

Rajasthan Panchayati Raj (Allotment, Change of Use of Land and Regularization of Abadi Land in Panchayat Area for Tourism Units) Rules, 2015

RAJASTHAN

India

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Rule

RAJASTHAN-PANCHAYATI-RAJ-ALLOTMENT-CHANGE-OF-USE-OF-LAND-REGULARIZATION-OF-ABADI-LAND-IN-PANCHAYAT-AREA-FOR-TOURISM-UNITS) RULES, 2015

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Rajasthan Panchayati Raj (Allotment, Change of Use of Land and Regularization of Abadi Land in Panchayat Area for Tourism Units) Rules, 2015 Published vide Notification No. F. 4() Tourism Rules/Legal/PR/2015-486, dated 10.7.2015-Rajasthan Gazette., Extraordinary., Part VI(C), dated 10.7.2015, page 9(3)F. 4() Tourism Rules/Legal/PR/2015-486. - In exercise of the powers conferred by Section 102 of the Rajasthan Panchayati Raj Act, 1994 (Act No, 13 of 1994), the State Government hereby makes the following rules, namely: -

1. Short title and commencement.

(1) These rules may be called the Rajasthan Panchayati Raj (Allotment, Change of Use of Land and Regularization of Abadi Land in Panchayat Area for Tourism Units) Rules, 2015. (2) They shall come into force at once.

2. Definition.

(1) In these rules, unless the context otherwise requires, -(i) "Act" means the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994); (ii) "Allotting Authority" means an officer or authority, authorised by the State Government for the purpose of allotment, change of use of land and regularization of abadi land in panchayat area for Tourism Units; (iii) "Authorised Officer" means an officer or

authority, authorised by the State Government for the purpose of change of use of land and regularization;(iv)"rules" means the Rajasthan Panchayati Raj Rules, 1996;(v)"Tourism Department" means Department of Tourism, Government of Rajasthan; and(vi)"tourism unit" means a tourism project as such approved by the Department of Tourism, Government of Rajasthan or by the Ministry of Tourism, Government of India.(2)Words and expressions used but not defined in these rules have the same meanings as are respectively assigned to them in the Act and Rajasthan Panchayati Raj Rules, 1996.

3. Allotment of abaid land for tourism units.

(1)For establishment and development of tourism, units, the District Collector in consultation with the Panchayati Raj Institution concern, shall identify suitable land in abadi area of a village for the establishment of tourism units and the land so identified shall be set apart and reserved for tourism units under intimation to the Tourism Department and same shall be uploaded on the website of the District Collector, Zila Parishad, Department of Panchayati Raj and Tourism Department of Government of Rajasthan. The maximum and minimum land areas to be reserved for Tourism Units shall be as under: -

S. No.	Category	Minimum Land Area	Maximum Land Area
1	2	3	4
1.	Budget Hotels and 1 to 3 star hotels	1,200 sqm.	Upto 4,000 sqm.
2.	4 star Hotels	6,000 sqm.	Up to 12,000 sqm.
3.	5 star and above hotels	18,000 sqm.	Up to 40,000 sqm.
4.	Other Tourism unit		As per requirement/ availability

(2)The reserve price for allotment of land set apart and reserved for Tourism units shall be equal to the rates recommended for assessment of market value of abadi land by district level committee (DLC) under Rule 58 of the Rajasthan Stamp Rules, 2004.(3)Allotment of land for tourism units shall be made in the following manner, namely: -a. The allotting Authority shall invite bids for allotment of land set-apart and reserved for tourism units under sub-rule (1), through advertisement published in National and State level news paper. The reserve price for allotment of land shall be mentioned in the advertisement.b. In case of more than one bid received within the specified time period, the allotment of land shall be made through competitive bidding. In case only single bid is received in the specified time period, the allotment of land shall be made to the single bidder on the prevailing reserve price or the price offered by the bidder, whichever is higher.c. Land allotted under this rule shall be used for establishment of tourism unit within the time limit specified as under: -i. three years for a tourism unit having less than 200 rooms;ii. four years for a tourism unit having more than 200 rooms :Provided that above period may, in appropriate case, further be extended for a period up to one year on payment of 0.5% per quarter of the price of land allotted, by the officer or authority authorized by the State Government, if the land is not used within such extended period, the allotment shall be withdrawn and price paid in lieu of land shall be forfeited after giving an opportunity of being heard.d. Land allotted under this rules shall be used only for the purpose of tourism unit and not for any other purpose at least for a period of thirty years.

