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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 22nd November 1963, is hereby published for general information.

AKBAR S. SARELA,
Secretary to Government,
Legal Department.

GUJARAT ACT NO. LII OF 1963.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 27th November 1963).

An Act to amend with retrospective effect the Bombay Town Planning Act, 1954 for certain purposes and to validate certain actions taken and things done under that Act.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

1. This Act may be called the Bombay Town Planning (Gujarat Amendment Short title and Validating Provisions) Act, 1963.

2. In section 2 of the Bombay Town Planning Act, 1954 (hereinafter referred to as "the principal Act") in clause (4), for sub-clause (b), the following sub-clause shall be substituted, namely:-

“(b) a gram or nagar panchayat constituted or deemed to be constituted under the Gujarat Panchayats Act, 1961 which is permitted in this behalf by the State Government to exercise the powers of a local authority under the Act;

239

Explanation.— If any area comprising a municipal district or municipal borough is declared to be a gram or nagar under section 9 of the Gujarat Panchayats Act, 1961, the gram panchayat or nagar panchayat established for such area in place of the municipality shall be deemed to continue as the local authority for that area.”

Amendment of section 18 of Bom. XXV-II of 1955.

3. In section 18 of the principal Act, for clause (1), the following clause shall be and shall be deemed always to have been substituted, namely:—

“(1) a local authority may make one or more town planning schemes for the area within its jurisdiction or any part thereof, regard being had to the proposals in the final development plan, if any;”

Amendment of section 32 of Bom. XX-VII of 1955.

4. In section 32 of the principal Act, in sub-section (3), in the proviso, after the words “in the order” the following shall be and shall be deemed always to have been inserted, namely:—

“and any such order extending the period may be made so as to have retrospective effect”.

Amendment of section 66 of Bom. XX-VII of 1955.

5. In section 66 of the principal Act, in sub-section (1), in the proviso, for clause (i), the following shall be substituted, namely:—

“(i) (a) where the cost of the scheme does not exceed half the increment, the cost shall be met wholly by a contribution, and

(b) where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the local authority;”.

Amendment of section 90 of Bom. XXV-II of 1955.

6. In section 90 of the principal Act:—

(1) in sub-section (2) —

(i) the words “any appointment made of an arbitrator, any proceeding pending before the arbitrator” shall be and shall be deemed always to have been deleted; and

(ii) for the words “proceedings, suspension” the word “suspension” shall be and shall be deemed always to have been substituted;

(2) after sub-section (3), the following sub-section shall be and shall be deemed always to have been inserted, namely:—

“(4) Any appointment of an arbitrator made under the Act so repealed and subsisting immediately before the date of the commencement of this Act shall continue as if such arbitrator were appointed as a Town Planning Officer under this Act and all proceedings pending before such arbitrator immediately before the said date shall continue as if it were proceedings before a Town Planning Officer under this Act and the provisions of this Act shall, so far as may be, apply to such appointment and proceedings.”.

Validation of certain actions taken and things done.

7. Notwithstanding anything contained in any judgment, decree or order of a Court or an authority or any award of a tribunal—

(a) any town planning scheme sanctioned or continued as sanctioned under the principal Act before the commencement of this Act shall be valid and effectual and shall not be called in question merely on the ground that a development plan in respect of the area to which the town planning scheme relates had not been prepared, published or sanctioned under the principal Act before the town planning scheme was sanctioned or continued as sanctioned under the principal Act;

Bom.
I of
1915.

(b) any final scheme drawn up by a Town Planning Officer or an arbitrator appointed under the Bombay Town Planning Act, 1915 and continued under section 90 of the principal Act and any scheme sanctioned at any time between the first day of April 1957 and the date of the commencement of this Act shall be valid and effectual and shall not be called in question merely on the ground that the appointment of the arbitrator and the proceedings before him did not continue under the principal Act, or that the Town Planning Officer or, as the case may be, the arbitrator did not decide all the matters referred to in sub-section (1) of section 32 of the principal Act within the period of twelve months mentioned in sub-section (3) of that section or that all such matters had been decided out of time, or that the extension of period was granted under the proviso to the said sub-section (3) after the period had expired; and any decision of the Board of Appeal in an appeal against an order of an arbitrator given during the aforesaid time shall be valid and effectual and shall not be called in question merely on the ground that the Board of Appeal had no jurisdiction to entertain and decide such appeal.



