

Haryana Urban Development Authority (Preservation of Trees) Regulations, 1979

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Rule

HARYANA-URBAN-DEVELOPMENT-AUTHORITY-PRESERVATION-OF- of 1979

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Haryana Urban Development Authority (Preservation of Trees) Regulations, 1979 Published vide Notification Haryana Government Gazette (Extraordinary), dated 10.12.1979 at Page 2051-2053

1. Title and commencement.

(a) These Regulations shall be called the Haryana Urban Development Authority (Preservation of Trees) Regulations, 1979. (b) These shall come into force at once.

2. Definitions.

- In these Regulations unless there is anything repugnant in the subject or context :-(i) "Authorised Officer" means an officer of the Authority specifically authorised to perform certain functions under these Regulations; (ii) "Operational land", means land which is used by public service undertakers for the purpose of carrying on the undertaking of such undertakers; (iii) "Owner" includes a mortgagee with possession; (iv) "Public Service Undertakes" means a person (including a firm or other body of individuals whether incorporated or not) who is carrying on or is authorised to carry on any public utility service including a railway, light railway, or is engaged in road transport, water transport, disposal of waste, or in the supply of electricity or water; (v) "Zoning Plan" shall mean the detailed lay-out plan of the sector or a part thereof as approved by the Chief Administrator showing the subdivision of plots, open spaces, streets, position of protected trees and other features and in respect of each plot, permitted land use, building lines and restrictions with regard to the use and development of each plot in addition to those laid down in the erection of building regulations.

3. Application for permission.

- (i) No person shall, except with the previous permission in writing of the Estate Officer or such other authorised officer cut down, lop or destroy or cause or permit the cutting down, lopping or destruction of any tree in any part of the wood land area shown in the zoning plan as "protected trees" or "protected wood land area".(ii)An application under sub-regulation (1) shall be in writing and shall specify the trees, group of trees or the wood-land area to which the application relates, and the operations for the carrying out of which the permission is required; and where necessary for identification of such trees, groups of trees or wood land area, the application shall also be accompanied by a map or plan on a scale as may be required by the Estate Officer or such other authorised officer.

4. Permission of refusal.

- (i) The Estate Officer or such other authorised officer may grant such permission either unconditionally or subject to such conditions (including conditions requiring the replacement of any one tree by one or more trees of the same or specified kind on the site or in the immediate vicinity thereof) as he may deem fit, or he may refuse permission.(ii)Where the Estate Officer or such other authorised officer refuses permission under these Regulations or grants such permission subject to conditions, he shall, while refusing or granting permission, certify that in respect of any tree, groups of trees or any wood-land area for which he has so refused or granted permission, he is satisfied that :- (a)the refusal or permission in the interest of good forestry, or (b)in the case of a wood-land area, it has amenity value in relation to the woodland character of the area, or (c)in the case of trees or groups of trees, the trees have an outstanding amenity value for offering shade to the buildings or roads, (d)there is any other special amenity provided by the trees or wood land area.

5. Register of applications.

- The Estate Officer or such other authorised officer shall keep and maintain a register of all applications for permission under these Regulations containing information as to the nature of the application, name of the applicant, the decision of the competent authority there-on and any directions as to the replanting of the trees, etc. and every such register shall be available for inspection.

6. Applications deemed to have been sanctioned.

- An application made under Regulation 3 of these Regulations shall be deemed to be sanctioned if a decision thereon is not conveyed to the applicant within two months of the receipts of the application by the Estate Officer.

7. Register of trees.

- The protected tree or trees, groups of trees or wood- land area shall be listed by the Estate Officer or such other authorised officer in a register.

8. Numbering of trees.

- All protected tree or groups of trees or wood-land area shown on the zoning plan or listed in the register of trees shall bear a number corresponding to its number in the register of trees.

9. Replanting.

- Where permission is granted under these regulations or otherwise, the Estate Officer or such other Authorised officer may give direction to the owner of any site as to the planting or replanting of any trees or kind of trees. Any such direction may include requirements as to :-(a)Species of trees;(b)planting distance;;(c)The erection and maintenance of fencing necessary for protection of the planted or replanted trees;(d)The preparation of ground, drainage, removal of brush wood, lop and top; and(e)Protective measures against drought or fire.

10. Exemption.

- These Regulations shall not apply :-(a)To the cutting down, topping or lopping of any tree in an operational land;(b)For normal forestry operations in young plantations such as weeding, brushing and high pruning;(c)The usual pruning or a trimming of a tree from time to time.

11. Appeal.

- Any person aggrieved by an order of Estate Officer or such other authorised officer under these regulations may within a period of thirty days of the date of communication to him of such order, prefer an appeal to the Administrator concerned in such form and manner, as may be prescribed :Provided that the appellate authority may entertain the appeal after the expiry of thirty days, if is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. Power of Relaxation.

- The Authority may with the previous approval of the State Government relax the provisions of any of these regulations in respect of any class or category of persons, if in the opinion of the Authority, but for such relaxation, the regulations would operate harshly.

13. Penalty for breach of Regulations.

- Any contravention of these regulations shall be liable for Punishment in accordance with the provisions of section 55 of the Haryana Urban Development Authority Act, 1977.