

The Himachal Pradesh Road Side Land Control Rules, 1970

HIMACHAL PRADESH

India

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Rule

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The Himachal Pradesh Road Side Land Control Rules, 1970Published Vide Notification No. 9-91/69-PWD., dated 14th August, 1974.Public Works DepartmentNo. 9-91/69-PWD. - In exercise of the powers conferred under section 18 of the Himachal Pradesh Road side Land Control Act, 1968 (No. 21 of 1969), the Governor, Himachal Pradesh is pleased to make the following Rules -

1. Short title and commencement.

- These Rules may be called the Himachal Pradesh Road-side Land Control Rules. 1970.

2. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context:-(a)"Act" means the Himachal Pradesh Road-side Land Control Act, 1969;(b)"Form" means a form set forth in the first Scheduled to these Rules;(c)"Government" means the Government of Himachal Pradesh; and(d)"Collector" means the Collector appointed under clause 3 of section 2 of the Act.

3. Restriction on Structures etc., in a controlled Area.

- No construction of new structure shall be allowed by the Collector in the Controlled area under section (5) (e) of the Act excepting construction of retaining wall, pavement and drain connected with a structure beyond the controlled area.

4. Application to Re-erect etc.

- Every person desiring to obtain permission to re-erect any building or lay out any means of access, in controlled area shall make an application in writing to the Collector in Form 1.

5. Document to accompany application to re-erect building.

- In case of an application to re-erect a building the applicant shall submit with his application:- (A) Certified extracts from village records showing the names of the owners tenants and other particulars of the land to which the application relates. (B) A site plan fulfilling the following requirements:- (a) It shall be drawn to a scale of not less than 1 cm to 2 metres in the case of sites not exceeding one acre 1 cm to 4 metres, in case of site exceeding one acre but not exceeding 10 acres and 1 cm to 8 metres in case of sites exceeding 10 acres. (b) It shall be prepared with sufficient accuracy to enable the site being identified and shall be submitted in triplicate in cloth backed ferroprints or tracings (c) The Plan shall show:- (i) The scale; (ii) boundaries of the site; (iii) directions of the north points to the plan of the building/proposed building; (iv) streets, or roads adjoining the site; with their width clearly mentioned, all existing road side trees lamps posts aerial electric line, if any, and any other feature or structures likely to affect the approach to the building or proposed building; (v) levels of the site and of plinth of the building or proposed building in relation to those of neighbouring road or roads by an elevation section; (vi) all existing buildings or structures on or over or under the site or projecting beyond it. (vii) Surrounding building in outline within a distance of 7 metres from the boundaries of the site in relation to those boundaries of the site and the building or proposed building and, if known the name no of owner adjoining houses a premises or vacant land; (viii) area occupied by the building; (C) The building plan on a scale of not less than 1 cm to 2 metres. It shall be submitted in triplicate in cloth backed ferroprints or tracings, and shall show:- (i) the scale; (ii) the direction of the north point to the plan; (iii) a plan of the ground floor and other floors of the building with front elevation and one other elevation and typical section; (iv) the plinth level of the building or proposed building with reference to the level of the centre of the street or road which the building is to abut; (v) the level of the courtyard and open space in the building or proposed building in relation to the level of the centre of the street or road towards which the building or proposed building is to be drained; (vi) the proposed method of draining the building or proposed building, the position and dimensions of all privies, urinals, drains, stables, dhobighats, cattle-sheds, wells, compound walls, gates, pillars and other appurtenances and the method of disposal of sewage, sullage and storm water; (vii) the means of access to the building or proposed building and its several floors; (viii) the number of storeys of the building or proposed building; (ix) addition to or alteration of an existing building or proposed building the new work shall be indicated on the building plan in distinctive colours a key to the colours being given on the Plan; (D) Specification of the proposed construction should be given in detail such as:- (1) Purpose for which the building or proposed building is intended to be used; (2) materials, to be used in the construction; (3) number of storeys; (4) number of persons for which the accommodation is intended to be provided in the building or proposed building; (5) particulars of wells, latrines etc., to be provided;

6. Documents to accompany application to make, extend excavation, etc.

- In the case of an application to make or extend an excavation or laying out means of access to a road, the applicant shall submit with his application:- (a) Certified extracts as mentioned in rule 5 (A); (b) Drawings and specifications, sufficient to enable the intention of an applicant to readily unimistakably understood; (c) Where an open drain is to be covered, a plan and section showing clearly how it is proposed to cover the drain in question and where a culvert is to be built showing the exact tunnel size of culvert. Note. - The plans shall conform to the requirements, of rule 5 (B) (a).

7. Register of Applications.

- On receipt of the application under rule 4, the Collector shall cause it to be entered in a register to be maintained in his office in Form 11.

8. Principles on which permission will be granted.

(1) Before deciding any application, made to him under section 6 (1) of the Act, the Collector shall call for the recommendations of the Executive Engineer-in-charge of the area and give due consideration thereto provided that in case such Executive Engineer so desires, the Collector shall give him a personal hearing also in the presence of the applicant. (2) Re-erection will not in any case be allowed within the road side land acquired by the Government to be part or the road. (3) The opening of sullage towards the road shall not be permitted. (4) The approach should be in such a manner as not to interfere with or endanger the flow of traffic on the road.

9. Executive Engineer Public Works Departments to be informed of permissions granted under section 6 (2).

- The Collector shall inform the Executive Engineer, Public Works Department, of all permissions granted by him and conditions imposed, if any, under clause (a) of sub-section (2) of section 6 of the Act. First Schedule' Form I' Form of Application (See rule 4, 5 and 6) To The Collector, Sir, In pursuance of the provisions of sub-section (1) of section 6 of the Himachal Pradesh Road Side Land Control Act, 1969, I/We seek permission to.....in the controlled area adjacent to.....road.....The following documents, as required by the rules, are attached:- (a) Certified extract of village records about the land in question. (b) Site Plan. (c) Building Plan. (d) Specification of proposed construction. (e) Further information (if any). Yours faithfully. (Signatures) Full address of the applicant. First Schedule' Form 11' (Referred to in Rule 7) Register of Applications

Sl. No.	Name of road adjacent to which construction is desired	Name of village	Details of construction applied for along with Khasra and situation etc.	Orders in brief along with conditions imposed, in any	Remarks
1	2	3	4	5	6

Note. - The register will be maintained Tehsil wise Entries in each register will be made road-wise and village-wise Entries in columns 1 to 4 will be made on receipt of application and in column 5 after decision by the Collector.(R.H.P. dated the 31st August 1974 Pages 1533-1534)