

Bihar Regional Development Authority Act, 1974

BIHAR

India

Bihar Regional Development Authority Act, 1974

Act 40 of 1982

- Published on 1 January 1982
- Commenced on 1 January 1982
- [This is the version of this document from 1 January 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Regional Development Authority Act, 1974(Bihar Act No. 40 of 1982)Last Updated 4th February, 2020An Act to provide for the Development of various regions of the State of Bihar according to plan and for matters ancillary thereto.Be it enacted by the Legislature of the State of Bihar in the twenty-eighth year of the Republic of India as follows:

Chapter I

Preliminary

1. Short title and commencement.

(1)This Act may be called the Bihar Regional Development Authority Act, 1981.(2)It shall come into force on such date and in such areas as the State Government may, by notification in the official Gazette, appoint.

2. Definitions.

- In this Act unless the context otherwise requires:-(a)'amenity' includes road, water-supply, street lighting, drainage, sewerage, public works, housing, play-fields, parks, educational, community and recreational facilities and such other convenience as the State Government may, by notification in the official Gazette, specify to be an amenity for the purposes of this Act;(b)'Authority means the Regional Development Authority constituted under section 3 of the Act;(c)'building' includes any structure or part of a structure which is intended to be used for residential, industrial, commercial or other purposes whether in actual use or not, and compound wall or fencing thereof;(d)'building operation' includes erection or re-erection of a building, or any part thereof, roofing or re-roofing of any part of a building, or of any open space, any material alteration or enlargement of a building, any such alteration of a building as is likely to affect an alteration of its drainages or sanitary arrangements or materially affect its security, or the construction of a door opening on any street or

land not belonging to the owner. (e) "ifjpkYu lfUuekZ.k** ls vfHkizsr gS vLFkk;h ok LFkk;h ,slk dksbZ lfUuekZ.k tks fuEufyf[kr fdUgha lsokvksa ds izpkYu] vuqj{k.k} fodkl ;k fu"iknu ds fy, vko';d gks&(i)jsyos](ii)jk"V~h; egkekxZ(iii)jk"V~h; tyekxZ](iv)egkiru~ cM+s cUnjxkg](v)gokbZ ekxZ vkSj gokbZ vM~M+k](vi)fo|qr ds fy, {ks=h; fxzM+](vii)vU; ,slh dksbZ lsok ftls ljdkj ;fn mldh jk; esa ,slh vU; lsok izpkYu] vuqj{k.k} fodkl ;k fu"iknu lkeqnf;d thou ds fy, vfuok;Z vf/klwpuk ds tfj;s mDr [k.M+ ds iz;kstufkZ lsok ?kksf"kr djsaALo"Vhdj.k& lansg ds fujkdj.k ds fy;s bls }kjk ?kks"k.kk dh tkrh gS fd bl [k.M+ vFkZ ds vUrxZr fuEufyf[kr dks lfUuekZ.k ugha le>k tk; xk%&(i)jsyos dh n'kk esa] xsV] ykt] vLirky] Dyc] laLFkk] Ldwy] jsyos dkyksuh lM+d] ukyh tSlS izpkYu ls lEcF/kr lfUuekZ.k dks NksM+dj u;s vkokls Hkouksa dk lfUuekZ.k] vkSj(ii)fdllh vU; lsok dh n'kk esa dksbZ Hkou] ubZ l'japuk ;k u;s vf/k"Bk baLVksys'ku ;k mldk foLrkjA(f)'Chairman' means the Chairman of the Authority;(g)'development' with its grammatical variations means the carrying on of building building, engineering, mining or other operations in or over or under land or the making of any material change in any building of land and includes re-development and layout and subdivision of any land and 'to develop' shall be construed accordingly;(h)'Development Area' means any area declared to be development area under sub-section (1) of section 8;(i)'engineering operations' include the formation or laying out of street or road or means of access to a road or the laying out of means of water-supply, drainage, electricity, gas, transportation and other public utility services;(j)'Master Plan' means the plan prepared by the Authority under sections 17 and 18;(k)'Khas Mahal land' means land vested in the State of Bihar;(l)^Hkwfe* in esa Hkwfe ls] vkSj Hkwfe ds lkFk layXu ;k Hkwfe ds lkFk layXu fdllh oLrq ds lkFk LFkk;h :i ls tdM+h gqbZ oLrqvksa ls mn~Hkwr Qk;ns 'kkfey gSA(m)'Local Authority' means any Municipal Corporation, a local body constituted under Bihar and Orissa Municipal Act, 1992 (B. & O. Act VII of 1922) or Panchayat established under the 1[Bihar Panchayati Raj Act (Bihar Act VII of 1948) or any such local body constituted in any region to which this Act applies;(n)'means of access' includes any road or means of access, whether private or public, for vehicles or pedestrians;(o)'Regulation' means a regulation made under this Act by the Regional Development Authority constituted under section 3;(p)'Rule' means a rule made under this Act by State Government;(q)'Region' means any area declared as such under sub-section (2) of section 1 or sub-section (1) of section 8;(r)'Regional Plan' means the plans prepared by the Authority under section 16;(s)'Vice-Chairman' means the Vice-Chairman of the Authority;(t)'Zone' means any one of the divisions in which the Development Area may be divided for the purpose of development under this Act;(u)'Zonal Development Plan' means the plans prepared by the Authority under section 19;(v)'Urban Area' means the standard urban area as defined in the Census Act, 1948, (Act 37 of 1948).

Chapter II

The Regional Development Authority and its Object

3. Regional Development Authority.

(1)The State Government shall, at any time after the commencement of this Act, by notification in the official Gazette, constitute for the purposes of this Act, an Authority to be called as Regional Development Authority bearing the name of that Region.(2)The Authority shall be a body corporate by the aforesaid name, shall have perpetual succession and a common seal with power to enter into

contract and to acquire, hold and dispose of property both movable and immovable and shall by the said name sue and be sued.(3)The Authority shall consist of the following members, namely:-(a)a Chairman, who shall be the Minister of the Urban Development Department of the State of Bihar or any person nominated by the State Government and his tenure shall be generally of three years;(b)Vice Chairman, to be appointed by the State Government;(c)a planning Member who shall be the Chief Town Planner, Bihar, or his nominee not below the rank of Assistant Town Planner (Ex-officio);(d){ks=h; izkf/kdkjksa esa iM+us okys LFkkuh; fodk;ksa ds lnL;ksa ds chp ls rhu izfrfuf/k ftuesa ,d v/;{k ,d vuqlwfpr tkfr ;k vuqlwfpr tutkfr ds lnL; vkSj ,d efgyk gksxh] tks jkT; ljdkj }kjk uke funsZfkr fd, tk,a(e)two other persons to be nominated by the State Government of whom one shall be a person of administrative or technical experience and the other shall be a social scientist;(f)Administrator/Chief/ Executive Officer of the Municipal Corporation of Executive Officer/Special Officer of the Municipal situated at the Headquarters of the Regional Development Authority;(g)Chairman, Bihar State Housing Board or his nominee who should not be below the rank of 'Executive Engineer (Ex-officio);(h)Not more than three members of the Bihar Legislative of the Regional Development Area nominated by the State Government;(i)Collector or Deputy Development Commissioner-cum-Chief Executive Officer of the district, to be nominated by the State Government (Ex-officio);(j)Chief Engineer, Public Health Engineering Department or his nominee not below the rank of Executive Engineer (Ex-officio);(k)Chief Engineer, Public Works Department or his nominee not below the rank of Executive Engineer (Ex-officio);(l)Secretary, Urban Development Department or his nominee not below the rank of Deputy Secretary (Ex-officio);(4)The Vice Chairman shall be be a whole-time Government servant.(5)The Vice-Chairman shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any and governed by such conditions of service as may be determined by rules made in this behalf.(6)Other members specified in clauses (d), (e) and (h) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the State Government in this behalf.(7)The Chairman, if he is a person nominated by the State Government under clause (a) of sub-section (3) of section 3; and the Vice-Chairman shall hold office during the pleasure of the State Government;(8)Members referred to under clauses (d), (e) and (f) shall hold office for a term of three years from the date of their nomination to the Authority:-Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was nominated.(9)A member other than an Ex-officio Member may resign his office by writing under his hand addressed to the State Government but shall continue in office until his resignation is accepted by that Government.(10)No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in defect in or the constitution of the Authority.

4. Disqualification for appointment of a member of the Authority.

(1)A person shall be disqualified for being appointed as and for being a member of the Authority if he-(a)has been convicted by a Criminal Court for offence involving moral turpitude, unless such conviction has been set aside;(b)is an applicant to be adjudicated a bankrupt or insolvent, or is an un-certificated bankrupt or undischarged insolvent;(c)has, directly or indirectly, by himself or by any partner, employer or employee any share or interest, any contract or employment with, by or on behalf of the Authority;(d)is a director, or a secretary, or a manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with by, or on

behalf of, the Authority : or(e)is of unsound mind.(2)A person shall not be disqualified under clause (c) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment with by or on behalf of the Authority by reason only of his being a shareholder of such company :Provided that such person discloses to the Government the nature and extend of the share held by him.

