

GOVERNMENT OF WEST BENGAL

DEVELOPMENT AND PLANNING (T&CP) DEPARTMENT

18, RABINDRA SARANI, CALCUTTA-700 001

No. 2353-T&CP/1R-6/80

Dated, the 2nd April, 1980.

NOTIFICATION

In exercise of the power conferred by section 138 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979), and all other powers enabling it in that behalf, the Governor is pleased hereby to make the following rules:—

Rules

1. **Short title.**—These rules may be called the West Bengal Schemes Rules, 1980.
2. **Definition.**—In these rules, unless the context requires otherwise,—
 - (a) “the Act” means the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979);
 - (b) “authority” means a Development Authority constituted under the Act;
 - (c) “Scheme” means any development scheme prepared under the Act;
 - (d) “Section” means a section of the Act.
3. **Contents of the schemes.**—A scheme shall, in addition to the particulars specified in clause (a) to clause (g) of section 59, contain the following particulars:—
 - (i) An index map on a scale not smaller than 100 or 1:1,00,000 showing,—
 - (a) the area included within the scheme and the surrounding lands within a reasonable limit on all sides of such area, and
 - (b) all existing roads and means of communication and other important physical features;
 - (ii) a plan on a scale not smaller than 1:1,000 showing the original plots with identification numbers and all existing buildings and structures;
 - (iii) a plan on a scale not smaller than 1:1,000 showing the original plots and indicating the manner in which it is proposed to alter the boundaries of the original plots;
 - (iv) a plan on a scale not smaller than 1:1,000 showing the boundaries of the final plots as they will appear after the final scheme is executed, with their numbers, and illustrating as far as possible by means of colours, letters and explanatory notes or in some other convenient manner the provisions of the scheme, such as use, zones, sites reserved for public purposes, public utilities and services and other important provisions of the scheme, as may properly be illustrated in the plan;
 - (v) a redistribution of valuation statement in Form 1 showing the estimated amounts to be paid to, or by each of the owners of plots included in the scheme;
 - (vi) a copy of the estimate of all works contemplated in the scheme, and a statement of the approximate period in which the respective work shall be completed;
 - (vii) a statement in Form 2 explaining the finance of the scheme as estimated.
4. **Permission to development after the scheme is published under sub-section (1) of section 61.**—Any person desiring to apply for permission under clause (a) of sub-section (1) of section 65 shall write to the concerned Authority giving full details of the intended development explaining the reason for carrying out such development. Every application under clause (a) of sub-section (1) of section 65 shall be in Form 1.
5. **Manner of enquiry under clause (c) of sub-section (1) of section 65.**—A Development Authority shall serve a notice in writing upon any person contravening any of the provisions contained in clause (a) or clause (b) of sub-section (1) of section 65 informing him of its intention to hold an enquiry in respect of such contravention. Such notice shall specify the nature of the alleged contravention, and call upon such person to show cause why action should not be taken for—
 - (a) stopping development in progress; or
 - (b) removing, pulling down or altering the building or other developments; or
 - (c) restoring the land to its original conditions.

The notice shall specify a date (not earlier than 7 days from the date of its service) for hearing the case, and also inform such person that he will give a statement in writing on or before the date fixed for hearing, if he so desires.

(2) The concerned authority shall consider the statement, if any, received from the person served with the notice, give such person an opportunity of being heard, and shall record the minutes of the enquiries so held. The authority shall record its decision with reasons therefor, and communicate the same to the person by a notice before taking any action envisaged in clauses (a) to (c) of sub-rule (1).

6. Appeal against order of the authority.—(1) An appeal under section 65 shall be made stating clearly the grounds therefor to the State Government or such officer as may be appointed for the purpose by the State Government.

(2) The memorandum of appeal shall be presented in duplicate and shall be accompanied in duplicate by—

- (i) copies of the application made to the authority;
- (ii) copies of the relevant plans, documents and particulars submitted with the application;
- (iii) true copies of the order of the concerned authority;
- (iv) copies of other relevant correspondence with the authority.

