-rule (3) shall have to deposit the following shelter fee in the shelter fund for the [total area of the plot for construction of all type of buildings] [Substituted by Notification No. 36/F-1-17/03/18-03, dated 13-8-2003. In Chhattisgarh it will be 'total area'.] of the colony the rate of which may be revised by the State Government, from time to time. Provided that in case of a proposed colony having an area of less than 0.4 hectares, the colonizer shall have to pay shelter fee compulsory at the prescribed rates :

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| (i) Town having population up to three lakhs | Rs. 40 per Sq.m. |
| (ii) Town having population more than 3 lakhs but up to 5 lakhs. | Rs. 60 per Sq.m. |
| (iii) Town having population of more than 5 lakhs | Rs. 100 per Sq.m. |

(4-a) Leaving the plot area for the construction of all type of buildings in the colony, all other open land shall be exempted from the shelter fee. (5) For the allotment of plots/house reserved for weaker sections under sub-rules (1) and (2) the selection of eligible persons, cost of plot/house and allotment shall be made by the following committee-(a) In case of committee situated at Divisional Head Quarter-

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| (1) Divisional Commissioner | Chairman |
| (2) Collector of Stamps | Member |
| (3) Collector of the District | Member |
| (4) Project Officer (DUDA) | Member |
| (5) Deputy Registrar (Co-operation) | Member |

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| (6) Deputy Director, Town & Country Planning | Member |
| (7) Deputy Director, Urban Administration (Divisional) | Member |
| (8) Municipal Commissioner/Chief Municipal | Officer Member-Secretary |

(b) In case of committee situated other than Divisional Head Quarter-

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| (1) Collector of the District | Chairman |
| (2) Collector of Stamps | Member |
| (3) Project Officer (DUDA) | Member |
| (4) Deputy Director (Co-operation) | Member |
| (5) Deputy Director, Town & Country Planning | Member |
| (6) Municipal Commissioner/Chief Municipal Officer. | Secretary |

(6) The Committee constituted under sub-rule (5) shall determine the cost of plot on the basis of the rate at which the land of the colony concerned was purchased by the Colonizer or if, the land was already in his ownership at the rate determined by the Collector of Stamps as prevailed at the time, the Colonizer had submitted the application for registration as Colonizer and shall include the development fees proportionally. In case of house, the construction cost of the house shall also be included. (7) The Collector shall collect shelter fee for the whole of the planning area and Municipal area, which shall be deposited in the shelter fund by opening a separate account which shall be under the Collector. This fund shall be utilised by the Committee constituted as under in accordance with the instruction issued by the State Government from time to time :

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| (i) Collector | Chairman |
| (ii) Chief Executive Officer, Development Authority | Member |
| (iii) Commissioner, Municipal Corporation/Chief Municipal Officer, Municipality/Nagar Panchayat. | Member |
| (iv) Project Officer, District Urban Development Agency | Member
Secretary |
| (v) Jt. Director/Dy. Director/Assistant Director, Town and Country Planning | Member |
| (vi) Dy. Commissioner/Executive Engineer C.G. Housing Board. | Member |

(8) After depositing the shelter fee by the colonizer in the Joint Account of the Collector and the Project Officer, District Development Agency, the Competent Authority shall grant permission for the development. The amount of shelter fee deposited with the Collector may be made available without interest as loan to Local bodies/Chhattisgarh Housing Board/Chhattisgarh Slum Clearance Board/Development Authority. The said amount may be utilised as margin money to obtain loan from financial institutions for the construction of houses for economically weaker section. This amount may be utilised for providing the basic services like sewerage, drinking water, public toilets etc. in the old Jhuggi Basti area and for infrastructure development in areas, where Jhuggi dwellers are resettled. (9) The colonizer may also exercise the aforesaid alternative in relation to the layouts approved earlier, by the Town and Country Planning Department, but it shall be essential to give such option within six months from the date of publication of these rules in the Chhattisgarh Gazette. (10) At the time of submission of the application prescribed in Rule 8 the colonizer shall have to clarify that out of the options shown in sub-rule (1) or (2) or (4) which option he would like to select and shall also submit the details of the options as selected by him along with the

application. These options shall be got technically examined by the competent authority and at the time of sanction of the compensation of colony he shall mention about the options also.]