4. Change of use of land of Heritage Properties into Heritage Hotels.

(1) Notwithstanding anything contained in the Rajasthan Panchayati Raj Rules, 1995, if a person holding title or any person, who lawfully holding a heritage property, situated on land in abadi area of a village, applies in writing on a plain paper to the Authorised Officer for change of use of land of Heritage Property into a Heritage Hotel along with title document and recommendation of the Department of Tourism, Government of Rajasthan, an order for change of use of land may be issued by the Authorized Officer. No charges shall be payable for change of use of land under this rule. The Heritage property allowed to be used as a Heritage Hotel under this rule may be used for commercial purpose up to maximum of 1000 sq. meters or 10 percent of plinth area of the existing heritage building whichever is less. (2) Change of use of land for the purpose of establishment of Heritage Hotel shall be permitted if there is 30 feet wide approach road as available : Provided that in case of Heritage Hotels, if parking arrangement is made available by the owner in premises or elsewhere and arrange for a dedicated alternative parking on a 40/60 feet wide road and provide for the park-and-ride system from hotel to parking place, the requirement of width of approach road shall not be applicable. (3) The person allowed to use for setting up of a Heritage Hotel under sub-rule (1) shall setup that Heritage Hotel within a period of three years : Provided that the said period may be extended by the State Government for a period of one year on the application of the person who was permitted to setup Heritage Hotel. If the said heritage property is not use within such extended period, the order permitting to setup Heritage Hotel shall be withdrawn or revoked by the Authorized Officer. (4) Notwithstanding anything contained in sub-rule (1), if the Authorized Officer, fails to dispose off the application for change of use of land for the establishment of Heritage Hotel within forty five days from the date of receipt of the completed application along with required documents, then such change of use of land shall be deemed as allowed.

5. Change of use of land or tourism units.

(1) When any person lawfully holding abadi land in a village intend to use the same for establishment of a tourism unit, he may, do so after seeking permission of the Authorised Officer. (2) Change of use of land for the purpose of establishment of tourism units shall be permitted if there is 30 feet wide approach road is available. (3) No charge for change of use of land for Tourism Unit shall be payable. (4) The person allowed to set up a tourism unit under sub-rule (1) shall establish that Tourism Unit within a period of three years : Provided that the said period may be extended by the State Government for a period of one year on the application of the person who was permitted to use the land for Tourism Unit. If the said land is not use within such extended period, the order permitting change of use of land shall be withdrawn or revoked by the Authorised Officer. (5) Notwithstanding anything contained in sub-rule (1), if the Authorised Officer, fails to dispose of the application for change of use of land for the establishment of tourism unit as defined in Rule 2 within forty five days from the date of the receipt of the completed application along with required documents, then such change of use of land shall be deemed as allowed.

6. Regularization of existing heritage Hotels.

- If a person holding title or any person, who lawfully holding a heritage property and residential land and building that are running and operating as hotels without permission, situated on abadi area of a village before the commencement of the Rajasthan Panchayati Raj (Amendment) Ordinance, 2015 (Ordinance No. 3 of 2015) and fulfil the requirements as mentioned in Rule 4 above, applies on plain paper for regularization of Change of use of land along with title document and recommendation of the Department of Tourism, Government of Rajasthan, an order for regularization of change of use of land may be issued by the Authorized Officer.