

U.P. Kshettra Panchayats and Zila Panchayats (Erection and Re-Erection of a Building or Making or Enlarging of a Well Within a Controlled Rural Area) Rules, 1974

UTTAR PRADESH

India

U.P. Kshettra Panchayats and Zila Panchayats (Erection and Re-Erection of a Building or Making or Enlarging of a Well Within a Controlled Rural Area) Rules, 1974

Rule

U-P-KSHETTRA-PANCHAYATS-AND-ZILA-PANCHAYATS-ERECTION-OF 1974

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U.P. Kshettra Panchayats and Zila Panchayats (Erection and Re-Erection of a Building or Making or Enlarging of a Well Within a Controlled Rural Area) Rules, 1974Published vide Notification No. 2549-B/33-2-R-62, dated 18th May, 1974In exercise of the powers under Section 237 of the Uttar Pradesh [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] Adhiniyam, 1961 (U. P. Act No. 33 of 1961), read with sub-section (1) of Section 164 thereof the Governor is pleased to make the following Rules :

1. Short title and', commencement.

(1)These rules may be called the Uttar Pradesh [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994.] (Erection and Re-erection of a Building or Making or Enlarging of a Well within a Controlled Rural Area) Rules, 1974.(2)They shall come into force with effect from the date of publication in the Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires,-(i)"Existing built up area" means the area within the controlled rural area of which the greater part has been developed as a business, residential or industrial area and which has been provided with essential facilities like roads, water supply, drainage etc.:(ii)"Master Plan" means the plan of the controlled rural area approved by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] and sanctioned by the State Government;(iii)"open space" means any land left open and unbuilt or laid out and developed as a public garden or park which is being used for any public recreational purpose;(iv)"Street" or "road" means any highway, street, lane, alley stairway, passage way, footway, square place or bridge whether a thoroughfare or not, over which the public has a right of passage, or access and includes all bunds, channels ditches, stormwater drains, culverts, side walks, traffic islands, road side tree and hedges, retaining walls, fences, barriers and railings within the road lines;(v)"Controlled, rural areas" means the area declared to be 'Controlled rural area' under Section 163 (2) of the Adhiniyam.

3. Plans to accompany applications for permissions.

- If a person intends to erect or re-erect a building or to make any material alteration in an existing building or to make or enlarge a well within its controlled rural area butting on or adjacent to a public street or place or property vested in Government or in the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.], he shall make an application to the Khand Vikas Adhikari of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] accompanied by the following plans in ordinary ferro prints in triplicate of which one set shall be mounted on cloth for being retained in the office of the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] : (1) a site plan drawn to a scale of 3 meters to one cm. in the case of erection or re-erection of a building and 1.50 metre to one cm. in the case of an alteration of a building or making or enlarging a well showing therein-(a) the boundaries of the site with dimensions specifying khasra number and other means of identifying the location; (b) the position of the proposed or existing building or well with the measurements of set-backs on all the four sides; (c) the means of access to the proposed or existing building or well; (d) the location of the area within the master plan for rural areas where master plans have been prepared and approved by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] or [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.]; (e) the position of all structures within a distance of 15.00 metres from the boundaries of the site; (f) the present and the proposed use of the land; (g) the scale and the north point; and (h) the location of drains, water supply lines and other things of public usage. (2) detailed building plans to a scale of 100 cm. to one cm. showing therein-(a) the building plans of all floor, all street elevations and sections showing proposed and existing works distinctly and also arrangement of proper drainage, sizes of rooms, location of W.C. and baths, size of footing, thickness of walls, height of floor, etc.; (b) the dimensions of projected portions beyond the walls regular line of the street; and (c) the north point and the scale used : Provided that in case of application pertaining to buildings or wells within 30.50 metres of the property or road belonging to any department of the Government, Civil Aerodrome or Air Force, Air Field and Installations, the application shall be in duplicate and plan in quadruplicate. One copy of the application and plans shall be sent to the respective Government Department by the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of

1994.] immediately on receipt of the application and the concerned department shall report if it has any objection to the proposed erection or re-erection of the building or the well, as the case may be. In case the department concerned does not reply within a period of one month, it shall be deemed that the department has no objection to the proposed construction.