11. Availability of the urban land and its optimal use.

- Developed land in the form of plots equivalent to at least twenty-five per cent, of the total developed land in area which falls within the preview of Urban Land Ceiling Act, 1976 will be made available to the authority prescribed by the State Government for the people of economically weaker sections at the rate fixed for the land declared surplus under the Urban Land Ceiling Act, 1976 and for the remaining land exemption may be granted by the State Government under Section 20 of the Urban Land Ceiling Act, 1976, if the holders and the Co-operative Societies agree to implement Government approved housing schemes and for implementation of the housing schemes in accordance with the prescribed conditions. It shall be obligatory to commence the implementation of the scheme within a period of one year and to complete it within a period of three years from the date of approval of scheme by the State Government. Apart from taking over the aforesaid prescribed developed plots, no plots will be taken over for the people of economically weaker sections under any other provision. In respect of the above, the instructions given by the Government from time to time, shall be deemed to be applicable.

12. Permission for the development works of the colony.

- On receipt of the application under Rule 8, subject to the provisions mentioned in Rules 9, 10 and 11, after fulfilment of the following conditions, the permission for the development of the colony in Form-Five shall be given by the Competent Authority, -(i) Out of the plots or houses or Hats, as the case may be, to be developed by the Coloniser, the plots or houses or Hats, as the case may be, in number of twenty-five per cent leaving the plots or houses or Hats, as the case may be, reserved for the economically weaker sections, shall have to be mortgaged with the concerned Municipality. These plots or houses or flats, as the case may be, shall be released from mortgage and will be available to the Coloniser for sale on the completion of internal development works of the colony, subject to sub-rule (2) of Rule 13. The notice regarding the numbers of the plots or houses or flats, as the case may be, as mortgaged shall be got published in newspapers for the information of the general public by the Competent Authority and a copy of such notice shall also be sent to the Sub-Registrar. (ii) The coloniser shall have to deposit an amount equal to two per cent of the estimated cost to be incurred on the internal development of the colony as supervision fee in the treasury of the concerned municipality. (iii) The coloniser shall have to comply with the criteria prescribed by the municipality in respect of the handing over of the colony to the municipality for maintenance. (iv) The information of completion of the development work of the colony shall be given by the coloniser to the Competent Authority, on receipt of the information the work completion certificate shall be issued by Competent Authority within a period of fifteen days on inspection of the development works of the colony if the development works are found to be completed. It shall be deemed that the concerned colony has been transferred to the municipality for maintenance on the date of issue of work completion certificate. (v) On the basis of the total area of the colony, the amount at the rate of rupees ten per square metre for external development cost, shall be deposited by the coloniser in the treasury of the municipality in cash or by Bank Draft. The

State Government may revise this rule from time to time :Provided that if the coloniser himself completes the external development of the colony as per the prescribed specification then it shall not be necessary to deposit the said amount by the coloniser :Provided further that in the planning area declared by the Director of Town and Country Planning which is adjacent to the Municipal Limits, the coloniser shall have to undertake external development works as per the prescribed norms, in such cases the concerned coloniser shall not be required to deposit the amount prescribed for the external development.(vi)The municipality shall complete the development works within a period of one year from the date of deposit of the amount under clause (v) and shall inform the coloniser accordingly.(vii)The coloniser shall have to manage the minimum necessary facilities such as drinking water, shelter, toilets etc. for the labourers engaged in the development and construction work of colony and permission for development of colony shall only be given after making such arrangement.(viii)The amount deposited for external development under clause (v) shall be kept in a separate Bank Account by the Competent Authority. The withdrawal from this account shall only be made for the purpose of external development works of that colony, through joint signature of the Competent Authority and Collector or a subordinate officer authorised by him for this purpose.

12A. Permission for Building Construction in any Colony.

- Permission for building construction in any colony shall be granted only when the Competent Authority ensure that the development as per prescribed norms have been completed in the colony concerned but in case of group housing such condition shall not apply.

