



The Durgapur (Development and Control of Building Operations) Act, 1958

Act 27 of 1958

Keyword(s):

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West Bengal Act XXVII of 1958¹

THE DURGAPUR (DEVELOPMENT AND CONTROL OF BUILDING OPERATIONS) ACT, 1958.

[30th April, 1959.]

An Act to provide for the planned development of, and the control of building operations in, Durgapur.

WHEREAS it is expedient in the public interest to provide for the planned development of, and the control of building operations in, Durgapur with a view to securing orderly development of the area and for certain other matters connected therewith;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the Durgapur (Development and Control of Building Operations) Act, 1958.

Short title, extent and commencement.

(2) It extends to the whole of Durgapur area.

(3) It shall come into ²force on such day as the State Government may, by notification, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "amenity" includes roads, water supply, street lighting, drainage, sewerage, public parks, conservancy or any other convenience which the State Government may, by notification, specify to be an amenity for the purposes of this Act;

(b) "building" means any structure or erection intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not;

(c) "development" means the carrying out of building, engineering, or other operations in, on, over or under land or the making of any material change in any building or land but does not include underground mining operations;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 10th December, 1958. Part IVA, page 5693; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 30th December, 1958; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 5th February, 1959.

²This Act came into force with effect from the 15th July, 1959. Vide notification No. 3796(DPA)/9.2/59, dated the 6th July, 1959, published in the *Calcutta Gazette* of 1959.

[West Ben. Act

(Sections 3, 4.)

- (d) "Durgapur" or "Durgapur area" means the area comprised within the police-stations of Kanksa, Faridpur and Ondal in the district of Burdwan and such other contiguous area, if any, as the State Government may from time to time by notification, specify and includes, for the purpose of section 9, any other land in West Bengal referred to in the said section;
- (e) "notification" means a notification published in the *Official Gazette*;
- (f) "prescribed" means prescribed by regulations made under this Act.

Constitution
of Durgapur
Develop-
ment
Authority.

3. The State Government shall, as soon as may be after the commencement of this Act, constitute, by notification, for the purposes of this Act an authority to be called the Durgapur Development Authority (hereinafter in this Act referred to as the Authority) consisting of as many members as the State Government may determine.

Power to
issue
directions.

4. (1) The State Government may, in consultation with the Authority, by notification issued in this behalf, give such directions as it may consider necessary in relation to Durgapur or any part thereof regarding any one or more of the following matters, namely:—

- (a) the division of any site into areas for the erection of buildings generally or buildings of any particular class or classes;
- (b) the reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
- (c) the development of any site into a township;
- (d) the erection of buildings on any site and the amenities to be provided therein;
- (e) the erection of shops, workshops, warehouses, factories, offices, industrial or commercial establishments or godowns on any site; and
- (f) any other matter which is necessary for the planned development of such area, including the construction by the Authority of buildings with necessary amenities.

(2) If the State Government is satisfied that any person affected by any direction contained in any notification issued under sub-section (1) is unable to comply with it, the State Government shall, on an application by such person, acquire the land owned by him for the purposes of this Act and pay compensation therefor in accordance with the provision of

XXVII of 1958.]

(Sections 5-8.)

5. No person shall undertake or carry out the development of any site or erect any building in any area in Durgapur in respect of which any directions have been given by a notification under section 4, except in accordance with such directions and with the previous permission in writing of the Authority.

Control of development and building operations.

6. Every person seeking permission referred to in section 5, shall make an application in writing to the Authority in such form and containing such particulars as may be prescribed.

Application for permission.

(2) On receipt of such application the Authority, after making such enquiry as it considers necessary, shall, by order in writing, either grant the permission or refuse it, recording in the case of refusal the reasons therefor.

(3) Any person aggrieved by an order of the Authority under subsection (2) refusing permission may, within thirty days from the date of the communication of such order to him, prefer an appeal to the State Government.

(4) No appeal shall lie against the order of the State Government.

7. Where any building is being or has been erected in contravention of the provisions of section 5, the Authority may, after giving the owner of such building an opportunity of being heard, make an order directing the demolition of the building by the owner within such period as may be specified in the order and, in default, the Authority may itself effect the demolition and the cost thereof shall be recoverable by the Authority from the owner of the building as a public demand.

