

Faridabad Complex Controlled Areas (Restriction of Unregulated Development) Rules, 1974

HARYANA

India

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Rule

FARIDABAD-COMPLEX-CONTROLLED-AREAS-RESTRICTION-OF-UN of 1974

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Faridabad Complex Controlled Areas (Restriction of Unregulated Development) Rules, 1974 Published vide Haryana Government Notification No. 1254-ICI- 74/3851 dated 5th February, 1974 No. 1254-ICI-74/3851. - In exercise of the powers conferred by Section 57 of the Faridabad Complex (Regulation and Development) Act, 1971, the Governor of Haryana hereby makes the following rules namely :-

Part I – 1. Short title. Section 57.

- These rules may be called the Faridabad Complex Controlled Areas (Restriction of Unregulated Development) Rules, 1974.

2. Definitions. Section 57.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Faridabad Complex (Regulation and Development) Act, 1971;(b)"development plan" means the final Plan notified in the official Gazette under sub-section (7) of Section 29;(c)"form" means a form appended to these rules;(d)"Government" means the Government of the State of Haryana;(e)"Section" means a Section of the Act;(f)"sector" means any part of the controlled area indicated as such in the development plan;(g)"sector plan" shall mean the plan as proposed under rule 3 and kept in the office of the Chief Administrator showing the layout of a sector and in particular defining the main road system and approximate location of sites for shopping centre, schools and other public buildings and major open spaces within the sector.

Part II – Preparation of Development plans

3. Contents plans of controlled area. Section 29 (2).

- Plans of a controlled area prepared under sub-section (2) of Section 29 shall consist of -(i)a map showing existing land use including existing buildings;(ii)a map showing -(a)areas reserved for major land uses such as residential, industrial, commercial and ware housing;(b)areas reserved for public and community amenities such as civic centers, educational, recreational and social institutions and major open spaces;(c)main lines of roads, railways, airports and areas reserved for major public utility services such as treatment of water-supply, disposal of drainage and electricity and gas installations;(d)lands reserved for major green rural belts;(e)special areas of aesthetic sentimental or historic value which require protection;(f)lands liable to flooding or subsidence; and(g)stages in which areas reserved for major land uses and the sectors will be permitted to be developed having regard to compact and economical development.Explanation - The map may show the above reservations required for the controlled area as a whole and may not show the above reservations within a sector for which a sector plan shall be prepared as and when required.(iii)a note explaining the proposals illustrated on the map; and(iv)zoning regulations containing -(a)types of buildings and ancillary and allied uses which may be permitted within a major land use referred to in sub-clause (a) of clause (ii); and(b)any special or general restrictions applicable to a specific part or parts of the controlled area.

4. Publication of development plans or inviting objections. Sections 29 (5) and 30.

- A copy of the development plan notified by the Chief Administrator under sub-section (5) of Section 29 shall be displayed at the office the Faridabad Complex Administration.

5. Publication of final plans. Section 29(7).

- The development plan as notified by the Government under sub-section (7) of Section 29 shall in addition to its publication in the official gazette, be published by displaying copy thereof at a conspicuous place at the office of the -(i)Faridabad Complex Administration;(ii)Estate Officer, Faridabad;(iii)Deputy Commissioner of the district in which the controlled area is situated; and(iv)Panchayat or Panchayat Samitis in which the controlled area is situated.

Part III – Laying out means of access to a road within controlled area

6. Application for permission under Section 32 for laying out means of access to a road in a controlled area. Sections 32 and 57 (2) (k).

(1) Every person requiring permission of the Chief Administrator for laying means of access to a road within a controlled area shall submit an application in form ACI. (2) The site plan mentioned in Form ACI shall be drawn to a scale of 1 cm. to 4 m. and indicate - (i) the name of the road to which access is desired indicating the number of kilometre stone; and (ii) the details of the proposed junction. (3) The cross-section of the proposed access shall be drawn to a scale of 10 cm. to cm. and shall show all elements constituting the road, that is, the metalled portion, footpaths, position of electric poles, green verges, etc.

