

# The M.P. Regulation of Uses of Land Act, 1948

MADHYA PRADESH

India

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### Act 47 of 1948

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The M.P. Regulation of Uses of Land Act, 1948(M.P. Act No. 47 of 1948)[24th September, 1948]Received the assent of the Governor on the 24th September, 1948; assent first published in the "Central Provinces and Berar Gazette" Extraordinary on the 2nd October, 1948.An Act to regulate the use of land for purposes other than agricultural purposes in Madhya Pradesh.Preamble. - Whereas it is expedient to regulate the use of land for purposes other than agricultural purposes in Madhya Pradesh :It is hereby enacted as follows :-

## Part I – Preliminary

### 1. Short title, extent and commencement.

(1)This Act may be cited as the Madhya Pradesh Regulation of Uses of Land Act, 1948.(2)It extends to and shall be in force in the whole of Madhya Pradesh.

### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(1)"Agriculture" includes-(a)the raising of annual or periodical crops and garden produce;(b)horticulture;(c)the planting and upkeep of orchards; and(d)the reserving of land for fodder, grazing or thatching grass;(2)"Building" means a house, a hut, shed or other structure for whatsoever purpose and of whatsoever material constructed and every part thereof, whether used as a human habitation or not and includes well, latrine, drainage work, fixed platform, verandah, plinth, doorstep, compound wall, fencing and the like, and any work connected therewith;(3)"Collector" includes an officer authorised by the State Government to perform all or any of the functions of the Collector under this Act;(4)"place of worship" means premises used for worship;(5)"prescribed" means prescribed by rules made under this Act;(6)"road" means a metalled road maintained by the State Government or by a local authority; and(7)the expression "erect or re-erect any building" includes-(a)any material alteration or enlargement of any building;(b)the conversion by structural alteration into a place for

human habitation of any building not originally constructed for human habitation;(c)the conversion by structural alteration of any building originally constructed for human habitation into a place not meant for human habitation;(d)the conversion by a structural alteration of one or more places of human habitation into a greater number of such places;(e)the conversion by structural alteration of two or more places of human habitation into greater number of such places;(f)such alteration of the internal arrangement of a building as effects a change in its drainage or sanitary arrangements of affects its stability;(g)the addition of any rooms, buildings, out houses or other structures to a building;(h)the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of wooden buildings.

## **Part II – Declaration of Controlled Area, Restriction on Building Construction**

### **3. Declaration of controlled area.**

- The Collector may with the previous sanction of the State Government by notification declare any land adjacent to and within a distance of four hundred and forty yards from the centre line of any road in his district to be a controlled area for the purpose of this Act.(2)Not less than three months before making a declaration under sub-section (1) the Collector shall cause to be published in the Gazette and in at least two locally read newspapers printed in the Court language of the district a notification stating that he proposes with the previous sanction of the State Government, to make such a declaration and specifying therein the boundaries of the land in respect of which the declaration is proposed to be made, and copies of every such notification or of the substance thereof shall be published by the Collector in such manner as he thinks fit at his office and at such other places in the area of which any part is included within the said boundaries.(3)Any person interested in any land included within the said boundaries may, at any time before the expiration of thirty days from the last date on which the notification is published by the Collector object to the making of the declaration or both inclusion of his land or any part of it within the said boundaries.(4)Every objection under sub-section (3) shall be made to the Sub-Divisional Officer in writing and the Sub-Divisional Officer shall give to every person so objecting an opportunity of being heard either in person or by pleader and shall after all such objections have been heard and after such further enquiry, if any, as he thinks necessary, forward to the Collector, the record of the proceeding held by him together with a report setting forth his recommendations of on the objection.(5)If before the expiration of the time allowed by sub-section (3) for the filing of objection no objection has been made, the Collector may proceed at once to the making of a declaration under sub-section (1). If any such objection have been made, the Collector shall consider the record and the report referred to in sub-section (4) and shall hear any parties applying to be heard and may either-(a)abandon the proposal to make a declaration under sub- section (1), or(b)make such a declaration in respect of either the whole or a part of the land included within the boundaries specified in the notification under sub-section (2).(6)A declaration made under sub-section (1), shall, unless and until it is withdrawn be conclusive evidence of the fact that the area to which it relates is a controlled area.Explanation :- For the purpose of sub-section (3) a person shall be deemed to be interested in land if he is a "person interested" as defined in clause (2) of Section 3 of the Land Acquisition Act,

1894 (1 of 1894), for the purposes of that Act or where the land is occupied by or for the purposes of place of worship if he is a follower of the religious faith to which the place of worship belongs.

#### **4. Plans of controlled area to be deposited at certain office.**

(1)The Sub-Divisional Officer shall deposit at-(a)the District Officer,(b)the office of the [Chief Town Planner] [Substituted by M.P. Act No. 15 of 1961.] to the Government of Madhya Pradesh,(c)the Tehsil Office and the offices of the Local Government bodies within whose jurisdiction any part of the controlled area is included, and(d)at any other place which he considers plans necessary, showing all lands declared to be controlled area for the purposes of this Act and setting forth the nature of the restrictions applicable to the land in any such controlled area.(2)The plans so deposited shall be available for inspection by the public free of charge at all reasonable times.

