

The M.P. Gram Panchayat (Power Relating to Removal of Structure and Trees) Rules, 1999

MADHYA PRADESH

India

The M.P. Gram Panchayat (Power Relating to Removal of Structure and Trees) Rules, 1999

Rule

THE-M-P-GRAM-PANCHAYAT-POWER-RELATING-TO-REMOVAL-OF-S of 1999

- Published on 5 March 1999
- Commenced on 5 March 1999
- [This is the version of this document from 5 March 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Gram Panchayat (Power Relating to Removal of Structure and Trees) Rules, 1999 Published vide Notification No. F-1-4-98-22-P-2, M.P. Rajpatra (Asadharan), dated 5-3-1999 at page 236 (2) In exercise of the powers conferred by sub-clause (2) of Section 54 read with sub-section (1) of Section 95 of the Madhya Pradesh Panchayati Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely : -

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Gram Panchayat (Power Relating to Removal of Structures and Trees) Rules, 1999. (2) These rules shall come into force from the date of publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a) "Act" means the Madhya Pradesh Panchayati Raj Adhiniyam, 1993 (No. 1 of 1994); (b) "Building Line" means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed; (c) "House Gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to Gram Panchayat servant or to persons employed in the cleaning thereof or in the removal of such matter therefrom; (d) "Occupant" means any person

who is in actual possession on any land or building and includes an owner having actual possession and includes a tenant or licensee, whether such tenant or licensee is liable to pay rent or not.(e)"Owner" means the owner of any building, land or structure whether such building, land or structure is in his possession or not;(f)"Public Place" means any place not being private property and which is open to the use of public whether such place is vested in Gram Panchayat or not;(g)"Public Street" means any street:-(a)over which public have a right of way, or(b)which has been heretofore levelled, paved, metalled, asphalted, channelled, severed or repaired out by Gram Panchayat, or any public funds;(c)which under the provisions of Act becomes public street and includes :-(i)the roadway over any public bridge or causeway;(ii)footway attached to such street; or(iii)public bridge or causeway and includes the drains attached to any such street, public bridge or causeway.

3. Structures required to be removed.

- Gram Panchayat may, by giving notice in writing, require the owner or the occupant or both of them to remove within fifteen days, any structure or any part of it which,-(a)obstructs the regular building line;(b)obstructs any public place, public street, market or any place of business, drain or house gully;(c)has been constructed without permission or written sanction of the Gram Panchayat;(d)is detrimental to public health point of view;(e)is declared dangerous for human use;(f)has been constructed on any public place, except private land or in the land of Gram Panchayat.

4. Punishment for contravention of order.

(1)Any such owner or occupants putting any project without permission or in contravention of such orders shall be punished by the Gram Panchayat with fine which may extend to two hundred fifty rupees and if any such owner or occupant has failed to remove any such projections as aforesaid in respect of which he has been convicted under this rule, he shall be punished with further fine which may extend to five rupees for each day during which such failure or neglect continues.(2)Notwithstanding any proceedings which may be taken under sub-rule (1), the Gram Panchayat may, by written notice require owner or occupant any such building to remove or alter any such projection which has been constructed either without or contrary to any manner the permission or order given or issued by the Gram Panchayat.(3)The Gram Panchayat may by written notice require the owner or the occupant of any building to remove or alter any projections, encroachment or obstruction which shall have been erected or placed against or in front of such building, and which,-(a)overhangs or juts into or in anyway projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or(b)projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof.

5. Prohibition for using of such building which is unfit for human habitation.

- If, for any reason, it appears to the Gram Panchayat that any building or room in a building intended for or used as dwelling unit is unfit for human habitation, the Gram Panchayat shall give

the owner or occupant of such building a notice, in writing, giving the reasons, and signifying its intention to prohibit the further use of the building or room, as the case may be, and by such notice shall require to call upon, the said owner or occupant to reply personally or submit the reply in writing, any objection thereto within 30 days. After receipt of such notice and if no objection is raised by such owner or occupant within the said period or if any objection raised by such owner or occupant within said period appears invalid or insufficient to the Gram Panchayat, the Gram Panchayat may, by order in writing, prohibit the further use of such building or room as a dwelling.

6. Removal of trees.

(1) If, at any time, it appears to the Gram Panchayat that any tree or branch of a tree is in ruinous condition or likely to fall or in any other way dangerous to any person passing by such tree or branch of the tree, the Gram Panchayat may, by written notice, require that the owner or occupant of such tree, - (a) pull down, top or cut down; or (b) secure; or (c) remove, the tree or the branches of the tree and to prevent all cases of danger therefrom. (2) If it appears to the Gram Panchayat that the danger from a tree which is ruinous or about to fall is imminent, the Gram Panchayat may before the expiry of the period of notice, fence off, pull down, top or cut down, secure the said tree or take such steps as may be required to prevent the danger. (3) No notice under sub-rule (1) shall be issued without giving the owner or occupier a reasonable opportunity to raise objection or adducing evidence, if any. and after being satisfied for reasons to be recorded in writing that objection which is invalid or insufficient: Provided that where the cutting down of any species of tree, requires permission of revenue officer under the provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), the Gram Panchayat shall forward its report to the concerned revenue officer for the decision.

7. Prohibition of pollution.

- The Gram Panchayat may, by written notice, require the owner or the occupant of the land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of 4 feet from the level of street and to cut down, top or trim all trees or shrubs which in any way overhang, is danger or obstruct any public street or to cause damage thereto, or which so overhang any public well, public tank or other sources of water supply as to pollute, or likely to pollute the water thereof.

8. Charges for removing structure or trees.

- In cases where expenses of removing the structure or tree are to be recovered from the owner or the occupant, as the case may be, and if the owner or occupant, as the case may be, fails to pay such sum the same shall be recovered as tax under the Act.

9. Removing of structure or trees by the Gram Panchayat.

(1) If the owner or occupant, do not comply with the orders issued by the Gram Panchayat, it may remove the structure or tree to the certain extent to make it in accordance with the Act or rules

made under the Act.(2)The expenses for executing such work shall be paid by the owner or occupant, as the case may be.

10. Repeal and Saving.

- All rules and bye-laws corresponding to these rules in force immediately before the commencement of these rules are hereby repealed in respect of matters covered by these rules :Provided that any order made or action taken under the rules or bye-laws so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.