5. Removal of the member.

(1)The Government may, by notification, remove any member from office-(a)if he has, without the permission of the Authority been absent from more than three consecutive meetings of the Authority, or(b)if he, being a legal practitioner, acts or appears on behalf of any person other than the Authority in any Civil, Criminal or other legal proceeding in which the Authority is interested, either as a party or otherwise, or(c)if he has, in the opinion of the Government, contravened the provisions of section 10, or(d)if he, in the opinion of the Government, had become physically or mentally unable to act as a member :Provided that when the Government proposes to take action under sub-section (1) an opportunity of explanation shall be given to the member concerned, and no such action shall be taken except after taking into consideration his explanation if any and (sic).(2)A member removed under the foregoing provision shall not be eligible to re-election or re-nomination.

6. Staff of the Authority.

(1)The Authority shall have a Secretary, to be appointed by the State Government, who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority, or the Chairman.(2)The Authority may, subject to such control and restriction as may be prescribed by rules approved by Government appoint such number of other officers and employees (including experts for technical work such as Economic Planner, Transportation Planner, Health and Education Planner, Date Information System Planner) as may be necessary for the efficient performance of its functions and may determine their designation and grades.(3)The Secretary, and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances if any, and shall be governed by such conditions of service as may be determined by regulations :Provided that appointments to posts with minimum salary of Rs. 500 shall be made on the advice of the Bihar Public Service Commission. The Authority may appoint a person on any post carrying salary above Rs. 500 after approved of the State Government and the total period of such appointment shall in no case exceed six months.(4)The Authority may appoint a consultant on hire to assist in planning and other tasks, provided that in case a consultation fee exceeds rupees five thousand for a consultant prior approval of State Government shall be necessary.

7. Meetings of the Authority.

(1)The Authority shall meet at least six time in each calender year and there shall not be a gap of more than sixty days between two consecutive meetings.(2)The conduct of the meetings, quorum, service of notice, agenda, etc., shall be as prescribed by regulations.

8. Establishment of Regional and Development area and alteration of their limits.

(1)The State Government may, by notification in the official Gazette, establish areas for the purposes of this Act by defining their limits, to be known as (i) Region and (ii) Development Area, for which the Authority shall prepare a Master plan and carry out development works therein :Provided that no Military Cantonment or any part of its area required for military or defence purposes shall be included in such areas without the sanction of the Central Government.(2)The State Government may, by notification in the official Gazette, alter the limits of the Region and the Development Area, so as to include therein or to exclude therefrom such area as may be specified in the notification.(3)A Plan showing the boundary of the Region and the Development Area as established under this section shall be available for inspection in office of the Authority, office of the Collector and Local Authorities concerned.(4)If for purpose of decentralisation and facility of work the State Government sets up a new Regional Development Authority, whose notified area, wholly or partly, overlaps that of an existing Regional Development Authority, the newly set up Authority may function, with the dictates, referred for approval of the existing Authority, so far as it concerns the area overlapping.

9. Constitution of Committees.

(1)The Authority may constitute Committee consisting wholly of members or wholly of other persons or partly of members and partly of other persons for such purpose or purposes as it may think fit.(2)A Committee constituted under this section shall meet at such time and place and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be determined by regulations made in this behalf.(3)A Committee constituted under this section, shall have such duties, responsibilities and powers as may be prescribed by the Authority and all its recommendations and acts shall be subject to final confirmation by the Authority.(4)The members of a Committee shall be paid such fees and allowances or attending its meetings and for attending to any other work of the Authority, as may be determined by regulations made in this behalf.

10. Members of the Authority not to take part in proceedings in which they (sic) personally interested.

(1)A member or person associated with the Authority or a member of any Committee who-(a)has directly or indirectly, by himself or any partner, employer or employee, any such share or interest in respect of any matter; or(b)has acted professionally, in relation to any matter, on behalf of person having therein any such share or interest (sic) shall not vote or take part in any proceeding of the Authority or any Committee relating to such matter.(2)if any member or any person associated with the Authority or any member of a Committee appointed under section 9 has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any housing or development scheme framed under this Act or in an area in which it is proposed to acquire land for any of the purposes of this Act-(i)he shall at a meeting relating to such area of the Authority or any Committee inform the person presiding, of the nature of such interest which shall be recorded in the minutes of

the meeting.(ii)he shall not take part in any proceeding relating to such area at a meeting of the Authority or any Committee.(3)Nothing in sub-section (2) shall prevent any member or any person associated with the Authority or any member of a Committee appointed under section 9 from voting on, or taking part in the discussing of any resolution or question relating to any subject other than a subject referred to in that sub-section.

11. Objects of the Authority.

- The objects of the Authority shall be to promote and secure planned development of Region in general and Development Area in particular and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, industrial, agricultural and other operations, to execute works in connection with transportation, supply of water and electricity, disposal of sewage, drainage, and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto and the Authority shall be the principal agency to provide all infrastructure for the development of the aforesaid areas; Provided that save as specifically provided in this Act nothing contained therein shall be construed as authorising the disregard by the Authority of any law for the time being in force.

Chapter III

Responsibilities, Powers and Functions of the Authority

12. Responsibility of the Authority for planning and execution of schemes relating to the Development areas.

(1)Subject to the provisions of this Act, the Authority shall be responsible for formulation, co-ordination and supervision of the execution of all planning and works relating to the development of area of part thereof and more specifically for-(a)land acquisition and development of land;(b)general improvement, works including laying and relating or modifying the streets, roads and drainage, disposal of sewage;(c)plot reconstitution schemes;(d)Housing Schemes including sub-urban and rural housing;(e)Slum Clearance and Slum Improvement Schemes;(f)Transportation schemes including riverine transport;(g)schemes for supplying essential services like water, cooking gas, electricity, etc;(h)schemes for provision of community facilities like retail and wholesale trade, hospitals educational and cultural institutions, recreational facilities (sic)(i)anti pollution schemes;(j)afforestation, gardening or any other schemes for improvement of the environmental conditions;(k)schemes for industrial business and other commercial activities.(2)Subject to the provisions of this Act the Authority may from time to time incur expenditure and undertake development works mentioned in sub-section (1) in the development area.(3)Subject to the provisions of this Act, the Authority shall be responsible for the preparation of a phased programme of development of agriculture, infrastructures and other works essential for the general socio-economic and physical development of rural and urban areas.(4)In particular and without prejudice to the generality of the foregoing functions, the Authority shall also discharge the following functions, namely:-(a)bl vf/kfu;e ;k fdllh vU; vf/kfu;e ds micU/kksa ds v/khu ;k vU; fuf/k

izkIr djuk vkSj fofufnZ"V jhfr ls {ks= ds fodkl ds iz;kstukFkZ mldk mi;ksx izkIr djuk vkSj fofufnZ"V jhfr ls {ks= ds fodkl ds iz;kstukFkZ mldk mi;ksx djuk(b)to specify the development projects for the implementation of which any fund referred to in clause (a) of this sub-section shall, subject to such conditions and restrictions as the Authority may impose, be applied by any Municipal or other authority or body corporate ;(c)to provide for the setting up of planning information and storage retrieval systems which may be upto-dated frequently;(d)to perform such other functions as may be prescribed by the State Government.(5)The Authority may, or such terms and conditions as may be agreed upon, take over, the execution of any of the aforesaid schemes on behalf of a local Authority, body corporate, co-operative society, an employer or a Department of the Government.

13. Authority may give direction to the local Authorities.

(1)Notwithstanding any thing contained in any other law for the time being a force, the Authority may give such directions with regard to the implementation of any development project as (sic).(2)The Authority shall so exercise the powers of supervision referred to sub-section (1) of section 12 as may be necessary to ensure that such development project is executed in the interest of the overall development of the area and in accordance with the approved plan.

14. Power of the Authority to implement schemes of other authority body corporate and a Department of Government in case of their failure implement scheme.

(1)Where the Authority is satisfied that any direction given by it under sub-section (1) of section 13 with regard to any development project has not been carried out by the local authority, body corporate and other agencies referred to therein or that any such local authority, body corporate of department of Government is unable to fully implement any scheme undertake by it for the development of any part of the area, the Authority may itself undertake any works and incur any expenditure for the execution of such development project or implementation of such scheme, as the case may be, and recover the cost thereof from the local authority, body corporate or any other agencies.(2)The Authority may also undertake any works as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work.(3)Where any work is undertaken by the Authority under sub-section (1), shall be deemed to have, for the purposes of the execution of such work, all the powers which may be exercised under any law for the time being in force by the Authority referred to in sub-section (1) of section 13.(4)The Authority may, for the purposes of performing the functions mentioned in section 12 and for carrying out the responsibilities conferred by sub-sections (1) and (2), undertake survey of any area within the development area of the Region and for that purpose it shall be lawful for any officer of the Authority-(a)to enter in or upon any land to make survey and to take level of such land;(b)to dig or bore into the sub-soil;(c)to mark levels and boundaries by placing marks and cutting trenches;(d)where the survey cannot be completed, levels cannot be taken and boundaries cannot be marked otherwise, to cut down and clear away any part of any standing crop, fence or jungle;(e)to examine works under construction and to ascertain the course of sewers, drains or other utilities;Provided that before entering-upon any land the Authority shall give notice of its intention

to do so in such manner as may be specified in the regulations made under this Act.

15. Matters to be provided in the Scheme.

- Notwithstanding anything contained in any other law for the time being in force, the schemes mentioned in sub-section (1) of section 12 may provide for all or any of the following matters, namely:-(a)the acquisition by purchase, exchange, lease or otherwise of any property necessary for or affected by the execution of the scheme;(b)the laying or relaying of any streets or roads comprised in the (sic);(c)the distribution or redistribution of sites belonging to owners of the property comprised in the scheme;(d)the closure or demolition of dwellings or portions of dwelling or any type of construction including drains, supply mains, etc unfit or dangerous for human habitation ; and(e)the demolition of obstructive buildings or for portions of buildings or streets or any type of construction.