#### **5. Right of entry.**

- For the purpose of preparation of any such plan, any public servant or any person duly appointed or authorised in this behalf by the State Government or the Collector may after giving such notice as may be prescribed to the owner, occupier, or other person interested in any land, enter upon, survey and mark out such land and do all acts ancillary thereto.

#### **6. Restrictions on building, etc., in a controlled area.**

- No person shall erect or re-erect any building, or make or extend any excavation, or lay out any means of access to a road, in a controlled area except with the previous permission of the Sub-Divisional Officer in writing.

#### **7. Application for permission to build, etc., and the grant or refusal of such permission.**

(1)Every person desiring to obtain the permission referred to in Section 6 shall make an application in writing to the Sub-Divisional Officer in such form and containing such information in respect of the building, excavation or means of access to which the application relate as may be prescribed.(2)On receipt of such application the Sub-Divisional Officer shall at once furnish the applicant with a written acknowledgement of its receipt and after making such enquiry as he considers necessary shall by order in writing, either-(a)grant the permission subject to such conditions, if any, as may be specified in the order; or(b)refuse to grant such permission :Provided that the Sub-Divisional Officer shall not grant such permission without obtaining the previous concurrence of the [Chief Town Planner] [Substituted by M.P. Act No. 15 of 1961.] unless the [Chief Town Planner] [Substituted by M.P. Act No 15 of 1961.] fails to communicate his decision in the matter to the Sub-Divisional Officer within two months from the date of reference to him by the Sub-Divisional Officer.(3)When the Sub-Divisional Officer grants permission subject to condition under clause (a) of sub-section (2) or refuses to grant permission under clause (b) of that sub-section, the condition imposed or the grounds of refusal shall be such as are reasonable having

regard to the circumstances of each case.(4)The Sub-Divisional Officer shall not refuse permission to the erection or re-erection of a building not being a dwelling house if such building is required for purposes sub-servant to agriculture nor shall the permission to erect or re-erect any such building be made subject to any conditions other than those which may be necessary to ensure that the building will be used solely for the purposes specified in the application for permission.(5)The Sub-Divisional Officer shall not refuse permission to the erection or re-erection of a building which was in existence on the date on which the declaration under sub-section (1) of Section 3 was made nor shall he impose any condition in respect of such erection or re-erection unless it involves the addition of one or more storeys to the building or the extension of the plinth area of the building by more than one-eighth of the original plinth area, or there is a probability that the building will be used for a purpose other than that for which it was used on the date on which the said declaration was made.(6)If at the expiration of a period of three months after an application under sub-section (1) has been made to the Sub-Divisional Officer, no order in writing has been passed by the Sub-Divisional Officer, permission shall be deemed to have been given without the imposition of any conditions.(7)The Sub-Divisional Officer shall maintain a register in a prescribed form of all permissions given by him under the section and the register shall be available for inspection without charge by all persons interested and such person shall be entitled to take extracts therefrom.

## **8. Right of appeal.**

(1)Any person aggrieved by an order of the Sub-Divisional Officer under sub-section (2) of Section 7 granting permission subject to conditions or refusing permission may within thirty day from the date of such order prefer an appeal to the Collector.(2)The order of the Collector on appeal shall be final.

## **9. Compensation.**

(1)No person shall be entitled to claim compensation except as expressly provided under this Act, for any injury, damage or loss caused or alleged to have been caused by an order-(a)refusing permission to make or extend an excavation, or granting such permission but imposing condition on the grant, or(b)refusing permission to lay out a means of access to a road, or granting such permission but imposing conditions on the grant, or(c)granting permission to erect or re-erect a building but imposing conditions on the grant.(2)When an order has been made refusing permission to erect or re-erect a building, any person who has exercised the right of appeal given by sub-section (1) of Section 8, may within three months of the date of the order of the Collector make to the Collector a claim for compensation on the ground that his interest in the land concerned is injuriously affected by the said order:Provided that no claim for compensation may be made under this sub-section in respect of any land situated in a controlled area adjoining a road which has been constructed after commencement of this Act or which was not at the commencement of this Act a road within the meaning of clause (6) of Section 2.(3)On receipt of a claim under sub-section (2) the Collector shall either proceed to acquire the land concerned under the Land Acquisition Act, 1894 (1 of 1894), or transfer the claim for disposal to an officer exercising the powers of a Collector under the said Act :Provided that in case the Collector decides to acquire the land, the claimant shall be entitled to be repaid by the acquiring authority the amount of expenses which he may have properly

incurred in connection with the preparation and submission of his claim for compensation under this section, and in default of agreement such amount shall be determined by the authority deciding the value of the land in the proceedings under the Land Acquisition Act, 1894 (1 of 1894). (4) Nothing in this section shall be deemed to preclude the settlement of a claim by mutual agreement.