7. Restriction governing the grant of permission for laying out means of access in a controlled area. Section 32.

- No permission for application made under rule 6 shall be granted, unless - (a) the proposed means of access are in conformity with the provisions of the development plan; and (b) the applicant undertakes to construct the proposed access in the manner specified in the order granting permission.

8. Information necessary to validate application under rule 6. Section 32.

- No application under rule 6 shall be considered to be valid unless it is made on the prescribed form. In case of failure of such compliance, the application together with the plans and documents shall be returned to the applicant for submission in accordance with the rules.

9. Form in which order under sub-section (2) of Section 32 is to be passed. Section 32.

- After an application on the prescribed form containing the requisite information and accompanied by necessary documents as mentioned in rule 6 is received, the Chief Administrator shall, after making such inquiry as he considers necessary, pass an order under sub-section (2) of Section 32 in form AC II; Provided that before passing the order of refusal, a notice in form AC III shall be issued to the applicant for affording him an opportunity of being heard.

10. Duration of permission. Section 32.

- Every permission granted under rule 9 shall remain in force for a period of one year from the date of order and if the means of access are not laid out within the aforesaid period according to the conditions attached with the order granting permission, the permission shall be deemed to have lapsed and in that case fresh permission will be necessary.

Part IV – Licensing of Brick-kilns etc. within controlled areas

11. Application for license under Section 32 for setting up a brick-kiln etc. Section 32.

- Any person intending to use land within a controlled areas for purposes of a charcoal kiln, potter-kiln, lime-kiln, brick-kiln or brick-field or for quarrying stone, bajri, surkhi, kankar or other similar extractive and ancillary operation shall make an application in writing to the Chief Administrator in form BK 1 accompanied by the following plans and documents in triplicate, namely :- (i) a guide map on a scale of not less than 10 cm. to a KM showing the location of the site in relation to the main geographical features to enable its identifications within the controlled area; and (ii) a site plan on a scale of not less than 1 cm. to 4 m. showing thereon - (a) the boundaries of the site proposed to be used for the aforesaid purpose; (b) the portion of the site which is to be excavated; (c) the portion of the site in which kiln or machinery is to be installed; and (d) a cross-section through the portion of the site proposed for excavation showing the existing levels and the average levels to which it is to be excavated

12. Information necessary to validate application under rule 11. Section 32.

- No application under rule 11 shall be considered to be valid unless it is made on the prescribed form and accompanied by the requisite number of plans and documents required to be furnished along with the application. In case of failure of such compliance, the application together with the plans and documents shall be returned to the application for submission in accordance with the rules.

13. Restriction governing the grant of licence. Section 32.

- No licence under rule 11 shall be granted unless - (a) the land is situated within an area indicated for the purpose for which the licence is sought in the development plan; (b) the portion of the land earmarked for excavation does not exceed fifty per cent of the land sought to be licensed; (c) the proposed excavation does not exceed the depth of 1 m. and 50 cm; and (d) no permanent buildings are proposed to be constructed on the land.

14. Form in which licence under Section 32(2) is to be given. Section 32.

- After an application on the prescribed form containing the requisite information and accompanied by necessary document as mentioned in rule 11 is received the Chief Administrator shall, after making such inquiry as he may consider necessary, grant a license in form BK II or refuse to grant the same; Provided that before passing the order of refusal, a notice in Form BK III shall be issued to the applicant for affording him an opportunity of being heard.

15. Duration of licence. Section 32.

- Every licence issued under rule 14 shall remain valid for one calendar year or a part thereof, as the case may be and will be renewable annually : Provided further that if at any time or at the time of

renewal, any extension of land for the required purpose is necessary, the applicant shall make a fresh application for the same as required under rule 11; Provided further that no fresh licence shall be necessary in case of extension and necessary amendment shall be made in the licence already issued.