Chapter IV

Regional Plan, Master Plan and Zonal Development Plan.

16. Preparation of the Regional Plan.

- The Authority shall as soon as may be, carry out Regional Social-Economic and Geographical Surveys and prepare a Regional Plan which shall indicate the manner in which the land of the region shall be used in broad categories, whether by carrying out thereon development or otherwise, the stages by which any such development is to be carried out, the network of communications and transport, the proposals for conservation and development of natural resources, development of infrastructure for the hearth, eduction, rural housing, etc and such other matters as are likely to have important influence on the development of the region, and any such plan in particular, may provide for all or any of the following matters, or for such of the following matters as the State Government may direct, that is to say :-(a)allocation of land for different uses, general distribution and general locations of land, and the extend to which the land may be used for residential, industrial, commercial or agricultural purposes or for, Government and other offices or as forest or for mineral exploitation;(b)reservation of areas for open spaces, gardens, recreation grounds, zoological gardens, nature reserves, animal sanctuaries, dairies, compost pits and health resorts ;(c)transport and communications, such as roads, highways, railways, waterways, canals and airports including their development and extension;(d)water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas ;(e)infrastructure for health, education, rural housing, etc;(f)reservation of site, for new towns, industrial estates/areas and any other large-scale development or project which is required to be undertaken for the proper development of the region or new town;(g)preservation, conservation and development of areas of historical, natural scenery, forest wild life, natural resources and landscaping;(h)preservation of objects, features, structure or places of historical natural, architectural or scientific interest and educational value;(i)areas required for military and defence purposes;(j)preservation of erosion, provision of afforestation or deforestation, improvement and re-development for water front areas, rivers and takes;(k)proposals for irrigation, water-supply and

hydro-electric works, flood control and prevention of pollution of river and other sources of water supply;(l)shifting of population, or industry from over populated and indicating congested areas, and indicating the density of population or concentration of industry and other economic activity to be allotment in any area;(m)recommendations to the State Government regarding the direction to be issued to the local authorities in the region and different apartment of the State and Central Government in respect of forcement and implementation of the proposals contained in the Regional Plan.

17. Civil Survey and Master Plan.

(1)Simultaneously with the preparation of the Regional Plan or as soon as may be thereafter the Authority shall carry out, socio-economic and physical survey of and prepare a draft master; for the development area within the basic framework of the Regional Plan.(2)Master Plan for the entire areas or part thereof already approved a notified by the State Government under the provisions of the Bihar Town Planning and improvement Trust Act, 1951 (Bihar Act V of 1951) before the commencement of this Act, shall be deemed to have been prepared by the Authority and sanctioned by the State Government under the relevant provisions of 1 Act, till such time as the Authority modifies the Master Plan or prepares a fresh Master Plan.(3)The draft master plan shall-(a)define the various zones into which the development area is to divided for the purposes of development and indicate the manner which the land in each zone is proposed to be used (whether the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out, area.(b)serve as a basic pattern of framework within which the zonal development plans of the various zones area to be prepared.

18. Contents of Master Plan.

- The draft master plan shall generally indicate the manner in which the use of land in the development areas shall be regulated, and also indicate the manner in which the development of land therein shall be carried out. In particular, it shall provided so far as may be necessary for all or any of the following matters, that is to say-(a)proposals for fixing the use of land for purposes such as residential, industrial, commercial, agricultural, recreational and other uses;(b)proposal for the fixation of land for public purposes, such as schools, colleges, and other educational institutions, markets, social, welfare and cultural institutions, theatres and places of public entertainment or public assembly, museums, art galleries, religious buildings and other amenities;(c)proposals for designation of areas for open spaces, play-grounds, stadium, Zoological gardens, green belts nature reserves, sanctuaries and dairies;(d)transport and communication such as roads, highways, park-ways, railway, waterways, canals and airport, including their extension and development;(e)water-supply, drainage, swerage, sewage disposal, other public utilities, amenities and services including electricity and gas;(f)preservation, conservation and development of areas of natural, scenery and landscape;(g)preservation of features, structures or places of historical, natural, architectural and scientific interest and educational value;(h)proposals for flood control and prevention of river pollution;(i)the filling up or reclamation of low lying, swampy or unhealthy areas or levelling up of lands;(j)proposals for re-development and improvement of existing built up areas;(k)proposals for planning standards and zoning regulations for different zones.

19. Preparation of Zonal Development Plan.

(1) Simultaneously with the preparation of the Master plan or as soon thereafter as may be, the Authority shall proceed with the preparation of Zonal Development Plan for each of the zones into which the development areas may be divided, (2) A Zonal Development Plan may—(a) contain a site plan and land use plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zones for such things as a public building and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals, public and private open space and other categories of public and private uses; (b) specify the standards of population, density and building density and other norms if required; (c) show every area in the zone which may, in the opinion of the Authority, be required for development or re-development; and (d) in particular, contain provisions regarding all or any of the following matters, namely:—(i) the division of any site into plots for the erection of buildings; (ii) the allotment or reservation of lands or roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes; (iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may (sic); (iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings; (v) the alignment of buildings on any site; (vi) the architectural features of the elevation or frontage of any building to be erected on any site; (vii) the number of residential buildings which may be erected on any plot or site; (viii) the amenities to be provided in relation to any site or buildings of such site whether before or after the creation of building and the person or institution by whom or at whose expense such amenities are to be provided; (ix) the prohibitions or restrictions regarding erection of shops, work shops, warehouses or factories or buildings designed for particular purposes in the locality; (x) the maintenance of walls, fences, hedges or any other structural constructions and the height at which they shall be maintained; (xi) the restrictions regarding the use of any site for purposes other than erection of building; and (xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

20. Submission of plan to the State Government for approval.

(1) If in this Chapter the word "Plan", includes the Regional Plan, the Master Plan and the Zonal Development Plan. (2) Every plan shall, as soon as may be after its preparation be submitted by the Authority to the State Government for approval and the State Government may either approve the plan without modifications or with such modification as it may consider necessary, or reject the plan, with directions to the Authority to prepare a fresh plan on lines which may be indicated.

21. Procedure to be followed in preparing and approving the plan.

(1) Before preparing any plan finally and submitting it to the State Government for approval the Authority shall prepare a draft Plan and publish it by making a copy thereof available for inspection, and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice, not being earlier than four months from the publication of the

notice.(2)The authority shall after giving adequate opportunity to the concerned persons of being heard and after considering the suggestions, objections and representations, If any, modify the draft plan, if necessary, and submit it to the State Government for approval.

22. Publication of Plan and date of its operation.

- Immediately after the Regional Plan is approved by the State Government, the State Government shall publish in such manner as may be prescribed by rules, a notice stating that the Regional Plan has been approved, and naming a place where a copy of the Plan may be inspected at all reasonable hours, and shall specify herein a date (not being earlier than sixty days from the date of the publication of such notice) on which the Regional Plan shall come into operation.

23. Restriction on charge of use of land or development thereof.

(1)No person shall on or after the publication of a draft Plan institute, or charge the use of any land covered by the Plan for any purpose other than agriculture, or carry out any development in respect of any such land without the previous permission in writing of the authority.(2)Notwithstanding anything contained in any law for the time being in force, the permission referred to in sub-section (1) shall not be granted otherwise than in conformity with the provisions of the Plan.

24. (Yojna kaa upaantraan yaa punervilokn) ;kstuk dk mikUrj.k dk iqufoZyksdu.

(1);fn ;kstuk ds izorZu esa vkus ds ckn fdll le; jkT; ljdkj ;k izkf/kdkj dh jk; esa ;kstuk dk mikUrj.k vko';d gks rks jkT;&ljdkj izkf/kdkj dh jk; ls ;kstuk dk mikUrj.k dj ldsxh] ysfdu ,slk djus esa bl v;/k; ds iwoZxkeh micU/k] tgka rd os ykxw fd, tk ldrs gksa ogka rd] ;kstuk ds mikUrj.k ij mlh rjg ykxw gksaxs ftl rjg ;kstuk dh rS;kjh] izdk'ku vkSj vuqeksnu ds lEcU/k esa ykxw gksrs gSA(2)vf/kd ls vf/kd ikap o"kksZa ds vUrjky ij ;kstuk dk iw.kZr% iqufoZykstu vkSj egRoiw.kZ uhfr fo"k;d ckrksa dk okf"kZd iqufoZyksdu fd;k tk;xkA

25. Date of operation of Master and Zonal Development Plan.

- Immediately after a Master Zonal Development Plan has been finalised, the Authority shall publish it in such manner as may be prescribed by regulations stating therein the date of its coming into operation.

Chapter V

Acquisition and Disposal of Land.

26. Compulsory acquisition of land.

(1) If in the opinion of the State Government any land is required for carrying out any function of the Authority under this Act it shall be deemed to be required for a "public purpose" and the State Government may acquire such land for the authority in accordance with any law for the time being in force. (2) Any land either belonging to the State Government or which has been acquired by the State Government for the Authority may be handed over to the authority by the State Government by notification in the official Gazette.

27. Disposal of land by the Authority.

- The disposal of land belonging to the Authority or without carrying out development thereon shall be done by the Authority in accordance with the regulations made for the purpose.

28. Acquisition of properties by Authority.

- The Authority may acquire movable or immovable properties by purchase, exchange, gift, lease, mortgage or by any other method permissible under law.