## **10. Compulsory acquisition.**

- If the Collector decides to acquire the land under the Land Acquisition Act, 1894 (1 of 1894), then notwithstanding anything contained in that Act, - (i) proceedings under Section 5-A of the Act shall not be required; (ii) the notification under Section 6 of that Act shall be published within six months from the date of institution of the claim failing which the claim shall be transferred for disposal to an officer exercising the power of a Collector under that Act; (iii) the market value of the land shall be assessed as though no declaration under sub-section (1) of Section 3 had been made in respect of the area in which it is situated and no restriction upon its use and development had been imposed, any compensation already paid to the claimant or to any of his predecessors-in-interest for injurious affection being deducted from the market value as so assessed.

## **11. Amount of compensation how determined.**

(1) When a claim is transferred for disposal under Section 9 or 10 to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894 (1 of 1894) such officer shall make an award determining the amount of compensation, if any, payable to the claimant. (2) The amount of compensation awarded under sub-section (1) shall in no case exceed - (a) the amount that would have been payable if the land had been acquired under Section 10, or (b) the difference between the market value of the land in its existing conditions having regard to the restrictions actually imposed upon its use and development by the order refusing permission to erect or re-erect a building thereon, and its market value immediately before the publication under sub-section (2) of Section 3 of the notification in pursuance of which the area in which it is situated was declared to be a controlled area, and no compensation shall be awarded under sub-section (1) - (i) unless the claimant satisfies the officer making the award that proposals for the development of the land which at the date of the application under sub-section (1) of Section 7 are immediately practicable, or would have been, so, if this Act had not been passed, are prevented or injuriously affected by the restrictions imposed under this Act, or (ii) if and in so far as the land is subject to substantially similar restrictions in force under some other enactment which were so in force at the date when the restrictions were imposed under this Act, or (iii) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under some other enactment has already been paid in respect of the land to the claimant or to any predecessor in-interest of the claimant. (3) The provisions of Parts III, IV, V and VIII of the Land Acquisition Act, 1894 (1 of 1894), shall so far as may be, apply to an award made under sub-section (1) as though it were an award made under that Act.

## **12. Saving for other enactments.**

- Nothing in this Act shall affect the power of any authority to acquire land or to impose restrictions upon the use and development of land under any other enactment for the time being in force.

## **13. Prohibition of use of any land as a brick-field, etc., without a licence.**

(1) No land within a controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime kiln, brick-field or brick-kiln except under, and in accordance with the conditions of, a licence from the Collector which shall be renewable annually. (2) The Collector may charge such fees for the grant and renewal of such licences and may impose such conditions in respect thereof as may be prescribed. (3) No person shall be entitled to claim compensation under this Act or any other Act for any injury, damage or loss caused or alleged to have been caused by the refusal of licence under sub-section (1).

## **14. Offences and penalties.**

(1) Any person who—(i) erect or re-erect any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of Section 6 or in contravention of any conditions imposed by an order under Section 7 or Section 8, or (ii) uses any land in contravention of the provisions of sub-section (1) of Section 13, shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with a further fine which may extend to ten rupees for every day after the date of first conviction during which he is proved to have persisted in the contravention. (2) Without prejudice to the provisions of sub-section (1), the Sub-Divisional Officer may order any person who has committed a breach of the provisions of the said sub-section to restore to its original State or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within three months of the order may himself take such measures as may appear to him to be necessary to give effect to the order, and the cost of such measures shall be recoverable from such person as an arrear of land revenue.

## **15. Trial of offences.**

- No Court inferior to that of a Magistrate of the first Class shall try any offence punishable under this Act.

## **16. Protection of persons acting under this Act.**

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

## **17. Savings.**

- Nothing in this Act shall apply to-(a)the erection or re-erection of a building upon land included in the inhabited site of any village as defined in the revenue records;(b)the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or samadhi on land which is at the time, a notification under sub-section (2) of Section 3 is published by the Collector occupied by or for the purposes of such place of worship, tomb, samadhi, cenotaph or graveyard;(c)excavation (including wells) made in the ordinary course of agricultural operation;(d)the construction of an unmetalled road intended to give access to land solely for agricultural purposes.

## **18. Power to make rules.**

(1)The State Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :-(a)the form in which a notice under Section 5 shall be given;(b)the form in which applications under sub-section (1) of Section 7 shall be made and the information to be furnished in such applications;(c)the form in which a register under sub-section (1) of Section 7 shall be maintained;(d)the regulation of the laying out of means of access to roads;(e)the fees to be charged for the grant and renewal of licences under Section 13 and the conditions governing such licences.(3)All rules made under the section shall be subject to the condition of previous publication, which publication shall be made in the Gazette and in at least two newspapers printed in the Court language of the area, and the date to be specified under clause (3) of Section 22 of the Central Provinces and Berar General Clauses Act, 1914 (1 of 1914), shall not be less than two months from the date on which the draft to the proposed rule was published.