7. Notice for taking advance possession of land under section 66.—A notice by the authority under sub-section (3) of section 66 shall be in Form 2.

8. Procedure for consideration of objections under section 69.—All objections shall be preferred in Form 3 and shall be submitted to the authority or to an officer of the authority, authorised by the authorities in this behalf. After an objection is received a date of hearing the objection shall be fixed and notice thereof shall be given to the person filing objection. On the date fixed for hearing, the objection shall be heard in presence of such parties thereto as may be present. As soon as may be after the objection is heard and decided the decision shall be communicated to the person filing the objection and the scheme shall be prepared with or without modification within 60 days from the date of deciding the objection.

9. Determination of matters by the authority under section 73.—(1) Within 90 days after publication of the notice of the schemes in the *Official Gazette* under sub-section (1) or section 70 the authority shall publish a notice in one or more local newspapers of the date on which it shall commence its duties, and shall state therein the time limit of not less than one month within which the owner of any property or right which is injuriously affected by the making of this scheme shall be entitled under section 92 to make a claim for compensation before it. Such notice shall be pasted at prominent places at or near the area comprised in the scheme and at the office of the authority.

(2) The authority shall, after the date fixed in the notice given after sub-rule (1), carry on its duties as far as possible, on working days and during working hours.

(3) Before proceeding to deal in detail with any land, building or plot or any other particulars specified in section 73, it shall serve a special notice of at least three clear days upon every person interested in such land, building or any such particular. Such special notice shall be sent by post and shall also be posted at the office of the authority.

(4) The Authority shall give all persons interested in any plot or plots affected by the measures taken under section 73, sufficient opportunity of being heard, and their objections, suggestions and representations, shall be duly considered in arriving at a decision.

(5) The authority shall record its decision in writing with reasons therefor.

(6) the authority shall determine the matters specified in section 73.

10. Appeal from the decision of the authority under section 74.—(1) From every decision of the authority in matters arising out of clauses (a), (b), (c), (n) and (o) of sub-section (1) of section 73, an appeal shall lie within one month from the date of the decision to such officer as may be appointed in this behalf by the State Government.

(2) The officer appointed under sub-rule (1) shall as soon as possible after hearing the parties concerned decide the appeals relating to matters arising out of clauses (a), (b), (c), (n) and (o) of sub-section (1) of section 73.

(3) Copy of such decision shall be sent to the concerned parties and the authority.

11. Procedure for eviction under section 82.—For every eviction under section 82, the authority shall serve a notice upon the person to be evicted requiring him to vacate the land within such reasonable time (which shall not be less than 30 days from the date of service thereof) as may be specified in the notice. If the person to be evicted fails to comply with the requirements of the notice, the authority shall take steps through a duly authorised officer to remove such person; and in case the said officer is opposed or impeded, take further action as provided in sub-section (2) of section 82 in evicting such person or taking possession of the land from such person.

12. Notice before taking action under sub-section (1) of section 82.—Before removing, pulling down or altering any building or other work or executing any work under sub-section (1) of section 83, the authority shall serve a notice on the owner or occupier of the building or work, as the case may be, calling upon him to remove, pull down or alter such building or work or execute such work within such reasonable time (which shall not be less than 30 days from the date of service thereof) as may be specified in the notice and intimating him the intention of the authority to do so on his failure to comply with the requirements of the notice.

13. Variation of scheme under section 84.—(1) The authority making a variation of the scheme on the grounds specified in section 84 shall publish the variation by notification under sub-section (1) of section 84.

(2) If such variation relates to a matter specified in any of the processes of sub-section (2) of section 58 the variation shall also contain the particulars as provided in rule 3 so far as may be applicable.