13. Period for completion of the internal development works of the colony.

(1)It shall be necessary to complete the internal development works of the colony by the coloniser within a maximum period of three years from the date of issue of the permission of development of the colony under Rule 12.(2)If within the stipulated period in sub-rule (1), any coloniser does not complete the internal development works of the colony, then the Competent Authority, after giving the reasonable opportunity of being heard to the coloniser, shall take up the internal development works of the colony and shall get the development works completed and on execution of such works the expenditure incurred thereon shall be recouped by selling of twenty-five per cent, plots mortgaged under clause (i) of Rule 12.

14. Effect of non-compliance of Rule 12.

- If prior to the receipt of permission under Rule 12, any colonizer starts the development work of the colony or sells the plots or prepares to sell the plots then in such circumstances the Competent Authority may cancel the registration of the Colonizer and may take such legal action which he decides to take under the law :Provided that the registration shall not be cancelled until such colonizer has been given a reasonable opportunity of presenting his case :Provided further that the reasons for cancellation of registration shall necessarily be recorded in writing.

14A. List of authorised colonies to be made publicly.

- The Competent Authority shall inform the general public through newspapers, radio and television that the list of authorised colonies those have been approved may be seen at certain places of the city. The competent authority shall make the list of authorised colonies publicly within a week of the end of every quarter.

15. Management of the colony.

(1) If the fact of transfer or agreement to transfer of plots made by the Colonizer in an area of illegal diversion or illegal colonization comes to the notice of the Competent Authority and if he considers it desirable to takeover the management of such land, he shall issue a notice and publish it three times in atleast two daily local newspapers of which one must be of Hindi language and call upon all the persons interested in the said land to show cause within such period as may be specified therein, why the management of the said land should not be taken over by him. (2) On the expiry of the period specified in the notice, the Competent Authority shall consider the objections or suggestions, if any, received with reference to the notice or otherwise, and if considers necessary, require any such person who has raised any objection, to present himself or through authorised representative with all the relevant documents for oral hearing. (3) After having published the notice under sub-rule (1), if the Colonizer or the plot holder within the time specified in the notice published do not turn up or the development fees is not deposited by them, the competent authority by forfeiting the concerned land/house shall take over its management : Provided that if he is satisfied that the land/house is not subject to illegal diversion or illegal colonization, he may drop the proceedings. (4) In the discharge of his duty for management of land, the Competent Authority may confer upon one or more officers subordinate to him, such powers as he may think necessary for proper management, protection and preservation of the property and wherever necessary, for the collection of rents and profits, for any suit or prosecution or any other legal proceedings for management, protection and preservation of the property. (5) If the competent authority has taken over the management of land under sub-rule (3), he shall draw up a scheme for the development of such land and its allotment in which the following points shall necessarily be included- (a) the criterion for the allotment to such plot holders of the colony concerned who have deposited the development fees; (b) criterion for sale of the remaining plots; (c) time for the completion of the development work : Explanation. - In the said scheme, the procedure of allotment shall have to be completely transparent. (d) the scheme, as prepared above shall be published for the information of the general public by the competent authority in the manner as he may deem fit. (6) The expenses incurred by the Competent Authority on the management of the land shall be included in the development charges of the land and shall be recoverable on pro-rata or on any reasonable basis from persons to whom the plots have been allotted under the scheme.

15A. Regularisation of Unauthorised colonies that came into existence up to 30th June, 2002.

(1) Notwithstanding anything contained in these rules the unauthorised colonies that came into

