

Amritsar Walled City (Recognition of Usage) Act, 2016

PUNJAB

India

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Act 13 of 2016

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Amritsar Walled City (Recognition of Usage) Act, 2016(Punjab Act No. 13 of 2016)[Dated 29.4.2016.]An Act to provide for one-time recognition of usage in respect of building violations made in commercial establishments within the walled city of Amritsar and for regulated development by providing for public safety, convenience and well being.Be it enacted by the Legislature of the State of Punjab in the Sixty seventh Year of the Republic of India as follows :-

1. Definitions.

(1)This Act may be called the Amritsar Walled City (Recognition of Usage) Act, 2016.(2)It shall be applicable to the walled city.(3)It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. Short title, application and commencement.

(1)In this Act, unless the context otherwise requires,-(a)"appointed date" means such date, as may be notified by the State Government;(b)"building by-laws" means the Municipal Corporation (Erection and Re-erection of Building) Bye-laws, 1997;(c)"building violation" means construction of a building made in violation of its sanctioned plan or without getting the plan sanctioned from the Competent Authority, whole or part of which is non compoundable as per clause 3.15 of the building bye-laws made under the Punjab Municipal Corporation Act, 1976;(d)"commercial establishment" means a building, other than an industrial building, used or constructed or adopted to be used wholly or partially for shops, private offices, banks, hotels, restaurants, beauty parlors, boutiques, video parlors, cinemas and auditoriums, or any other such building, being used for similar purpose engaged in trade and commerce, but shall not include nursing homes, hospitals, marriage palaces and multiplexes;(e)"Competent Authority" mean the Commissioner, Municipal Corporation, Amritsar;(f)"prescribed" means prescribed by rules made under this Act;(g)"State Government"

means the Government of the State of Punjab in the Department of Local Government;(h)"usage" means the existing use of the commercial establishment as per the municipal record on the appointed date; and(i)"walled city" means the area of Amritsar city bounded by outer circular road within the boundaries of fascile wall and old gates i.e. Hall Gate, Ram Bagh Gate, Mahan Singh Gate, Sheran Wala Gate, Ghee Mandi Gate, Sultanwind Gate, Chatiwind Gate, Gilwali Gate, Bhagtan Wala Gate, Hakimian Gate, Khazana Gate, Lahori Gate, B.K. Dutt Gate, Lohgarh Gate, Hathi Gate and Sikandri Gate as shown in the Schedule appended to this Act.(2)All other expressions used, but not defined, in this Act shall have their respective meanings as assigned to them in the Punjab Municipal Corporation Act, 1976 and the building bye-laws.

3. [Mode of application. [Substituted by Punjab Act No. 5 of 2019, dated 5.3.2019.]

(1)Within a period of thirty days from the date of coming into force of the Amritsar Walled City (Recognition of Usage) Amendment Act, 2019, any owner of the commercial establishment, within the walled city, may voluntarily disclose about any building violation and apply to the Competent Authority for recognition of its usage as on the appointed date. Such an application shall be submitted as per Form 'A' along with photographs of such establishment, duly signed by its owner.(2)Thereafter, within a period of sixty days, the applicant shall submit the required information in Form-B alongwith all the requisite documents/plans and such application fee, as may be prescribed.]

4. One-time recognition of usage in commercial establishment.

(1)The building violations and usages as they exist on the appointed date and disclosed voluntarily shall by settled by the Competent Authority, as a one-time measure, on as-is-where-is basis, subject to adherence to such norms and upon payment of such composition fee, as may be prescribed by the State Government in view of the peculiar situation of the walled city.(2)The applicant shall have to make structural changes in the building if required to bring it in conformity with prescribed norms within a period of ninety days from the date of submission of details in Form 'B' and shall also submit mandatory clearances from other departments/authorities, if required.(3)In case such owner/applicant does not comply with the prescribed norms, then the water supply/sewerage connections to the whole commercial establishment shall be disconnected after giving a notice of thirty days, which shall be followed by sealing.

5. [Time limit for finalizing action. [Substituted by Punjab Act No. 5 of 2019, dated 5.3.2019.]

- The competent authority shall pass the final order and finalize the matter under this Act within a period of one year from the date of coming into force of the Amritsar Walled City (Recognition of Usage) Amendment Act, 2019.]

6. Restrictions on recognition of usage.

(1) No usage, in case of a building violation, shall be recognized if it involves encroachment on any public or private land. (2) The one-time recognition shall be without prejudice to the disciplinary action, as may be taken against the concerned officer or official of the Municipal Corporation, Amritsar, who is found responsible for aiding or abetting such usage and building violations.

7. Overriding effect.

- Notwithstanding anything inconsistent contained in the Punjab Municipal Corporation Act, 1976 and the rules, regulations and the building bye-laws made thereunder, the provisions of this Act shall have an over-riding effect.