14. Time-limit for payment under section 95.—The period within which the owner of a plot included in the final scheme shall make payment to the authority under section 95 shall be six months from the date on which the owner is directed by the authority make payment.

15. Time-limit for completion of works in the scheme under section 101.—The authority shall complete all the works provided in a scheme within a period of two years or within such extended time as may be granted by the State Government.

FORM 1

(See rule 4)

[Application for permission for development under section 65 of the West Bengal Town and Country (Planning and Development) Act, 1979.]

From:
(name of owner of property)

Address:

To

The Development Authority.

Sir,

I intend to carry out the undermentioned development in the site or plot of land, Town and Revenue Survey No. on Street or Road named in the Ward or Division, in accordance with the provisions of section 65 of the West Bengal Town and Country (Planning and Development) Act, 1979 and rule 4 of the West Bengal Development Schemes Rules, 1979.

(State particulars of proposed development).

2. I forward herewith—

*(a) a site plan (in quadruplicate) of the area proposed to be developed;

*(a) (in the case of layout) a site plan (in quadruplicate) showing the surrounding land and existing access to the land included in the layout;

*(b) a detailed plan (in quadruplicate) showing the plan section and elevations of the proposed development work;

*(b) (in the case of layout) a plan (in quadruplicate) showing—

(i) sub-divisions of the land or plot with dimensions and area of each of the proposed sub-divisions and its use according to prescribed regulations,

(ii) width of the proposed streets, and

(iii) dimensions and areas of open spaces provided in the layout for the purpose of garden or recreation or any like purpose;

(c) an extract of record of rights/property register card (any other document showing ownership of land to be specified).

3. I request that the proposed development may be approved and that permission may be accorded to carry out the development.

Signature of the Owner of the property.

* Strike out whichever is not applicable.

FORM 2

(See rule 7)

Development Scheme **No.**

WHEREAS the Development Scheme No.
as submitted by the authority has been sanctioned under Government Notification No. dated the
published in the *Calcutta Gazette*, Part, dated the at page

AND WHEREAS the authority having thought it necessary, in the public interest to undertake
forthwith the work of (hereinafter referred to as the said work), as included in the said
Development Scheme, has applied to the State Government under sub-section (1) of section 66 of the West Bengal Town and
Country (Planning and Development) Act, 1979 (hereinafter referred to as the said Act), to vest in it the lands required as
more specifically described below;

AND WHEREAS the State Government having been satisfied that it is urgently necessary in the public interest to empower
the authority to enter on the land for the purpose of executing the said work, have directed the undersigned under Government
dated, which has been published in the *Calcutta Gazette*, dated at page No.
to take possession of such lands under sub-section (2) of section 66 of the said Act;

NOTICE is hereby given to you under sub-section (3) of section 66 of the said Act to hand over possession of the under
mentioned lands to the undersigned or to the person authorised by the undersigned, on
at a.m./p.m.

Under section 68 of the said Act you are entitled to interest at the rate of *6 per cent per annum* on the amount of
compensation payable to you under the said Act in respect of the said lands from the date on which the possession is taken till
the date on which amount of compensation is paid to you by the said authority.

Please note that if the possession is not delivered on the date specified above, the undersigned shall take possession of the
lands and if the undersigned is opposed or impeded in taking possession of the lands under section 66, the delivery of
possession of the land shall be secured through the Commissioner of Police/District Magistrate as provided for in section 67
of the Act.

Description of the land:—

(Shown as O.P. No. and measuring about acres / hectares / square metres required
for the purpose of as demarcated on site.)

Date

To

Address:
.....

Authority.

FORM 3

(See rule 8)

Petition of objection

1. Name and address of the person filing objection
2. Interest of the person in the property before the scheme
3. Grounds for filing objection :
 - (a)
 - (b)
 - (c)
4. Relief prayed for

.....
*(Signature and address of the
person filing objection.)*

By order of the Governor,

Sd/- A. CHOUDHURY,
Secretary to the Government of West Bengal.