29. Acquisition of land for purpose of this Act.

(1) The State Government may acquire land for purpose of this Act by compulsory acquisition under the Land Acquisition Act, 1894 (Act 1 of 1894) if the land is required for a public purpose. (2) If the State Government failed to acquire the land within a period of six months from the date of receipt of the notice, the Master Plan or, as the case may be, the Zonal Development plan or the Regional plan shall have effect, after the expiration of the said six months as if the land were not required to be (sic) as subject to

Chapter IV

Development of Land and Building Control

30. No development of land after commencement of this Act without permission.

- The provisions of this Chapter shall apply to such areas or region as may be notified by the Authority from time to time. No person or body (excluding a department of Central or State

Government or local authority) shall institute or change the use of any land or carry out development on any land without obtaining permission in writing from the Authority. Provided that in the case of a department of Central or State Government or local authority intending to carry out on any land nay development other than those covered by the operational constructions as defined in section 2 (e), the concerned department or local authority, as the case may be, shall notify in writing to the Authority of its intention to do so giving full particulars there of and accompanied by such documents and plans as may be prescribed by the State Government from time to time, at least, one month prior to the undertaking of such development; and where Authority has raised any objection in respect of the conformity of the proposed development, either to any development plan under preparation, or to any of the building bye-laws inforce at the time, or due to any other materials consideration, the department or the local authority as the case may be shall-(i)either make necessary modification in the proposals for development to meet the objections, raised by the Authority, or(ii)submit the proposals for development together with the objections raised by the Authority to the State Government for decision. Where proposals and objections have been submitted, no development shall be undertaken until the State Government has finally decided on the matter. The State Government on receipt of the proposals for development together with the objections of the Authority shall in consultation with the Development Commissioner either approve the proposals with or without modifications or made direct the concerned department or local authority as the case may be to making such modification in the proposals as they consider necessary in the circumstances :ijUr q ;fn mi;qZDr vkifRr;ksa ds fopkjksijkUr jkT; ljdkj dk fu.kZ; izkfIr dh frfFk ls 6 ekg ds vUnj izkIr u gks lds rks oSlh fLFkfr esa dsUnzh; ljdkj bR;kfn dks ;g Hkh vf/kdkj gksxk fd jkT; ljdkj dks fyf[kr uksfVl ns ldsxkA mi;qZDr uksfVl ds 6 ekg ds vUnj ljdkj ls dksbZ mRrj izkIr u gks rks ml foHkkx bR;kfn dks vf/kdkj gksxk fd izLrkfor fuekZ.k dk;Z vkjEHk djsaA

31. Owner's obligation when dealing with land as building sites.

- If the owner of any land, including a local authority, a body corporate constituted under any law and a department of the Government utilities, sells, leases out or otherwise disposes of such land, the shall lay down and make a street or streets giving access and right of way of the owners of the plots into which the land may, be divided so as to connect them with an existing public or private street, and also provide other amenities.

32. Lay-out Plan.

(1)Before utilising, selling or otherwise dealing with any land under Section 31, the owner thereof shall apply to the Authority in writing with a lay-out plan of the land showing following particulars, namely:-(a)the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;(b)the reservation or allotment of any site for any street, open space, park, recreation ground, schools, markets or any other public purposes;(c)the intended level, direction and width of street or streets;(d)the regular the of street or streets;(e)the arrangements with specification to be made for levelling, paving, metailing, flagging, channelling, sewerage, draining, conserving scraping and lighting street or streets. Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by regulations; Provided that no such fee shall be necessary in the case of an application

made by a department of the Government, a local authority or body corporate.(2)The provisions of this Act and the regulations made thereunder as to the planning standards shall apply in the case to lay-out plan referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to the sanction of the Authority.(3)Within sixty days after the receipt of any application under sub-section (1) the Authority after making such enquiry as it may consider necessary in relation to any matter specified in sub-section (2) of section 19 or in relation to any other matter, shall either accord sancuon to the lay-out plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.(4)Such sanction shall be refused if the application does not conform to the provisions of this Act, regulation, rules or any plan under this Act.(5)The lay-out plan referred to earlier in this connection, shall, if so required by the Authority be prepared by a Town Planner licensed by the Authorities.

33. Alteration or demolition of street made in breach of Section 32.

(1)If any person lays out or makes any streets referred to in section 32, without or otherwise than in conformity with the orders of the Authority, the Vice Chairman may whether or not the offender be prosecuted under this Act, by notice-(a)require the offender to show cause in writing and send to the Vice Chairman on or before such date as may be specified in the notice why such street should not be altered to the satisfaction of the Vice-Chairman or, if such alteration be impracticable, why such street should not be demolished; or(b)require the offender to appear before the Vice-Chairman either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause aforesaid.(2)If any person on whom such notice is served fails to show cause to the satisfaction of the Vice-Chairman may pass an order directing the alteration or demolition of such street as he may think fit.(3)The cost incurred in this connection shall be recovered from the parties concerned as arrears of land revenue.

34. Power of Vice-Chairman to order work to be carried out or to corn out himself in default.

- If any private street or part thereof is not levelled paved, metalled, flagged, channelled, sewered, drained, conserved or lightened to the satisfaction of the Vice-Chairman he may by notice require the owners of such street or part thereof and the owners of the lands and buildings in front on or abutting on such stree or part thereof to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.(2)If such work is not carried out within the time specified in the notice the Vice-Chairman may, if he thinks fit, execute it and recover the expenses in curred thereon from the owners referred to in sub-section (1) in such proportion as may be determined by the Vice-Chairman as arrears of tax under this Act.

35. Prohibition to building without sanction.

- No person shall erect or commence to erect any building or make any addition or alteration to any building except with the previous sanction of the Vice-Chairman, and in accordance with the provision of this Chapter and the regulations made under this Act;Provided that the Authority may

make separate set of Regulations for different areas or different kinds of areas.

36. Erection of buildings, etc.

(1) Every person, including local authority body corporate constituted under any law and a department of Central or State Government who intends-(a) to carry out a development plan or any other development work (b) to make any addition or alteration thereto, shall apply for sanction by giving notice in writing of his intention to the Vice-Chairman such from and containing such information as may be prescribed by regulations made in this behalf. Provided that no such sanction need be sought if the alteration is to be done internally in a building without affecting the position of bath-room, kitchen and drainage arrangements and further that the proposed internal alteration does not violate the provisions of the building regulations or planning standards then in force. (2) Every such notice shall be accompanied by such documents and plan as may be prescribed. (3) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by regulation made in this behalf; Provided further that the operational constructions of the Railways, other Central Government Departments, and Departments of State Government (sic) be exempted from the provisions as aforesaid. In respect of other works of Railways, Central Government Department and departments of the State Government such as construction of new line new buildings, new structures and new installations and reconstruction of existing lines, buildings, new structures and installations for both operational purposes and for extensions of services permission of the Authority may be granted or rejected latest by three weeks from the date of receipt of notice or proper application by the Authority for the purpose. In case no orders of the Authority are passed and communicated to within the aforesaid time-limit of three weeks at the latest the Railways, Central Government Departments and State Government Departments will be free to go ahead with the constructions. In case the Authority has rejected any proposal in respect of Railways, Central Government or any State Government Department contained in the notice or application as aforesaid an appeal shall lie to the State Government if preferred within period of thirty days. While disposing of such appeal the State Government shall consult the Central Government or the Department, of the State Government as the case may be. (4) Where permission is refused under sub-section (2) of section 37 the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may on an application for refund being made within three months of communications of the grounds of the refusal, direct refund of such portion of the fee as it may deem proper in the circumstances of the case. (5) The Authority shall keep in such form as may be prescribed by regulations, a register of applications for permission under this section. (6) The said register shall contain such particulars including information as to the manner to which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection to the public at all reasonable hours on payment of such fee, not exceeding rupees five as may be prescribed by regulations.

37. Sanction or refusal of application for erection of a building addition or alteration thereto.

(1) The Vice Chairman shall sanction the erection of a building or addition or alteration thereto if such erection of the building or addition or alteration thereto would not contravene any provision of

this Act any regulation made thereunder.(2)If the proposed erection or alteration would be in contravention of at provision of this Act, or any regulation made in this behalf or under any other law, sanction of the plain shall be refused.(3)The Vice-Chairman shall communicate the sanction to the person will has given the notice, and where he refuses the sanction he shall, record a be statement of his reasons for such refusal and communicate the refusal alot with the reasons thereof to the person who has given the notice.(4)The sanction or refusal 'as aforesaid shall be communicated in such manner as may be specified in the regulation made in the behalf.(5)If at the expiration of a period of a period of 3 months after application under Section 36 has been made to the Vice-Chairman, no order in writing has been passed by the Vice-Chairman and no notice of the order passed by the Vice-Chairman, in this connection has been sent to the applicant, the applicant she give a notice under registered post intimating that sanction shall be presumed nothing to the contrary is received or notified in respect of his application will 30 days from the days from the date of receipt of the notice.

38. Sanction accorded under misrepresentation.

- If at any time after the sanction to erection of any building or addition or alteration thereto has been accorded, the Vice-Chairman is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under Section 37 he, may be order in writing and for reasons to be recorded cancel such sanction and erection or any building or addition or alteration thereto shall be deemed to have been done without such sanction :Provided that before making any such order the Vice-Chairman shall give reasonable opportunity to the person affected to explain as to why such order should not be made.