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th April 1966 is, hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 6 OF 1966

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 13th April 1966.)

An Act further to amend the Bombay Town Planning Act, 1954.

It is hereby enacted in the Sixteenth year of the Republic of India as follows:—

1. This Act may be called the Bombay Town Planning (Gujarat Amendment) Act, 1965.

2. In the Bombay Town Planning Act, 1954, for section 10 the following sections shall be substituted, namely :—

Bom.
XXVII
of
1955.

Substitution
of section 10
of Bom.
XXVII
of
1955 and in
section 10A
therein.

Power of Government to sanction development plan and consequences thereof.

"10. (1) (a) On receipt of the development plan under section 8, the State Government may, after consulting the Consulting Surveyor and within the prescribed period sanction the development plan and the regulations as so received unless any modifications therein are considered to be necessary by the State Government.

(b) If any modifications in the development plan or the regulations are considered to be necessary by the State Government, the State Government shall before the expiry of the period prescribed under clause (a) publish the modifications in the *Official Gazette* along with a notice calling upon the persons affected thereby to submit to the State Government their suggestions, if any, in writing within a period of sixty days from the date of the publication of the modifications.

(c) After considering the suggestions, if any, received under clause (b), the State Government shall within the prescribed period finalise the modifications and sanction the development plan and the regulations with modifications so finalised.

(d) The sanction accorded under clause (a) or clause (c) shall be notified in the *Official Gazette* and the development plan together with the regulations so sanctioned shall be called "the final development plan".

(e) The final development plan shall come into force on such date as the State Government may specify in the notification issued under clause (d):

Provided that the date so specified shall not be earlier than one month from the date of the publication of the notification.

(2) Where the development plan submitted by the local authority contains any proposals for the reservation of any land for a purpose specified in clause (b) or (e) of section 7 and such land does not vest in the local authority, the State Government shall not include the said purpose in the development plan unless it is satisfied that the local authority would acquire the land whether by agreement or compulsory purchase within ten years from the date on which the development plan comes into force.

(3) After the final development plan comes into force, the local authority may execute any work for developing, redeveloping or improving any area within its jurisdiction in accordance with the proposals contained in the development plan.

Variation of development plan.

10A (1) If on a proposal from the local authority in that behalf or otherwise the State Government is of opinion that it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as "variation") whether sanctioned before or after the commencement of the Bombay ^{Guj. 6} Town Planning (Gujarat Amendment) Act, 1965 it shall publish in the *Official* ^{of} *Gazette*— 1966.

(a) the variations proposed in the development plan,

(b) the amendments, if any, in the regulations, and

(c) the approximate cost, if any, involved in the acquisition of land, which by virtue of the variation would be reserved for public purpose,—

along with a notice, calling upon the persons affected thereby to submit to the State Government, their suggestions and objections if any, in writing within a period of sixty days from the date of the publication of the variation.

(2) After considering the suggestions and objections, if any, received under sub-section (1) and consulting the Consulting Surveyor and the local authority, the State Government may by notification in the *Official Gazette* sanction the variation with or without modifications and such variation shall come into force from such date as may be specified in the notification.

(3) From the date of the publication of the notification under sub-section (2), the provisions of this Act as they apply to a final development plan shall apply to such variation.

(4) If any person, who is affected by such variation, has incurred any expenditure in compliance with the final development plan as existed before such variation, such person shall be entitled to receive compensation, where the variation is made on the proposal of the local authority from the local authority, and in any other case from the State Government, in so far as such expenditure is rendered abortive by reason of the variation of the plan."



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 24th April 1968 is hereby published for general information.