existence up to 30th June, 2002 on other than government land and such land of the Development Authority which is in its ownership shall be regularised subject to the following conditions : (i) Such colony shall be deemed to be in the category of unauthorised colony which has been constructed by the colonizer without obtaining the legal permission or no-objection certificate from the department of Town and Country Planning, Urban land ceiling, Land Diversion, Nazul and Municipality. (ii) Unauthorised colonies situated on Development plan roads, parks, playgrounds, areas to cultural heritage, river, tank or area of drains, green belt or recreation shall not be regularised. (iii) Only such unauthorised colonies shall be regularised where at least 10% houses have been constructed. Where only the plots are in existence, action for regularisation shall be taken in accordance with Rule 15 of these rules. (iv) Once the competent authority takes up the work of regularisation of any colony in his hand, it shall be deemed that the diversion of land of that colony has been done and its use is in accordance with the Master Plan of the City. (v) The competent authority shall cause to be prepared the estimate and layout for the development work, including for the basic amenities of the illegal colonies on which the competent authority shall organize a meeting and discuss with the inhabitants concerned and the colonizer if available, and after considering their suggestions if any, finalise the estimate and lay out. The amount of expenditure to be incurred for preparing the layout shall be fixed not exceeding ten per cent of the development charges and the same shall be included in the development charges. (vi) For the development works, the development fees at the rate of Rupees one hundred and fifty per square meter shall be recovered from the owners/occupants of the house/plots of the colony concerned in proportion of the area of house/plot which is in their occupation. If in the layout prepared by the competent authority for the total area of the colony, open land for public amenities as per law, is not available then the competent authority shall estimate the cost of such requisite open land and recover double amount of such estimated cost from the Colonizer : Provided that action to regularize the house/plot shall not be effected in case the requisite amount is not recovered from the Colonizer or there is delay in recovery. (vii) In case the development fees or the cost of requisite open land as the case may be, is not deposited by the occupants/colonizer of the house/plot, such amount shall be recovered in accordance with the provisions of the Act for the recovery of municipal claims. (viii) The competent authority shall deposit the amount of development fees in a separate bank account received from the occupiers of houses/plots. Similarly the amount which is recovered as arrears of land revenue shall also be deposited in the same account. The drawal from such account shall be made only for the expenditure relating to the development works of the concerned colony with the joint signature of the competent authority and the Collector or his subordinate officer authorised by the Collector in this behalf. The sanction of the Development Works shall be given by the concerning authorities of the municipality within their powers as vested in them. (viii-a) If the plot/house holder wants to mortgage his plot/house for taking loan to pay the development charges, he may do so. (viii-b) If the house holders and the plot holders of the unauthorised colony wants to execute the development works by forming any society, the competent authority may permit for the same : Provided that the amount of development fees shall be deposited in the joint account of competent authority and the society and the development works shall be executed subject to the provisions of these rules in the supervision of the competent authority. (ix) The competent authority may allow to make payment of the development fees in instalments. (x) In the case of regularisation of the unauthorised colony the provisions of clause (j) of Rule 2 and clause (v) of Rule 12 shall apply in respect of the External Development Work. (xi) In such unauthorised colony in which the houses have been constructed, the

concerned urban body shall alter compromise with the house owners regularise such unauthorised construction of the house. The building permission fee and the compounding charges shall be recovered from such house owner according to law.(xii)Where the colonizer after making different layout sold the plots more than one time and there is a dispute of ownership then the settlement of such dispute can only be made in a civil court according to law. Registered sale deed and commutation shall only be treated as the basis of ownership.(xiii)After finalisation of the estimate and layout by the competent authority, the development work shall be completed within a period of three years, when all the plot holder deposits the development fees, from the date on which the last plot holder deposits the development fees. If the development work is not completed within the said period, then the concerned body shall bear the extra expenditure to be incurred for the development work. The competent authority shall have the right to take decision as to from which date the development work be started :Provided that the development work shall be executed in such order so that the development work relating to basis services be executed first of all.(xiv)When the competent authority has determined the development fees and published the notice in the local news papers informing that up to certain date the house/plot holder of the colony should deposit the development fees, otherwise after expiry of the period, the competent authority shall take over the management of such house/plot of which the person concerned has failed to deposit the development fees, then the competent authority shall be competent to take the management of such house/plot and take action for execution of the development works of the colony in accordance with the procedure as laid down in Rule 15.(xv)In the unauthorised colony when any house or plot has been regularised then such house/plot shall be deemed to have been exempted ipso facto from penal proceeding.](2)If any unauthorised colony is constructed after 30th June, 2002 action to remove the same shall be taken by the competent authority by treating it as the unauthorised construction.

15B. To provide electricity and water supply in the illegal colonies.