39. Order of stoppage of building in certain case.

(1)Where the erection of any building or addition or alteration thereto has been commenced or in being carried on (but has not been completed) without or contrary to the sanction referred to in Section 37 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act, or regulations made thereunder the Vice-Chairman may, in addition to any other action that may be taken under this Act, by order, require the personal at whose instance the building or the work has been commenced or is being carried on, to stop the same forthwith.(2)If such order is not complied forthwith, the Vice-Chairman may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.(3)After the requisition under Sub-section (2) has been complied with, the Vice-Chairman may, if he thinks fit, depute by a written order, a police officer of any officer or other employees of the Authority to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.(4)Where a police officer or an officer or other employee of the Authority has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

40. Power of Vice-Chairman to require alteration of works.

(1)The Vice-Chairman may at any time during the erection of or addition or alteration to any building or at any time within six months after the submission of the completion certificate as required under regulation framed for the purpose by a written notice specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in Section 37 or is in contravention of any of the provisions of this Act or any regulation made thereunder and require the person who gave the notice under Section 36 or the owner of such building or work either-(a)to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or(b)to show cause why such alterations should not be made, within a period stated in the notice.(2)If the person or the owner does not show cause as aforesaid he shall be bound to make the alterations specified in the notice.(3)If the person or the owner show cause as aforesaid the Vice-Chairman shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

41. Use of Land and building in contravention of plans.

- After the coming into operation of any of the development plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf and land or (sic).

42. Pre-Act building permits.

- If any building permit which had been issued before the commencement of this Act is not wholly completed within a period of three years from the date of such permit, the said permission shall be deemed to have lapsed and fresh permit shall be necessary

43. Duration of sanction.

- The sanction once accorded shall remain valid up to three years during which period completion certificate from the registered architect/engineer or a person approved by Vice-Chairman, in the form prescribed in the Building Regulations shall be submitted and if this is not done the permit shall have to be revalidated before the expiration of this period on payment of such fees as may be prescribed. Revalidation shall be subject to the rules and regulations then in force.

Chapter VII

Finance, Accounts and Audit.

44. Fund of the Authority.

(1)The authority shall have and maintain own fund to which shall be credited-(a)all moneys received by the authority from the State Government from the Central Government by way of grants, advances otherwise;(b)all moneys borrowed by the Authority from sources other than State Government or the Central Government by way of loans debentures;(c)all fees including betterment fees and charges received by the(d)all moneys received by the Authority from the disposal of lands, buildings and other properties movable and immovable; and(e)all moneys received by the Authority by way of rents and profits or in any other manner or from any other source;Provided that the setting up of the Authority would not involve any additional commitment from the Central Government by way of grants , loans, advances or otherwise.(2)The Authority shall receive duty on certain transfers of immovable property in accordance with the provisions hereinafter in this section contained-(i)The duty imposed by the Indian Stamp Act, 1899 (11 of 1889) as modified from time to time in its application to the State of Bihar on Instruments of sale, gift and usufructuary mortgage of immovable property shall in the case of instruments affecting immovable property situated in the area notified under Sub-section (2) of Section 1 of the Act and executed on or after the date on which the provisions of this Act came into force in such area be increased by five percentum on the value of the property transferred by the instrument or (in the case of an usufructuary mortgage) on the amount secured by the instrument, as set forth in the instrument:(ii)For the purposes of this section-(a)Section 27 of the Indian Stamp Act, 1899) as modified from time to time shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of property situated in the area notified under sub-section (2) of Section 1 of the Act.(b)Section 64 of the Indian Stamp Act, 1899 (11 of 1889) as modified from time to time shall be read as if it referred to the Authority as well as the State Government;(iii)All collections resulting from the said increase in stamp duty shall, after deducting incidental expenses (if any), be paid to the Authority by such time as may be prescribed by rules made by the State Government.(3)Contributions shall be made from Municipal Funds to the Authority in the manner hereinafter contained-(i)All the local bodies of the area notified under sub-section (2) of section 1 of the Act shall pay from their Municipal funds to the Authority on the first day of each quarter, so long as the Authority continues to exist, a sum equivalent to one and a half per centum per quarter on the actual quarterly collection made on the basis of annual ratable valuation determined under the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922) and the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952) as the said actual quantity collection stood on the first day of the last preceding quarter; provided that if this Act comes into force during a quarter, the amount of the first of such payment shall bear (sic) hereunder as the unexpired(ii)The payments prescribed by clause (i) of sub-section (3) shall be made in priority to all other payments due from the municipality except those referred to in section 67 of the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922) and the local bodies shall submit quarterly returns in prescribed form to the Authority within 30 days from the close of the quarter.(iii)If any payment prescribed by clause (i) of sub-section (3) cannot it the opinion of the State Government, be made without increasing maximum amount authorised by sections 84, 85, 86 or 86A of the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922) and Section 89 of the Patna Municipal Corporation Act 1951, then that maximum amount may be increased to such extend as may it the opinion of the State Government, be necessary to secure the due making of such payment.(4)Contributions may be made from the Panchayat funds, agriculture market yards and

other sources such as irrigation and water tax, etc, as approved by the State Government from time to time.(5)The funds so received by the Authority shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes:Provided that the liabilities due to the Centre and State Government and other bodies incorporate shall be the first charge upon the funds of the Regional Development Authority.(6)The Authority may keep in current account with the State Bank of India or any other Bank approved by the State Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved in the State Government.(7)The State Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, advances and loans to the Authority as the Government may deem necessary for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the State Government may determine.

45. Power to borrow money.

- The Authority may also borrow money in way of loans or debentures from such sources (other than the State and the Central Government) and on such terms and conditions as may be approved in the State Government.

46. Sinking fund.

(1)The Authority shall maintain a sinking fund for the re-payment of moneys borrowed under section 44 and shall pay every year in the sinking fund such sum as may be sufficient for re-payment within the period fixed of all moneys so borrowed.(2)The sinking fund or part thereof shall be applied in or towards the discharge of the loan for which such fund was created, and until such loan wholly discharged it shall not be applied for any other purpose.

47. Budget of the Authority.

- The Authority shall prepare every year such form and at such time, as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the State Government such number of copies thereof as may be prescribed by rules.

48. Audit.

(1)The audit of the Accounts of the Authority shall be made by such person as may be appointed by the State Government.(2)The audit shall be made in such manner as may be prescribed by rules.(3)The auditor shall submit his audit report to the Authority and shall forward a copy thereof to the State Government.

49. Annual Report.

- The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as may be prescribed by rules.

50. (parvakaalan, anumudit karane, tarader aamantrit karane, aur svaadhyo ka paalan karane kee shaktiya) izkodyu vuqeksfnr djus] VsaMj vkefU=r djus vkSj lafonkvksa dk ikyu djus dh 'kfDr;ka.

- izkf/kdkj izkodyu vuqeksfnr djsxk vkSj VsaMj vkeaf=r djsxk rFkk ,slh lHkh lafonkvksa vkSj mudk ikyu djsxk ftUgsa og bl vf/kfu;e ds fdllh iz;kstu vkSj bls iz;kstuk;Z cuk;s x;s A fu;e ds vuqlkj mlls vuq,axh ckrksa dk fu"iknu djus ds fy, vko';d ;k leh/khu le>s A

Chapter VIII

Supplementary and Miscellaneous Provisions

51. Exclusion of claim for being compensated for injury.

- No compensation shall be awarded if and in so far as any property or any right or interest therein is alleged to be injuriously affected by reason of the provisions of this Act or in consequence of the removal of any development work under Section 39 of Section 53.

52. Penalties.

(1)Any person who whether at his own instance or at the instance of any other person or any body (including a local body, body corporate or a Department of Government) undertakes or carries out any development work in contravention of the Regional Development Plan, the Master Plan or the Zonal Development Plan, or without the permission, approval or sanction referred to in Section 35 and 36 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, shall be punishable with fine which may extend to ten thousand rupees and simple imprisonment for a term of one year and in the case of a continuing offence, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.(2)Any person who uses any land or building in contravention of the provisions of Section 41 or in contravention of any terms or conditions prescribed by regulations under the proviso to that section shall be punishable with fine which (sic) to five thousand rupees and in the case of a continuing offence, with a further fine which may extend to tow hundred and fifty rupees for even day during which such offence continues after conviction for the first commission of the offence.(3)Any person who obstructs the entry of a person authorised under the Act to enter into or upon any land or building or molests such person after such enter shall be punishable with imprisonment for a term which may extend to sixty months, or with fine which may extend to one thousand rupees or with both.(4)Where such development is not

discontinued in pursuance of the order under sub-section (1) the Authority or a duly authorised officer of the Authority may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

53. Prohibition of water supply and municipal authorities to give water connection to newly constructed building.

- Any agency charged with the duty of supplying water and rendering such other services to buildings, or installations in the development area or the region, shall not give water connection or such other services to any newly constructed building in the Development area or region or convert to permanent domestic use any connection already taken unless the application for such connection is accompanied by a certificate from the Authority or the local authority empowered to sanction building plans under this Act. Provided that temporary water connection for non-domestic use may be given if the application is accompanied by a plan sanctioned by the Authority.