SUMANT M. VIDYARTHI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 12 OF 1968.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 6th May 1968).

An Act further to amend the Bombay Town Planning Act, 1954, for the purpose of extending it to the rest of the State of Gujarat and for certain other purposes.

It is hereby enacted in the Nineteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Town Planning (Gujarat Extension and Amendment) Act, 1967. Short title and comment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Bombay Town Planning Act, 1954 (hereinafter referred to as "the principal Act"), in section 1,— Amendment of section 1 of Bom. XXVII of 1956.

Bom.
XXV-
II of
1956.

(a) to sub-section (2), the following proviso shall be added, namely:—

“Provided that on and from the date of the commencement of the Bombay Town Planning (Gujarat Extension and Amendment) Act, 1967, it shall extend to the whole of the State of Gujarat.”;

Guj. 12
of
1968.

(b) to sub-section (3), the following proviso shall be added, namely:—

“Provided that in the Saurashtra area and the Kutch area of the State of Gujarat it shall come into force on the date of the commencement of the Bombay Town Planning (Gujarat Extension and Amendment) Act, 1967.”.

Guj. 12
of
1968.

Amendment
of section
2 of Bom.
XXVII of
1955.

3. In section 2 of the principal Act, in clause (4) for the words and figures “or a municipality constituted under the Bombay Municipal Boroughs Act, 1925 or the Bombay District Municipal Act, 1901” the words and figures “or a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963” shall be substituted.

Guj.
34 of
1964.

Amendment
of section
3 of Bom.
XXVII of
1955.

4. In section 3 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that where in respect of any local authority in the Saurashtra area of the State of Gujarat a period has been fixed under section 3 of the Saurashtra Town Planning Act, 1955 and such period has not expired before the coming into force of this Act in that area, the period so fixed shall be the period within which such local authority shall carry out the survey of the area within its jurisdiction and prepare and publish the development plan and submit it to the State Government for sanction.”.

Sau.
Act
XII of
1955.

Amendment
of section
49 of Bom.
XXVII of
1955.

5. In section 49 of the principal Act, the *Explanation* shall be renumbered as *Explanation 1*, and,—

(a) in the *Explanation 1* as so renumbered, for the words “For the purposes of this section”, the words “For the purposes of this section, in the Bombay area of the State of Gujarat” shall be substituted;

(b) after *Explanation 1* as so renumbered the following *Explanation* shall be added, namely:—

“*Explanation 2*.—For the purposes of this section, in the Saurashtra area of the State of Gujarat a pending scheme shall mean a scheme in respect of which a declaration of its intention to make a scheme has been made by a local authority under the corresponding provisions of the Saurashtra Town Planning Act, 1955 but in respect of which final scheme has not been forwarded to the State Government for sanction under section 43 of the said Act.”.

Sau.
Act
XII of
1955.

IX of 1914. 6. In section 77 of the principal Act, in sub-section (1), after the words and figures "Local Authorities Loans Act, 1914" the words and figures "or as the case may be, the Saurashtra Local Authorities Loans Act, 1951" shall be added.

Amendment of section 77 of Bom. XXVII of 1955.

Sau. Act XXV. III of 1951.

7. For section 85 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 85 of Bom. XXVII of 1955.

"85. Where a local authority is dissolved or superseded under any of the provisions of the Act under which it was constituted—

Special provision in case of dissolution or supersession of local authority.

(a) a person appointed under such Act to exercise the powers and perform the functions of the local authority shall be deemed to be a local authority under this Act, and he may exercise all the powers and perform all the duties of a local authority under this Act, during the period of his appointment;

(b) in the event of the person appointed as aforesaid exercising the powers and performing the duties of a local authority under this Act, any property which may under the provisions of this Act vest in the local authority shall, during the period of the dissolution or supersession of the local authority vest in the State Government, and such property, shall, at the end of the said period, vest in such local authority, as the State Government may by notification in the *Official Gazette* direct."

8. In section 87 of the principal Act, after sub-section (4), the following sub-sections shall be added, namely :—

Amendment of section 87 of Bom. XXVII of 1955.

