

RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Rules, 2003

RAJASTHAN

India

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Rule

RIICO-INDUSTRIAL-AREAS-PREVENTION-OF-UNAUTHORIZED-DEVELOPMENT of 2003

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RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Rules, 2003 Published vide Notification No. F. 4(19)Ind. 1/95 dated April 21, 2003, Published in Rajasthan Gazette Extraordinary, Part 4-C, dated May 2, 2003, Page 23(4) In exercise of the powers conferred by sub-section (1) of section 18 of the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Act, 1999 (Act No. 9 of 2002), the State Government hereby makes the following rules; namely:-

1. Short title, extent and commencement.

(1) These rules may be called the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Rules, 2003. (2) They shall apply to all the lands transferred to the Rajasthan State Industrial Development and Investment Corporation Limited (RIICO) by the State Government and the lands purchased or acquired or otherwise held by the said Corporation. (3) They shall come into force on the date of their publication on the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires- (a) 'Act' means the RIICO Industrial Areas (Prevention of Unauthorized Development and Encroachment) Act, 1999; (b) 'Allotment of Land' means placing of land held or possessed by RIICO at the disposal of any person for industrial, commercial, residential, essential welfare and supporting services, or through auction or by initiation of individual or general negotiation or in any other manner, with or without any

consideration;(c)'Executive Director' means the Executive Director of the Corporation appointed by the State Government;(d)'Head of IP7I Division' means the Head of the Industrial Promotion and Infrastructure Division of the Corporation appointed by the State Government;(e)'Industrial Area' means an area of land transferred to or placed at the disposal of the Corporation by the State Government or the land purchased or acquired or otherwise held by the Corporation, for setting up industries including for commercial and residential purposes and also for essential welfare and supporting or incidental services, e.g. housing colony, labour colony, shops and markets, parks, post office, telephone exchange, educational institutions, office of the electricity distribution companies, power station, water supply station, hospital or dispensary, fire service station, banks, cinemas, hotels and restaurants, petrol pumps, weight bridges and the like;(f)'Managing Director' means the Managing Director of RIICO, appointed by the State Government;(g)'Person' means any individual, or association or body of individuals whether registered or not, a Hindu undivided family or a joint family, a firm, a company whether incorporated or not, a co-operative society, a trust, a club, an institution, an agency, a corporation, a local authority, a juristic person and a department of the State Government or the Central Government;(h)'Senior Deputy General Manager', 'Deputy General Manager', 'Senior Regional Manager', 'Regional Manager', and 'Assistant Regional Manager' means the Senior Deputy General Manager, Deputy General Manager, Senior Regional Manager, Regional Manager and Assistant Regional Manager appointed as such by the Corporation;(i)'Unit Head' means any office of the Corporation who functions for the time being as the Head of the Unit Office.(2)Words and expressions defined in the Act but not defined in these rules shall have the same meaning as assigned to them in the Act.]

3. Functionary of the Corporation.

- The Managing Director of the Corporation shall be the functionary of the Corporation for the purpose of sub-section (6) and (9) of section 4 of the Act.

4. Permission under sub-section (3) of section 6 of the Act.

(1)Any lease holder and/or the occupier of the land aggrieved by the notice served under sub-section (1) of section 6, may within the period specified in the notice and in the manner laid down by the regulations, apply to the Managing Director, or the officer authorised generally or specially in this behalf of by him, for retention of the land or any building or works, or for the continuance of any use of the land, to which the notice relates.(2)Where the application made under sub-rule (1) is accepted by the Managing Director or the authorised officer, he shall send the copy of his order to the lease-holder and/or the occupier of the land, with a copy thereof to the officer who had issued notice under sub-section (1) of section 6 of the Act.(3)Where the application made under sub-rule (1) is rejected by the Managing Director or the authorised officer, he shall send the copy of his order directing the lease-holder and/or the occupier of the land, to comply with the directions given in the notice received by him, within such period not exceeding thirty days, as specified in the order and a copy of such order shall also be sent to the officer who had issued the notice.

5. Scope of inspection or search.

(1) Inspection or search, to the extent possible, shall be related or restricted to the purpose or object for which such inspection or search is required to be conducted and it shall be carried in the presence of the lessee or the occupier of the land or building, and also in the presence of one witness, if such witness is available at the time of such inspection or search. (2) Where the inspection or such is not completed by the time sum sets, it may be continued depending on the circumstance of the case, and where it is discontinued for being taken up on the next day, then necessary precautions shall be taken to avoid the frustration of the process to be continued and to prevent the possible tempering with the work already done. (3) After completion of the inspection or the search, a factual report shall be prepared by the officer who conducts such inspection or search and it shall be signed by him, by the lessee or the occupier of the land or building present and willing to sign, and by the witness, if any. Where the lessee or the occupier refuses to sign the report, a note to this effect and where any witness is not available, a note thereof, shall be made in the report. (4) A copy of the report shall be tendered to or served on the lessee or the occupier of the land or the building, so inspected or searched. (5) A copy of the report shall also be sent to the Managing Director for his information, as early as possible, after the inspection or search is completed.

6. Issue of administrative instructions.

- The Managing Director may, with the consent of the Chairman and subject to the provisions of the Act and the regulations made thereunder, issue administrative instructions as considered by him necessary for carrying out the purposes of the Act.