54. Order of demolition of building.

(1) Where any development or erection of a building has been commenced or is being carried on or has been completed in contravention of the Regional Plan, Master Plan or Zonal Development Plan or without the permission, approval or sanction referred to in sections 35, 36, 37 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, any officer of the Authority empowered, by it in this behalf may in addition to prosecution that may be instituted under this Act, make an order briefly stating the reasons therefor directing that such erection or development work shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the erection or development work has been commenced or is being carried out or has been completed within a period of thirty days from the date on which a copy of the order of removal has been delivered to the owner or that person, as may be specified in the order, and on his failure to comply with the order, any officer of the Authority may remove or cause to be removed the erection or development work and the expenses of such removal shall be recovered from the owner or the person at whose instance the erection or development was commenced or was being carried out or was completed, as arrears of land revenue : Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made. (2) Any person aggrieved by an order under sub-section (1) may appeal to a Tribunal constituted under this Act against that order within thirty days from the date thereof; and the Tribunal may after hearing the parties to the appeal either allow or dismiss the appeal or reverse or vary the order or any part thereof. (3) The decision of the Tribunal on the appeal and subject only to such decision the order under sub-section (1) shall be final and conclusive. (4) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to demolition of buildings contained in any other law for the time being in force.

55. Offences by companies.

(1) If the person committing an offence under this Act is a company every person, who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the (sic) to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purposes of this section (a) Company's means a body corporate and includes a firm or other association of individuals, and (b) director' in relation to a firm means a partner in the firm.

56. Fines when realised to be paid to Authority.

- All fines realised in connection with prosecution under this Act shall be paid into the funds of the Authority.

57. Composition of offence.

(1) Any offence made punishable by or under this Act may, either before or after the institution of proceedings, be compounded by the authority or any person authorised by the authority by general or special order in this behalf. (2) Where an offence has been compounded, the offender if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

58. Direction to the owner or other persons to provide amenities failing which authority to provide amenities itself and recover cost.

(1) If the authority after holding a local enquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity which, in the opinion of the Authority, is to be provided for any land in a development area or any area other than a development area, has not been provided for such land or that any development of the land for which permission, approval or sanction has been obtained under this Act has not been carried out, it may, after affording a reasonable opportunity to show cause, serve upon the owner or the land or upon the person responsible for providing the amenity or carrying out the development, as the case may be, a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice. (2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it may deem fit

:Provided that before taking any action under this sub-section the authority shall afford reasonable opportunity to the owner of the land or to the person responsible for providing the amenity or carry out the development to show cause as to why such action should not be taken.(3)All expenses incurred by the authority or the agency employed by it if providing the amenity or carrying out the development, together with interest from the date when a deemed for the expenses is made until payment at such rate as the State Government may be, order fix, shall be recovered by the authority from the owner or the person responsible for providing the amenity as arrears of land revenue.

59. Power of the authority to require local authority to assume responsibility in certain cases.

(1)When the execution of scheme within the framework of the Master Plan or the Zonal Development Plan or Regional Development Plan has been completed by the authority, the authority may, by a written notice, ask the local authority to take over the maintenance of roads, parks, amenities and of the sewerage, drainage, water-supply, lighting and conservancy systems of any other urban or agricultural infrastructure comprised within the schemes and, if the local authority fails, to comply with the notice within one year of the date of the service of such notice, such roads, etc, and system shall be deemed to have vested in the local authority who shall thereupon be responsible for the maintenance of such roads, etc, and systems.(2)If any difference of opinion arises between the authority and the local authority in respect of any matter referred to in sub-section (1) the matter shall be referred to the State Government whose decision thereon shall be final.

60. Power of the authority to levy betterment charges.

(1)Where, in the opinion of the authority, as a consequence of any development having been executed by the authority, in any development area, the value of any property in that area of in any area other than the development area which has been benefited by the development has increased, or will increase, or will increase, the authority shall with the consent of State Government, be entitled to levy upon the owner of the property of any person having an interest therein a betterment charge in respect of the increased value of the property resulting from the execution of the development:Provided that no betterment charge shall be levied in respect of lands owned by the Government, a local body or body corporate within the development area of the authority;Provided further that where any land belonging to the Government, a local authority or a body corporate has been let out by the Government, the local authority or the body corporate to any person, then that land and any building situate thereon shall be subject to a betterment charge under this section.(2)Such betterment charge shall be an amount in respect of any property situate in a development area, equal to one third; and in respect of the property situate in any other area not exceeding one-third of the amount by which the value of the property on the completion of the execution of the development scheme estimated as if the property where cost of building exceeds the value of the property prior to such execution estimated in like manner:Provided that in levying betterment charge on any property under clause (2), the authority shall have regard to the extent and nature of benefit accruing to the property from the development and such other factors as may be prescribed by rules made in this behalf.

61. Assessment of betterment charge by authority.

(1) When it appears to the authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the authority may by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the authority proposes to assess the amount of the betterment charge in respect of the property under section 59. (2) The authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of the receipt of the notice in writing of such assessment from the authority, inform the authority by a declaration in writing that he accepts the assessment or dissents from it. (3) When the assessment proposed by the authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final. (4) If the person concerned, does not agree with the assessment or does not furnish the required information within the specified period under sub-section (2), the cost shall be determined by the Tribunal in the manner provided in Section 61.

62. Settlement of betterment charges by the Tribunal.

(1) For the determination of the matter, referred to in sub-section (4) of section 60 the Authority shall refer the matter to the Tribunal or Appeal as specified in Section 89. (2) The Tribunal shall follow such procedure as may be prescribed by rules made in this behalf.

63. Payment of betterment charges.

(1) The betterment charge levied under this Act shall be payable in such number of instalments and such instalments shall be payable at such time and in such manner as may be fixed by regulations made in this behalf. (2) Any arrear of betterment charge shall be recoverable as an arrear of land revenue.

64. Mode of recovery of money due to Authority by local authority for special purposes.

(1) Any money due to the Authority on account of fees or charge or proceeds of disposal of lands, buildings or other properties moveable or immovable or by way of rents and profits may, if the mode of recovery thereof is not expressly provided for in any other provision of this Act be recovered by the Authority as charge of land revenue. (2) The Authority shall be deemed to be a local authority within the meaning of the Bihar and Orissa General Clauses Act, 1917 (B & O. Act 1 of 1917) for the purposes of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947 (Bihar Act III of 1947) the Bihar Money-Lenders Act, 1938 (Bihar Act III of 1938) the Bihar and Orissa Local Fund Audit Act, 1925 (Bihar and Orissa Act 11 of 1925) and the Local Authorities Loans Act, 1914 (Central Act IX of 1914).

65. Control by State Government.

(1)The State Government may set aside any resolution of the Authority or any order of the Authority, the Chairman, the Vice-Chairman or any officer of the Authority, if in the opinion of the State Government the resolution or order is in excess of the power conferred by law.(2)The State Government may issue direction to the Authority on matters of general policy.

66. Returns.

- The Authority shall furnish to the State Government such reports, returns and other informations as that Government may from time to time, require.

67. Service of notice, etc.

- Every notice, order or other document required by this Act or any rule or regulation made thereunder shall be signed by the Secretary of the Authority with its common seal and shall be deemed to have been duly served upon the party or parties concerned if the service has been effected in any one of the following manners(i)By personal service :(ii)By registered post :(iii)By affixing it at the house or the principal place of business of the party concerned as the case may be :(iv)By publication in one prominent Hindi and one English daily newspaper published within the area of the Authority in their two consecutive issues Provided that-(a)In case the party to be served is a registered company, a firm of partnership, a body corporate, a local authority, a society or other body, it shall be served upon the principal officer of the said firm or organisation as determined by the Secretary of the Authority in his discretion and it shall then be deemed to have been duly served on each director, partner or member of the said firm or organisation;(b)In case the party to be served is a minor or a lunatic it shall be served upon his guardian as determined by the Secretary of the Authority in his discretion.(c)The manner of service mentioned either in sub-clause (iii) or sub-clause (iv) above shall be resorted to only after attempt at service either under sub-clause (i) or sub-clause (ii) has failed.

68. Public notice to be in writing signed by the Secretary and sealed and widely published in the locality by affixing copies and by beat of drum, by publishing in local English and Hindi daily newspapers.

- Every public notice given under this Act shall be in writing under the signature of the Secretary of the Authority with its common seal and shall be caused to be widely known in the locality affected thereby affixing copies thereof at conspicuous public places with in the said locality and by publishing the same by beat of drum and also in one prominent local English and one Hindi daily newspaper in their three consecutive issues.

69. Notices, etc. to fix reasonable time.

- Where any notice, order or other document issued or made under this Act or rules or regulation made thereunder require anything to be done for the doing of which no time has been fixed in this Act or the rule or regulation, the notice, order or the document shall specify a time not less than one week for doing the same.

70. Authentication of orders and documents of the Authority.

- All permissions, orders, decisions notices and other documents of the authority shall be authenticated by the signature of the Secretary to the Authority or any other officer authorised by the Authority in this behalf.

71. Member and officers to be public servants.

- Every member and every officer and other employee of the authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1960.)

72. Jurisdiction of courts to try offences.

- No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

73. Sanction of prosecution.

- No prosecution for any offence punishable under this Act, shall be instituted except with the previous sanction of the Authority or the Chairman or any officer authorised by the Authority or Chairman (sic).

74. Protection of action taken in good faith.

- No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

75. Power to delegate.

- The authority may, by notification in the official Gazette declare that any power exercisable by it or any of its officers under this Act, except the power to make regulations, may also be exercised by such officer or local authority (or Committee constituted under section 9) as may be mentioned therein such cases and subject to such conditions, if any as may be specified therein.

76. Effect of other laws.

(1)The provisions of this Act, and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.(2)Notwithstanding anything contained in any such other law development in any area in accordance with the provisions of this Act or rules and regulations made thereunder shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained.