"(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the Legislature, or to such modification as the Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect."

9. After section 90 of the principal Act, the following new section shall be inserted, namely :—

Insertion of section 91 in Bom. XXVII of 1955.

Guj. 12 of 1968. "91. (1) On the date of the commencement of the Bombay Town Planning (Gujarat Extension and Amendment) Act, 1967, the Saurashtra Town Planning Act, 1955 shall stand repealed.

Repeal of Sau. Act. XII of 1955 and saving.

(2) Notwithstanding the repeal of the Act—

(a) anything done or any action taken (including any appointment, order, decision, notification, rule, regulation or declaration made and any develop-

ment plan prepared and published or sanctioned or any draft scheme, preliminary scheme, final scheme prepared, made or sanctioned and any permission or certificate granted, and any notice issued or served and any increment, contribution, cost or compensation calculated, determined or awarded and any Board constituted) under any provision of the Act so repealed shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force until superseded by anything done or any action taken under this Act; and accordingly any proceeding commenced under the Act so repealed and pending before any authority immediately before the commencement of this Act shall be continued and be disposed of by the authority competent to dispose of such proceeding under this Act;

(b) the repeal shall not affect—

(i) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed or any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(ii) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed under the corresponding provisions of this Act as if the right, privilege, obligation, liability, penalty, forfeiture or punishment had accrued under this Act.”

Amendment
of Schedule
to Bom.
XXVII of
1955.

10. In paragraph 1 of the Schedule to the principal Act, section 23 shall be renumbered as sub-section (1) of that section, and

(1) in sub-section (1) as so renumbered after clause (6), the following shall be added, namely :—

“(7) damage, if any *bonafide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time when the possession of the land was taken.”;

(2) after sub-section (1) as so renumbered the following shall be inserted, namely :—

“(2) In addition to the market value of land, as provided in sub-section (1) the Court shall in every case award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of acquisition.”



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th December, 1973, is hereby published for general information.

S. S. SHAH,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 30 OF 1973.

(First published after having received the assent of the Governor in the Gujarat Government Gazette on the 11th December, 1973).

An Act further to amend the Bombay Town Planning Act, 1954.

It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Town Planning (Gujarat Amendment) Act, 1973.

Amendment of section 34 of B. m. XXVII of 1955.

2. In the Bombay Town Planning Act, 1954 (hereinafter referred to as "the principal Act"), in section 34, for the portion beginning with the words "present an appeal" and ending with the words "and decide the appeal" the following shall be substituted, namely:—

"present an appeal, in the City of Ahmedabad to the Principal Judge of the Ahmedabad City Civil Court and elsewhere to the District Judge, for its decision by a Board of Appeal, constituted under section 35".

Amendment of section 35 of B. m. XXVII of 1955.

3. In section 35 of the principal Act,—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

(1) On receipt of an appeal under section 34, the Principal Judge of the Ahmedabad City Civil Court, or, as the case may be, the District Judge shall, as soon as may be, constitute a Board of Appeal, consisting of himself as the President and two other fit and proper persons as Assessors, for hearing and deciding the appeal:

Provided that if such Judge is personally interested in any appeal presented to him, he shall make a report to the State Government and the State Government may thereupon, in consultation with the High Court, appoint, in the City of Ahmedabad, any other Judge of the Ahmedabad City Civil Court and elsewhere, any other Judge not lower in rank than that of an Assistant Judge, to be the President of the Board of Appeal; and the President so appointed shall then constitute the Board of Appeal consisting of himself and two Assessors as aforesaid.

(2) The Board of Appeal constituted under sub-section (1) shall stand dissolved as soon as a copy of its decision in appeal is sent to the Town Planning Officer under sub-section (2) of section 43.;

(ii) sub-sections (3) and (4) shall be deleted;

(iii) in sub-section (5), for the word, brackets and figure, "sub-section (3)" the word, brackets and figure "sub-section (1)" shall be substituted.