(1)Any person who wished to take electricity/water supply connection in his house which is in the area if illegal diversion or in the illegal colony then he shall apply to the competent authority in Form-Six along with an affidavit in Form-Seven for a certificate under Section 292-D of the Chhattisgarh Municipal Corporation Act, 1956 or under the proviso to Section 339-D of the Chhattisgarh Municipalities Act, 1961 as the case may be.(2)After submission of application under sub-rule (1), the competent authority may after such enquiry as he may deem fit to satisfy himself that in public interest there is no objection to make available electric/water supply connection in the construction area in the illegal diversion or in the illegal colony.(3)If after holding an enquiry, if any, under sub-rule (2), the competent authority is satisfied that in public interest, there is no objection to make available electric connection/water supply connection then he may after recording the reasons in writing sanction the same, subject to certain terms and conditions in the form Certificate prescribed in Form-Eight.(4)The competent authority may on his own motion or on receipt of information from any other source and after recording the reasons in writing cancel the certificate for violation of any terms, conditions or restrictions in the certificate :Provided that no certificate shall be cancelled unless the holder is not given a reasonable opportunity of being heard.(5)The competent authority shall keep a register in Form-Nine in which the details of certificate issued under these rules and the terms, conditions and restrictions under which the certificate has been issued, shall be entered. The full address of the applicant shall be entered in the said register. In the

case of any change in his address, the holder of the certificate shall intimate the same to the competent authority.

15C. Action to be taken against the person for construction of the illegal colony.

- Action for punishment shall be taken in accordance with the law against the person for construction of illegal colony and action for recovery of the amount which is to be recovered from such person shall also be taken by the competent authority.]

16. Repeal.

- As from the date of commencement of these rules, all rules and bye-laws corresponding to these rules, if in force immediately before the commencement of these rules shall stand repealed :Provided that anything done on any action taken under the rules and bye-laws so repealed, shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules. Form One[See Rule 3(1)] Application for Registration To, (1) Municipal Commissioner, Municipal Corporation. (2) Sub-Divisional Officer (Revenue) Municipal Area..... District..... Application for registration as a coloniser is submitted as per the following details :- (1) Prescribed fee for registration Rs..... has been deposited in the treasury of Municipal Corporation/Municipal Council/Nagar Panchayat vide receipt No..... dated..... (true copy is enclosed). (2) Bank Guarantee for Rs..... is enclosed. (3) Other required details are as follows :-

1. Name of the applicant with complete present address and permanent address :

2. Is the applicant a Private person/Private Company/Public Company/Firm of Society ?.....

3. If the applicant is,-

(a) a person, his nationality ?..... (b) A Private Company, the place of registration together with the nationality of all members of company..... (c) A Public Company, the nationality of the Directors, the place of issue and percentage of equity capital owned by Indian nationals. (d) a Firm or association, the nationality of all partners. (e) an institution (Society), the details.

4. The profession or nature of business of the applicant.....

5. Details of immovable and movable property owned by the applicant.....

6. Whether he has developed any land before the date of this application ? If yes, give details thereof.....

7. Whether applicant has sufficient financial resources for the establishment of colony (give sufficient particulars).....

8. Whether applicant has been convicted for any offence ? If yes, give details.....

9. Income Tax permanent account number (enclose copy of the details of account submitted in the last year).....

10. Nature of joint interest, if any.....

11. If the applicant intends to supervise the works, his previous experience be mentioned. If he intends to appoint a manager, the name of the manager, his qualifications, nature and extent of his previous experience should be mentioned and his consent letter should be attached.....