4. Setback in built up areas [Section 164 (1) read with Section 237].

- In existing built-up areas, if a building or part thereof is to be erected on a site abutting a street less than 3.60 metre in width, the owner of the site shall be required to leave unbuilt such portion of the site which falls within 1.80 metre from the centre line of the street. He shall also be required to leave a further setback of 1.20 metre in width in front of the building or part thereof abutting the street which is proposed to be erected.

5. Suitability of the site for development [Section 164 (1) read with Section 237].

(1) No building shall be erected on a site liable to flood or on a slope forming an angle of more than 45° with the horizontal plan or on soil unsuitable for percolation in sandy beds or on site which comprise of or includes a pit, a quarry or other excavation or on damp site or filled up site, unless in the case of filled up site the foundations are laid on firm soil. (2) Erection of buildings used or likely to be used or intended to be used as a public place of worship or religious congregation or for the purpose of performing any religious rites e.g. temples, mosques, churches, etc. shall not be built without the permission of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.]. Such buildings shall not be constructed if a sacred or religious building of a different religious denomination exists within a radius of 18.3 metres of the site of the proposed building. The minimum set back of 9 metres in the front will have to be left on all roads in case the site abuts on more than one road.

6. Restricted areas to be written by the Adm. Department [Section 164 (1) read with Section 237].

- Permission shall not be given by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] for erection, re-erection of or making material alterations in a building installation or structure in the vicinity of a Civil Aerodrome or Air Force, Air Field and Installation unless a clear written "NO OBJECTION" certificate is received by the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] from the Aerodrome Authority or the Station Commander of the Air Force, Air Field and Installations as the case may be.

7. Minimum size of plot [Section 164 (1) read with Section 237].

- (i) No building for residential purpose shall be erected except on a plot having an area of not less than 111.50 metres : Provided that in case of an existing built up area, the minimum area of plot for such a building may be permitted to be 55.75 sq. metres ; Provided further that in exceptional cases

the total area required for the construction of a building for residential or business purposes may be reduced by the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] with the consent of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.].(ii)No building for industrial purposes shall be erected except on a plot having an area of not less than 574.50 sq. metres.

8. Number of building on each plot [Section 164 (1) read with Section 237].

- Not more than one building shall be erected on any one plot:Provided that the aforesaid restriction shall not apply to the construction of kitchen, store, servants' quarters and Garages.

9. Yard and set back limits [Section 164 (1) read with Section 237].

- (i) Every building hereafter erected in a controlled rural area shall be provided with the front, side and rear yard as under.

Size of plot	Building for residential purposes	Building for business purposes	Building for industrial purposes						
	F.	R.	S.	F.	R.	S.	F.	R.	S.
	M.	M.	M.	M.	M.	...	M.	M.	M.
Up to 229 sq. mts.	3.00	3.50	1.50	3.00	3.00
Up to 230 sq. mts. to 457 sq. mts.	4.50	6.00	2.25	3.00	4.50
From 458 sq. mts. to 916 sq. mts.	6.00	7.50	3.00	4.50	6.00	4.50	3.00	4.50	
More than 916 sq. mts.	9.00	10.50	3.00	4.50	7.50	7.50	4.50	6.00	

Notes - (a) In case of corner plots side space along the street shall not be less than the minimum front yard required on adjoining plot fronting on such side street.(b)In exceptional circumstances, the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994.] may, with the approval of the [Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.], relax the requirements of yards as mentioned in the above table.(ii)Buildings whether semi-detached or detached, shall be given a side yard not less than that specified above. In case of semi-detached buildings the side on which the side yard is to be left shall be prescribed by the [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994.],(iii)In case of terraced buildings or continuous row of buildings the side yard mentioned in the table above shall not be left except in corner plots.(iv)On plots on which buildings are erected for residential purposes only, not more than 40 per cent of the length of the rear yard may be occupied by one storey building for use as an accessory, such as kitchen, store W.C. Bath, servants' quarters and Garages.