16. [Fees for licence. [Sections 31 and 57(2)(i) and (j)]. [Rule 16 substituted by Haryana Government Notification No. GSR 4/HA42/71/S.57/94 dated 18th January 1994.]

- Fees for issue of a licence or renewal thereof under rule 14 shall be five hundred rupees for brick-kilns and ten thousand rupees for quarrying stone or stone crusher.]

Part V – Miscellaneous

Appeal and Maintenance of Records

17. The Register of applications for permission and licences. Sections 32(4) and 57(2) (1).

- The Chief Administrator shall maintain the following registers in the form noted against each in respect of permissions or licences granted or refused by him under Section 32 :-(a) a register in form M I in which particulars of all cases in which permission to erect or re-erect a building or make or extend an excavation or to lay out means of access in a controlled area is granted or refused; (b) a register in form M II in which particulars of all cases in which licence in a controlled area for charcoal-kiln, potter-kiln, lime-kiln, brick-kiln or brick-field or for quarrying stone, bajri, surkhi, kankar or for some other similar extractive, or ancillary operation is granted or refused.

18. Procedure for hearing appeals. Section 34.

(1) The memorandum of appeal shall contain grounds of appeal and shall be accompanied by a copy of order appealed against and a sketch/plan of the building/site in question. (2) The State Government shall hear the appellant and call for the comments of the Chief Administrator and shall consider the comments before final disposal of the appeal. Form AC I (See rule 6) To The Chief Administrator, Faridabad Complex Administration, Faridabad. Sir, I/We beg to apply for a permission for laying out means of access in the controlled area -----, of which details are given below :-(i) Name of the road to which access desired _____; (ii) Points at which access desired indicating the number or kilometre stones _____ (iii) Reasons for access _____ (iv) Applicant's title to the land under the proposed access _____ (v) Revenue particulars of the land under the proposed access _____

2. As required, I/We enclose a site plan in triplicate indicating the proposed access and details of the proposed junctions.

3. I/We also enclose a plan showing the cross-section in triplicate of the proposed access road indicating there on the width proposed to be metalled and the specifications thereof and hereby undertake to construct the same accordingly.

Yours faithfully,

Dated : Name(s) and Address(es).

Form AC II(See rule 9)Form for grant/refusal to grant permission for laying out means of access to a road within a controlled

areaTo _____ Sir,Reference your application,
dated _____ for permission to lay out means of access to road.In
accordance with the plan submitted with it, permission is hereby -(a)granted subject to the
conditions given below

:- _____
for reasons given below

:- _____
- This permission will remain valid for a period of one year during which the access should be laid
and completed in all respects.[In case of (a) above].Yours faithfully,Chief Administrator.Form AC
III(See rule 9)Notice for personal hearing before deciding to refuse grant of permission for laying
out means of access to a road which in a controlled

area.To _____ Sir,Reference your application
dated _____ for permission to lay out means to road.

2. After making necessary enquiries I have tentatively decided to refuse permission for laying out means or access to a road within the controlled area for the following reasons:-

before finally deciding the application, you are hereby called upon to appear before me in my office
room on _____, at _____ hours, and show cause as to why your
application should not be rejected. In case you fail to appear before me at the aforesaid place, date
and time no further opportunity shall be afforded to you and final orders shall be passed.Chief
AdministratorForm BK I(See rule 11)Application for a licence for setting up
charcoal-kiln/pottery-kiln/lime-kiln/brick-kiln or brick-field or for quarrying stone, bajri, surkhi,
kankar in a controlled area under Section 32 of the Act.ToThe Chief Administrator,Faridabad
Complex Administration,Faridabad.Sir,I/We beg to apply for grant/renewal of a licence for the
setting up of a charcoal-kiln/pottery-kiln/lime-kiln/brick-kiln or brick-field or for quarrying stone,
bajri, surkhi, kankar in a Controlled area _____.