I/We hereby declare that the particulars furnished above are correct and I/We are ready to furnish any other details as may be required by you. Yours faithfully,.....(Signature and Designation of the Applicant) Place..... Date..... Form Two [See Rule 3 (6)] Registration Certificate Date..... Registration No..... Subject to the terms and conditions specified below and under the Chhattisgarh Municipal Corporation Act, 1956/Chhattisgarh Municipalities Act, 1961 and the Chhattisgarh Municipality (Registration of Coloniser, Terms and Conditions) Rules, 1998 made thereunder Shri/Smt./M/s Son of..... Resident Mohalla..... Village/Ward Town Tahsil..... District..... is hereby registered as coloniser. (1) This registration is to the extent of the extent of the Planning area of the Town/Panchayat area/Municipal area. (2) The coloniser has to inform with regard to the establishment of every additional colony before its establishment. (3) Permission for the development of colony/permission to start the development works shall have to be obtained for each colony separately. Seal Place..... Date..... Note.-The eligibility for the establishment of colony, development work, allotment of plots/houses in the colony or to make agreement for allotment shall be only if the permission for development is obtained as per rules. Municipal Commissioner/Sub-Divisional Officer (Revenue) Form Three (See Rule 6) Register

1. Date and year of issue of Registration Certificate.
2. Registration Certificate Number.
3. Name of the person to whom Registration Certificate is issued.
4. Father's Name.
5. It' Firm, company or association or society, names of all the partner members.
6. Terms, Conditions and Restrictions subject to which registration certificate is granted.
7. Date of cancellation of Registration Certificate and thereasons for cancellation in brief.
8. Date of receipt of application under Rule 8.
9. Date of issue of permission under Rule 12.

Form Four(See Rule 8)Application for Development of ColonyTo,(1)The Municipal Commissioner, Municipal Corporation,(2)The Sub-Divisional Officer (Revenue) Municipal Area.....District.....Application for permission for development of colony is submitted as per the following details :-

- Full name of the Applicant (Specify whether a
1. person, firm, Co-operative Society or Society of any other category, company).
2. Registration Certificate [Number and date].
3. Present Address.
4. Details of the land of which development is required alongwithsurvey No.
5. Right under which the applicant holds the land.
6. Details of immovable property owned by the applicant.
- Whether he has developed any land prior to
7. submission of thisapplication. If so, state the details.
8. Details of financial resources for establishment of colony.
9. Whether the applicant has been convicted of any offence. Ifso, State the details.
10. Following documents are enclosed with the application :-

(1)For the permission of development of colony, prescribed fee of Rs.....(Rupees.....) has been deposited in the Treasury of Municipal Corporation/Municipality/Nagar Panchayat..... vide receipt No..... dated.....(True copy is enclosed).(2)True copy of the certificate and documents of Sub- registrar, Registration for the purpose of giving proof of title, ownership of interest in the land on which permission to establish the colony is required.(3)True copy of land diversion certificate of the land which is to be developed.(4)Proposed development plan.(5)Details

of option chosen for providing plots/land to the weaker sections of the society under Rule 10.(6)Details of plots to be mortgaged as per Rule 12 (1).(7)Statement of estimated expenditure for development works of the colony, which has to be certified by any qualified engineer and true copy of the receipt indicating its number and date in proof of the deposit of the amount equal to 2% of the amount shown in the statement of estimated expenditure in the treasury of Municipal Corporation/Municipal Council/Nagar Panchayat.(8)Solvency Certificate.I/We do hereby declare that the details given above are true and I/We are ready to furnish any more details required by you. Kindly permit me/us to takeover the work of construction of the colony.Yours faithfully,.....Signature of the Applicant.Form Five(See Rule 12)Permission for Development of ColonyDate.....Permission No.....Subject to the terms and conditions specified below under the Chhattisgarh Municipal Corporation Act, 1956/Chhattisgarh Municipalities Act, 1961 and the Chhattisgarh Municipality (Registration of Coloniser, Terms and Conditions) Rules, 1998 made thereunder Shri/Smt./M/s.....Son of of Resident of Mohalla Village/Ward.....Town.....tehsil.....District is permitted to start the development work in the residential colony.....Situated in Village.....Khasra No Total area.

1. Conditions mentioned in the No Objection Certificate issued by the Competent Authority under the provision of the Urban Land Ceiling Act, 1976 shall have to be complied with.

2. Conditions of the diversion of land under Chhattisgarh Land Revenue Code, 1959 shall have to be complied with.

3. Conditions of permission for development received under the Chhattisgarh Town and Country Planning Act, 1973 shall have to be complied with.