77. Restriction of power of a local authority to make rules, regulations or bye-laws in respect of certain matters.

- Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law which is inconsistent with any provision of the Act or any rule or regulation made under it shall be (sic) within the area notified under sub-section (2) of Section (sic).

78. Notice to be given to suits.

(1)No suit shall be instituted against the Authority or any member thereof or any of its officers or other employees or any person acting under the directions of the Authority or any member or any officer or other employee of the Authority in respect of any action purporting to have been done in pursuance of this Act or any rule of regulation made thereunder till the expiration of two months from the date on which notice in writing has been in the case of the Authority, left at the office or place of abode, of the person to be and unless such notice state explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.(2)No suit such as is described in sub-section (1) shall unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.(3)Nothing contained in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponement of the institution of the suit.

79. Act no to apply to works which affect only the interior of the building and do not materially affect its internal appearances and to work carried out by local authority or corporation of the Government relating to repairing or renewing drains, sewers, mains, pipes, cables, etc.

- Nothing in this Act shall apply to-(a)the carrying out of work to the maintenance, improvement or other alteration of any building being works which affect only the interior of the building or which do not materially affect the external appearance of the building:(b)the carrying out by any local authority or body corporate or by any department of Government of any work for the purpose of inspecting, repairing or renewing any drains, sewers, main pipes, cables or other apparatus including the breaking open of any street or other land for that purposes:(c)the erection of a place of

worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or samadhi on land which at commencement of this Act is lawfully occupied only for the purpose of such worship, tomb, cenotaph, graveyard or samadhi: Provided that the proposed erection and words conform to the land proposals contained in the Master/Zonal and Regional plans and standard for set back, height of the structures and percentage of built up area prescribed in the building regulations: (d) the excavations made in the ordinary course of agricultural operations: (e) the construction of un-metalled road intended to give access to land solely for agricultural purpose.

80. State Government to make rules.

(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act. (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely- (a) the manner of reconstitution and allotment of land plots: (b) the salaries, allowances and conditions of service of the whole time paid members of the Authority; (c) the stage by which the development of any particular features of a zone may be carried out; (d) the form and content of the Regional Plan, Master Plan and Zonal Development Plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form, and the manner of publication of the notice relating to any such plan in draft; (e) the form and manner in which notice under Section 21, 22, and 24 shall be published; (f) the fee to be paid on an application for permission under sub-section (3) of section 36 and the fact and circumstances to be taken into consideration in determining such fee; (g) the manner in which Khasmahal lands shall be dealt with after development; (h) the procedure to be observed by the Tribunal under Section 61; (i) the factors to be taken into consideration in determining the rates of betterment charges in respect of property situate in any area; (j) the procedure to be followed by the Tribunal in the determination of the betterment charges; (k) the sum of money that may be kept in current account; (l) the procedure to be followed for borrowing moneys by way of loans or debenture and their repayment; (m) the form of the budget of the Authority and the manner of preparing the same; (n) the form of the balance-sheet and statement of accounts; (o) the form of the annual report and the date on or before which it (sic); (p) the manner of constitution of the pension fund and provident funds for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted; (q) any other matter which is required to be or may be prescribed by rules. (3) Every rule made under the section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

81. Power to make regulations.

- The Authority may make regulation consistent with this Act and the rules made thereunder, to carry out the purpose of this Act and without prejudice to the generality of the foregoing power, such regulations may provide for-(a)the summoning and holding of meetings of the, Authority, the time and place where such meetings are to be held,, the conduct of business at such meetings and number of members necessary to form a quorum thereat;(b)the summoning and holding of meeting of a committee constituted under Section 9, the time and place where such meetings are to be held, the number of members necessary to form a quorum thereat and the fees and allowances payable to the members for attending the meetings or any other work of the Authority;(c)the powers and duties of officers of the Authority;(d)the salaries, allowances, gratuities and conditions of service of the officers and employees of the Authority and disciplinary matters relating to them;(e)the procedure for carrying out of the functions of the Authority under Chapters III, IV and V;(f)the manner of communicating the grounds of refusal of permission for development;(g)the form of the register of application for permission and the particulars to be contained in such register;(h)the management of the properties of the Authority(i)the time and manner of payment of betterment charges;(j)planning standards, prescribed, height restrictions, etc.; and(k)any other matter which is required to be or be prescribed by regulation

Chapter IX

Damages, Legal Proceedings and Tribunal

82. Damages payable after termination of tenancy.

(1)Any person who, without any right or written permission of the Authority, continues in possession of a building or any part thereof belonging to the Authority after termination of his tenancy in respect to it shall be liable to pay damage at a rate equal to three times the rate of rent payable immediately before the termination of the tenancy until delivery of possession of the building to the Authority.(2)Any person who, without any right or written permission of the Authority, continues in possession of vacant land of the Authority after termination of his tenancy in respect of it shall be liable to pay damage at the rate of Rs. 10 per one hundred square meter, per day until delivery of possession of the vacant land to the Authority.

83. Damage payable by a trespasser.

- Any person who takes possession of any land of building of the Authority without any right of written permission of the Authority shall be liable to pay damage at the rate of Rs. 20 per one hundred square metre per day in the case of land and Rs. 30 per one hundred square, meter per floor per day in the case of a building.

84. Effect of subletting against the terms of tenancy.

- Where the tenant sublets the building or any part of it in contravention of the terms of the tenancy, his tenancy shall stand terminated with effect from the date of subletting and both the tenant and the sub-tenant shall be liable to pay damages jointly and separately to the Authority at a rate equal to three times the rate of rent payable for the building immediately before the termination until delivery of possession of the building or the part thereof to the Authority.

85. In suits for recovery of land or building and for damages court shall calculate damages up to the date of delivery of possession to the Authority in the manner laid down in Order 20, Rule 12 of Civil Procedure Code, 1908.

(1) Whenever any suit is instituted for recovery of land or building in possession of any person without right, authority or written permission of the Authority and for damages the court shall pass a decree for damages up to the date of recovery of possession of the land or the building, as the case may be, and the damages shall be calculated in the manner laid down in Order 20, Rule 12 of the Civil Procedure Code, 1908.

(2) O;ogkj izfdz;k lafgrk esa izfrdwy micU/k gksus ij Hkh izkf/kdkj ds mik/;{k rFkk vf/kdkj }kjk izkf/kd`r dksbZ vU; inkf/kdkjh [k.M+ 82] 83 rFkk 84 ds vUrxZr pqdlkuh Mscst yxkus ds fy;s l{ke gksaxsAmik/;{k ,oa izkf/kdkj }kjk izkf/kd`r vU; inkf/kdkjh bu [k.M+ksa ds vUrxZr dk;Z fu"iknu esa O;ogkj U;k;ky; le>st tk;saxsA(3)ijUrq ,slk dksbZ vkns'k rc rd ugha fn;k tk;xk terd lEcfU/kr O;fDr dks ,slk vkns'k ugha nsus ds fy; dkj.k nf'kZr djus dk ;qfDr;qDr volj ugha ns fn;k tk;A(4)(d)izkf/kdkj ds mik/;{k ,oa izkf/kdkj }kjk izkf/kd`r dksbZ vU; inkf/kdkjh ,sls O;fDr dks izkf/kdkj dh tehu ;k Hkouks ds fu"dklu dh vkKk ns ldrs gS] tks O;fDr vf/kdkj dh Hkwfe ;k Hko esa vukf/kd`r :i ls dCtk fd, gq, gksa ;k mlds mi;qDr dk;Z dj jgs gksaA[k Hkouksa ls fu"dklu dh dkjZokbZ esa ;Fkksfpr ifjorZu lfgr fegkj ljdkjh ifjl fdjk;k olwyh rFkk fu"iknu vf/kfu;e] 1956 dh izfdz;k viuk;h tk;Ax izkf/kdkj dh tehu ij ls vfrdze.k dks gVkus dh dk;Zokgh esa mik/;{k rFkk izkf/kdkj }kjk izkf/kd`r vU; inkf/kdkjh fegkj yksd Hkwfe vfrdze.k vf/kfu;e ds fu/kkZfjr izfdz;k dk vuqlj.k djsaxsA izkf/kdkj dh lHkh Hkw&lEifRr yksd Hkwfe le>h tk;xh vkSj vfrdze.k dk ogha vFkZ gksxk tks fegkj yksd Hkwfe vfrdze.k vf/kfu;e esa ifjHkkf"kr gSA?k izkf/kdkj ds lHkh Hkou tks mlds }kjk fufeZr fd;s x;s gksa ;k tks mlesa fufgr gks x;s gks os lHkh fegkj ljdkjh ifjl fdjk;k olwyh ,oa fu"dklu vf/kfu;e] 1956 ds rgr ljdkjh ifjl ekus tk;sxsAM fu"dklu rFkk vfrdze.k gVkus dh dk;Zokgh esa dk;Z fu"iknu djus ds flyflys esa mik/;{k rFkk izkf/kdkj }kjk izkf/kd`r vU; inkf/kdkjh O;ogkj U;k;ky; le>s tk;saxsA