2. As required, I/we submit the following in triplicate :-

(i) a guide map on a scale of not less than 10 cm. to a Km. showing the location of the site within the controlled area; (ii) a site plan on a scale of not less than 1 cm to 4 m. showing the boundaries of the land, the portion of the land which is to be excavated and portion in which kiln or machinery is to be installed; (iii) a cross-section through the portion of the land proposed for excavation showing the existing levels and the average levels to which it is to be excavated.

3. I/We enclose a demand draft for two hundred rupees as the prescribed fees.

Yours faithfully,

Dated : Name(s) and Address(es).

Form BK II(See rule 14)Form of licence under Section 32 of the Faridabad Complex (Regulation and Development) Act, 1971, for setting up of a charcoal-kiln/pottery-kiln/lime-kiln/brick-kiln or brick-field or for quarrying stone, bajri, surkhi, kankar in a controlled area.Name and address of licensee _____ Purpose of licence _____ Description of land covered by licence _____

1. Licence is hereby granted under Section 32 of the Faridabad Complex (Regulation and Development) Act, 1971, with particulars given above.

2. This licence is applicable only to the land indicated in the attached site plan bearing my signature and seal of office.

3. This licence is valid up to _____ 31st December, 19

Renewed up to _____ 31st December, 19Renewed up to _____ 31st December, 19Renewed up to _____ 31st December, 19

4. This licence is subject to the following conditions :-

(i) The position of the land earmarked for excavation as shown in the site plan shall alone be excavated. (ii) The excavation shall not exceed a depth of 1.50 M. (iii) No permanent buildings shall be constructed on the site.

Date : Chief Administrator.

Form BK III(See rule 14)Notice for personal hearing before deciding to refuse grant of permission for setting up of a brick-kiln

etc. To _____ Sir, Reference your application,
dated _____ for permission to _____.

2. After making necessary enquiries I have tentatively decided to refuse permission for setting up of a brick-kiln etc. for the following reasons :-

before finally deciding the application, you are hereby called upon to appear before me in my office room on _____ at _____ hours, and show cause as to why your application should not be rejected. In case you fail to appear before me at the aforesaid place, date and time, no further opportunity shall be afforded to you and final orders shall be passed. Chief Administrator. Form M I [See rule 17 (a)] Register showing particulars of all cases in which permission to erect or re-erect a building or make or extend an excavation or lay out means of access in a controlled is granted or refused relating to the controlled area at _____.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|----------|-----------------------|---------------------|--|---|--|---------|
| S.No. | File No. | Name and full address | Date of application | Particulars of application that is whether therequest is to erect or re-erect a building or make or extend an excavation or lay out means of access to a road within a controlled area in accordance with the plan | Brief specifications of the erection or re-erection or of means of access mentioned in column 5 | Date and brief particulars of the final orderspassed by the Chief Administrator granting or refusing thepermission | Remarks |

Form M II [See rule 17 (b)] Register showing particulars of all cases in which licence in a controlled area for charcoal-kiln, lime-kiln, brick-kiln or brick field or for quarrying stone, bajri, surkhi, kankar or for some similar extractive or ancillary operation is granted or refused.

| 1 | 2 | 3 | 4 | 5 | 6 |
|-------|----------|--|---------------------|---|---|
| S.No. | File No. | Name and address of the person or society or firm applying for licence | Date of application | Purpose of licence that is for charcoal-kiln, lime-kiln, brick-kiln or brick field or for quarryings stone, bajri, surkhi, kankar or for some similar extractive or ancillary operation | Particulars of past experience of the applicant in the line |
| 7 | 8 | 9 | 10 | 11 | 12 |

| Brief description of land, its location and area on which operation is to be carried out | Date and brief particulars of the final orders passed by the Chief Administrator granting or refusing permission | Amount of licence fee paid | Date on which the licence expires | Dates of renewal | Remarks |
|--|--|----------------------------|-----------------------------------|------------------|---------|
|--|--|----------------------------|-----------------------------------|------------------|---------|