4. Development/Construction of plots/houses for economically weaker sections shall have to be done firstly.

.....Municipal Commissioner/Sub-Divisional Officer (Revenue)Form Six[See sub-rule (1) of Rule 15-B]Form of Application for Obtaining Certificate Under Rule 15-B of Chhattisgarh Nagarpalika (Registration of Coloniser, Terms and Conditions) Rules, 1998To.The Competent AuthorityI/We request you that a certificate may kindly be granted under the Chhattisgarh (Registration of Coloniser, Terms and Conditions) Rules, 1998 to facilitate me/us to obtain electricity/water supply connection in my/our house, the particulars of which are given below :- (i)Name of the applicant(ii)Present Address(iii)Permanent Address(iv)Whether the applicant is individual/private company/public firm or institution.(v)In case the applicant is-(a)an individual State his nationality(b)a private company, please state its registration number along with the nationality of all its members.(c)a public company state the nationality of the Director, Place of operation and percentage of share held by Indian Nationals.(d)a firm or institution, state the nationality of all partners(e)a society-state the full particulars.(vi)Profession of the applicant or the

nature of his business.(vii)The details of the house and address for which electric/water supply connection is required.(viii)Nature of joint interest, if anyI S/o do hereby declare that the particulars given above are due and I/we/am/are ready to furnish other details desired by you.Your faithfully,Place :.....Signature of the applicantName and addressDate :Form Seven[See sub-rule (1) of Rule 15-B]The Affidavit to be Filled Before the Competent Authority Alongwith Application for Obtaining CertificateI.....S/o.....aged.....years, resident of.....do hereby affirm on oath as follows :- (1)That I have constructed a house on Plot No.....of the.....Society situate in.....Nagar.(2)That the construction of the said house on the suit plot was completed before (year) and I am the owner of the said house.(3)That the plot in which I have constructed the house has been diverted for non-agriculture purpose under Section 172 of Chhattisgarh Land Revenue Code.(4)That I know that the colony in which I have constructed the said house is in the list of illegal colonies declared by the Government and in case I submit any wrong information, I shall be responsible for the same under Section 292-D of the Chhattisgarh Municipal Corporation Act, 1956 and Section 339-D of the Chhattisgarh Municipalities Act, 1961.(5)That I take the responsibility of compliance and follow up of the orders passed by the Government in future in this respect and if in the event of such orders my electric connection is disconnected then without holding the MPEB responsible, I shall be ready to get the electric connection installed.(6)That the said house has not been constructed on the land of any Government/Semi Government or Municipal Corporation or Municipality or Nagar Panchayat.(7)The particulars of the property area as follows-(i)Name of the applicant/owner with his full address.(ii)Details of illegal diversion/illegal colony.(iii)Name of the owner with address.(iv)Details of Land(a)Village.(b)Khasra No.(c)Area.(v)Name of the colony(vi)Area of the plot.(vii)Particulars of settlement of the Municipal Corporation Municipality/Nagar Panchayat.(viii)Remarks.DeponentVerificationI S/oresident of..... do hereby verify that the contents of paras 1 to 6 are true to my personal knowledge.Verified and signed on this.....day of.....at hours.DeponentForm Eight[See sub-rule 3 of Rule 15-B]CertificateNo.....Date.....Certificate under Rule 15-B of the Chhattisgarh Nagarpalika (Registration of Coloniser, Terms and Conditions) Rules, 1998ICompetent Authority do hereby certify that there is no objection in public interest to give electricity/water supply connection in the house, detailed below on the terms, conditions and restrictions given below :-Details of the properly

1. Village

2. Khasra No.

3. Area

4. Plot/house No.

5. Name of the colony

6. Name of the owner of the house.

Terms, Conditions and Restrictions

Place : Competent Authority

Dale : Name of the body corporate

(Seal)

Form Nine[See sub-rule (5) of Rule 15-B]Form of Register

S. No.	Date of application under Rule 15-B (1)	Full Name and address of person/Firm,owner/institution who has given the application	Date and number of certificate	Restrictions, terms and conditions under whichthe certificate has been issued	Date of cancellation and brief reasons therefor
(1)	(2)	(3)	(4)	(5)	(6)