85A. (Sadko, futpatho aur Sarvajanik upyog ki anya sthano pr bidushan aur baadhaoyan pr rook tatha unko htane ka aadesh) 85&d IM+dksa] QwVikFkksa vkSj lkoZtfud mi;ksxksa ds vU; LFkkuksa ij fonw"k.k vkSj ck/kkvksa ij jksd rFkk mudks gVkus dk vkns'kk& dksbZ Hkh O;fDr fdl mik/;{k ;k izkf/kdkj }kjk izkf/kd`r fdlh inkf/kdkjh dh fyf[kr vuqefr ls of.kZr 'krksZa ds foijhr izkf/kdkj {ks= es fdlh IM+d] QwVikFk] vkoeu ds vU; ekxZ] ukyk ;k xqeVh&Hkw&xHkZ ukyk] lkoZtfud mi;ksx ds fdlh vu; LFkku ij dksbZ LVky] >ksiM+h] xqeVh] dqLhZ] csap] cDlk] uko] [kwaV] i'kq] fl<+h] lkbZu cksMZ ;k vu; dksbZ pht ugha j[ksxk vkSj mik/;{k ,sls fdlh vU; dkjZokbZ ds vfrfjDr tks bl vf/kfu;e dk vU;

fdlh dkuwu ;k fu;e ds v/khu dh tk ldrh gS] fcuk iwoZ lwpuk fn;s fdlh LFky ls
fonw"k.k vksj ck/kkvksa dks gVkus dk vkns'k ns ldsxk vkSj fdlh iqfyl
inkf/kdkjh ls vis{kk dj ldsxk fd og ml v/;is{kk esa ;Fkk fofufnZ"V vof/k ds
Hkhrj ,sls fonw"k.k ;k ck/kk dks gVk nsa vkSj og iqfyl vf/kdkjh rnuqlkj ml
v/;is{kk dk vuqikyu djsaxsA

86. Court-fee payable over certain suits.

- Notwithstanding anything to the contrary contained in the Court-Fees Act, 1870 (VII of 1870), in its application to the State of Bihar the fee payable by the Authority in respect to the following suits and appeals arising therefrom shall be fifteen rupees irrespective of the value of the suit and the claim-(a)for declaration of title;(b)for declaration of title and recovery of possession of movable or immovable property;(c)for recovery of rents, profits, damages, compensation charges and other sums;(d)for eviction and recovery of immovable property and damages, compensation and mesne profits or rents, past and future;(e)for injunction

87. In suits for injunction by Authority court shall pass interim order of injunction and issue show cause.

- Whenever any suit for injunction to restrain any person from doing an act on land or building of the Authority which he is not entitled or permitted to do is instituted, the Court shall on application by the Authority, pass ad interim order of injunction restraining the person from doing that act and shall issue a notice calling upon him to show cause why it shall not be made absolute till the disposal of the suit and after hearing the parties pass such order as it thinks fit, and all provisions of Order 39 of the Civil Procedure Code, 1908 shall apply to the order.

88. Power of Vice-Chairman to the institution, composition etc, of legal proceedings and obtaining legal advice.

- The Vice-Chairman may, on behalf of the Authority and subject to control by it:-(a)institute, defend or withdraw from legal proceedings under this Act or any rule or regulation made thereunder;(b)compound any offence under this Act or under, any other law for the time being in force which may be lawfully compounded by the Authority;(c)admit, compromise or withdraw any claim made by or against it (sic) and(d)obtain such legal advice and assistance as he may from time to time think necessary or expedient to obtain or a he may be desired by the Authority to obtain for any of the purposes referred to in the foregoing clauses of the section or for securing the lawful exercise of discharge of any power duly vested in or imposed upon the Authority or any officer or employee of the Authority.

89. Constitution of Tribunal of Appeal.

(1)The Tribunal of Appeal shall consist of President and two members.(2)The President shall be appointed by the State Government from the cadre of District Judges of the State Superior Judicial Service.(3)The State Government shall appoint two more persons as members of the Tribunal, one of whom maybe a Civil Engineer not below the rank of Superintending Engineer and the other may be a Chartered valuer or a Civil Engineer with knowledge and experience of town planning and valuation of properties.(4)The President and the members of the Tribunal shall hold office during the pleasure of the State Government.(5)All decisions of the Tribunal in exercise of its appellate authority shall be final and shall not be liable to be questioned in any court of law whether in a suit or other proceeding by way of appeal or revision.

90. The Tribunal to have powers of a Civil Court.

- The Tribunal shall for, the purpose of determining any matter referred to them, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely-(a)summoning and enforcing the attendance of any person and examining him on oath;(b)requiring the discovery and production of documents;(c)administering to any party to a proceeding before the Tribunal such interrogatories as may, in the opinion of the Tribunal, be necessary.

91. Bar to jurisdiction of Civil Courts.

- Save as otherwise provided in this Act no suit shall be brought in any Civil Court to set aside or modify any order made under this Act and no injunction shall be granted by any Civil Court restraining the Authority or its officers or servants from doing any set or exercising any power or performing any duty purported to be done under this Act or rules or regulations framed thereunder.

Chapter X

Repeals, Savings and Dissolution

92. Dissolution of the Authority.

(1)Where the State Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary the State Government may by notification in the official Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved accordingly.(2)From the said date-(a)all properties, funds and dues which are vested in or realisable by the Authority shall vest, in, or be realisable by the State Government;(b)all khasmahal lands placed at the disposal of the Authority shall revert to the State Government;(c)all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and(d)for

the purposes of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the State Government.

93. Repeal and savings.

(1)As from the date of the constitution of the Authority-(a)the Bihar Town Planning and improvement Trust Act, 1951, the Bihar Restriction of Uses of Land Act, 1948 (Bihar Act 23 of 1948) shall cease to have effect within the area notified under sub-section (2) of section 1, save as provided under Section 30;(b)the improvement Trust as constituted under the Bihar Town Planning and improvement Trust Act, 1951 shall cease to exist with effect from the date this Act comes into force;(c)the Bihar Regional Development Authority Second Ordinance, 1981 (Bihar Ordinance no. 191 of 1981) is hereby repealed.(d)notwithstanding such repeal, any thing done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act, as if this Act was in force on the day on which such thing or action was done or taken.(2)Notwithstanding the provision of sub-section (1)-(a)every officer or other employee serving under the improvement Trust or Town Planning Authority and the Controlling Authority under the Bihar Restriction of Uses of Land Act, 1948 (Bihar Act 23 of 1948) immediately before the date of the constitution of the Authority shall, on and from such date, be deemed to have been transferred to and become an officer or other employee of the Authority with such designation as the Authority may determine and may hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:Provided that any service rendered by and such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under it;(b)anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, bye-laws, regulation or form made, granted or issued) under the Bihar Town Planning and improvement Trust Act, 1951 and the Bihar Restriction of Uses of Land Act, 1943 (Bihar Act 23 of 1948) shall so far as it is not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been done or taken under the provisions of this Ordinance unless and until (sic) done or any action taken under the (sic).(c)all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by with or for the improvement Trust or Town Planning Authority and the Controlling Authority shall be deemed to have been incurred entered into or engaged to be done by, with or for the Authority;(d)all properties movable and immovable and all rights, title and interest in any property vested in the improvement Trust or Town Planning Authority shall vest in the Authority, and all properties in possession of the improvement Trust or Town Planning Authority shall be deemed to be in possession of the Authority;(e)all rents, fees and other sums of money due to the improvement Trust or Town Planning Authority shall be deemed to be due to the Authority;(f)all suits, prosecutions, and other legal proceedings instituted or which might have been institution by, for or against the improvement Trust or Town Planning Authority or the Controlling Authority may be continued or instituted by, for or against the Authority;(g)all sums charged on any property under, the Bihar Town Planning and improvement Trust Act, 1951, or the rules framed thereunder shall continue to be charged on

that property and the charge shall be enforceable by the Authority;(h)from the date the Authority comes into existence it will have the same right as the improvement Trust or Town Planning Authority had in all lands within the area notified under Section 1 which were previously held by the improvement Trust or Town Planning Authority on lease from the State Government for a certain period or the possession of which had been delivered to Trust or Town Planning Authority:(i)all lands within the area notified under Section 1 held by any person as lessee from the improvement Trust or Town Planning Authority under a registered deed or lease for residential purpose (and not for commercial purpose or commercial - cum-residential purpose) shall be deemed to be vested in him as perpetual leases from generation to generation on payment of fee the the Authority at the rate of one rupee per square meter.

[Modified Building Bye-laws]

	25 Meters (82.0 ft.) in built up area	20 meters	25 metres
Width of plot	30 metres (94.4. ft.)New Area13 metres (42.64. ft.)	30 metres13 metres	30 metres13 metres
Width of front built up area.			
Road	20 metres (56.6 ft.) in New area	20 metres	20 metres
Set backs			
Front.RearSides	9 metres (29.52 ft)4 metres (13.12 ft)4 metres (13.12 ft)	9 metres (29.52 ft)4 metres4 metres	9 metres4 metres4 metres
CarsScootersCycles	2% of seats8% of seats20% of seats	3% of seats10% of seats20% of seats	3.5% seats8% of seats15% of seats

Miscellaneous:

(a) Each 0.9 sq. metre (or 10 sq.ft.) of floor space of cinemahall including Balcony shall be deemed to be occupied by oneperson.

(b) The parking space provided for a car shall not be less than20 sq. metres area; and for a Scooter and Bicycles the parkingspaces

provided shall not be less than 3 sq. metres, and 1.4 sq. metres respectively.

Note: Where the Master Plan/Zone Development Plan provided that minimum proposed right of way where a construction of Cinema is permissible but the existing right of way is narrower than the above standard, a cinema hall may be permitted only if the existing right of way is not less than 10 metres in case of towns with 50,000 population and less and 13 metres in cases of towns with population more than 50,000.