10. Site coverage to be written by the Adm. Department [Section 164 (1) read with Section 237].

- The maximum covered area of different classes of buildings shall be governed by the following conditions : (a) In a building erected for business or commercial purposes : The covered area may extent to a maximum of 75 per cent of the total area of the plot, provided that there is arrangement for sufficient off-street facilities for parking, loading and unloading of vehicles on the same plot or building. (b) In a building erected for Industrial purposes ; The covered area may extend to a maximum of 60 per cent of the total area of the plot provided that the remaining area is sufficient for the facilities of parking, loading and unloading. (c) In a building erected for residential purposes ; The covered area shall be as under :

Up to 229 sq. mts.	66 per cent of the plot area.
From 230 sq. mts. to 458 sq. mts.	First 229 sq. mts. at 66% of the total area of plot or a fraction thereof. Next 229 sq. mts. at 50% of the total area of plot or a fraction.
From 459 to 914 mts.	First 229 sq. mts. at 66% of the total area of plot. Next 229 mts. at 50% of the total area of plot. Next 229 sq. mts. or fraction thereof at 40% of the total area of plot.
More than 916 sq. mts.	First 229 sq. mts. at 66% of the total area of plot. Next 229 sq. mts. at 50% of the total plot area. Next 458 sq. mts. at 40% of the total plot area. Above 916 sq. mts. or fraction thereof at 33% of the total area of plot.

11. Minimum size and requirement of ventilation for a habitable room [Section 164 (1) read with Section 237].

- (i) The minimum area of a habitable room in a building shall not be less than 7.4322 sq. mts. with a width of not less than 2.44 mts. and the minimum area of kitchen, bath, latrine, and combined bath and latrine shall not be less than 3 sq. mts., 1.4864 sq. mts., 1.1148 sq. mts. and 2.6012 sq. mts. respectively. It shall derive its ventilation through an open verandah or directly derived from a street or courtyard. (ii) Every room except store shall for admission of light have at least one window, opening directly to open air, or in an open verandah. The aggregate open area of all the windows shall not be less than 10 per cent of the floor area. (iii) The dimensions of the courtyard shall not be less than half the height of each of the opposite side walls.

12. Height [Section 164 (1) read with Section 237].

- (i) The maximum height of any building shall be subject to the limit that no part of such building is cut by a plan drawn at 45 degree angle from the opposite edge of the road or street: Provided that in

already developed areas two storeys and gumti will be allowed irrespective of the above requirements.(ii)The height of all rooms likely to be used for habitation in a building shall not be less than 3.04 metres measured from the surface of the floor to the lowest point of the ceiling.In case of sloping roofs the minimum headway at any point in the room shall not be less than 2.74 metres.(iii)In case of public or religious buildings, the domes, minarets and shikhars shall be exempted from height limitations.

13. Wells for drinking water [Section 164 (1) read with Section 237].

(a)The wells intended to supply water for human consumption or domestic purposes shall comply with the following requirements :The walls shall be-(i)not less than 15.25 metres away from an earth closet or privy;(ii)not less than 18.29 metres away from a cesspool or borehole type latrine;(iii)so situated that contamination by any other source is prevented;(iv)of a minimum internal diameter of 91 metre;(v)Pucca throughout; '(vi)raised above the ground level by a pucca parapet wall running throughout the circumference of well up to the height of .91 mts. and the ground adjacent to the parapet shall be brick or cement lined to a distance of 1.21 mts. all around, with a suitable slope to allow water to drain off.(b)Inner lining-The inner surface of the well shall be made impervious by a cement or lime mortar up to a depth 1.83 mts. from the ground level.(c)Community wells-The wells used collectively by the community of at least fifty persons shall have a minimum diameter of 1.5 mts. and the ground adjacent to the parapet shall be lined with brick or cement up to a distance of 1.52 mts. all around and where necessary separate chabutaras for bathing and washing clothes should be provided. A pucca outlet drain of at least 22.9 cm. wide and 30 cm. deep should be provided all around the parapet. The pucca chabutra around the well shall be given a suitable slope to allow water to drain off.