Power to demolish building.

8. Where any building has been wholly or partially erected before this Act comes into force, which is not in conformity with the directions given by a notification under section 4 after this Act comes into force, the State Government may make an order directing that such building shall if possible be altered so as to conform to such directions or demolished by the owner thereof within such time as may be specified in the order, and on the failure of the owner to comply with the order, the State Government may cause the building to be demolished and the expenses thereof shall be recoverable from the owner as a public demand:

Power to demolish building erected before the Act.

Provided that no such order shall be made unless the owner has been given a reasonable opportunity of being heard:

Provided further that when an order of demolition of any building is made under this section, there shall be paid to the owner of the building such compensation for the value of the building less the probable price of the materials removed by the owner as the State Government may determine by order made in this behalf.

(Sections 9-11.)

Power to lay
down gas-
pipes and
payment of
compensa-
tion for
damage.

9. (1) The State Government may, by order made in this behalf, empower the Authority or any other person or officer to lay down, place, maintain, alter, remove or repair any pipes, pipe-lines, supply-lines, posts or other appliances or apparatus for the maintenance of supplies and services essential to the life of the community, including supplies of gas, water and electricity, in, on, under, over, along or across any land within Durgapur and also, in continuation of any pipes, pipe-lines, supply-lines, posts or other appliances or apparatus laid down, placed or maintained within Durgapur, in, on, under, over, along or across any other land in West Bengal.

(2) The Authority or such person or officer, as the case may be, may at any time enter upon such land for the purposes specified in sub-section (1).

(3) While exercising any power conferred upon the Authority or any other person or officer under sub-section (1), the Authority or such person or officer, as the case may be, shall cause as little damage as possible to property, and full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid—

- (i) in the case of exercise of those powers by the Authority or any person or officer under the employment of the Authority,—by the Authority, and
- (ii) in the case of exercise of those powers by any person or officer not under the employment of the Authority,—by the State Government.

Reference to
District
Judge.

10. (1) If any dispute arises as to the amount of the compensation payable under the second proviso to section 8 or under sub-section (3) of section 9, or as to the person entitled to receive the same, or as to the apportionment of such compensation among different claimants, the dispute shall be referred by the State Government or the Authority, as the case may be, to the District Judge having jurisdiction over the area in which the building or the land is situated and shall be decided by him.

(2) There shall be no appeal against the decision of the District Judge.

Penalty.
jurisdiction
and previous
sanction.

11. (1) Any person who undertakes or carries out the development of any site or erects any building in contravention of the provisions of section 5 shall, without prejudice to any action that may be taken under section 7, be punishable with fine which may extend to one thousand rupees.

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(Sections 12, 13.)

(2) Any person who, without lawful excuse, obstructs the Authority or person or officer, as the case may be, in the exercise of the powers conferred upon it or him, under sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

(3) No Court inferior to that of a magistrate of the first class shall try an offence punishable under this section.

(4) No prosecution for any offence punishable under this section shall be instituted except with the previous sanction of the State Government or an officer authorised by the State Government in this behalf.

12. Without prejudice to the provisions of sub-section (2) of section 4, if the State Government is satisfied that any land within Durgapur is needed for any public purpose, the State Government may, subject to payment of compensation for the land, acquire such land in accordance with the provisions of any law for the time being in force:

General power to acquire land for public purpose.

Provided that in determining the amount of compensation payable for any such land the following principles shall be taken into consideration,—

- (i) the value of the land shall not in any case, exceed its market-value as on the 1st day of January, 1955, and
- (ii) no such sum as is referred to in sub-section (2) of section 23 of the Land Acquisition Act, 1894 shall be included in the compensation.

1 of 1894.

13. (1) The Authority may with the previous approval of the State Government, by notification, make regulations to carry out the purposes of this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the calling and holding of meetings of the Authority, the time and place of such meetings, the procedure to be followed by the Authority, the conduct of the business to be transacted by the Authority and the number of the members necessary to form a quorum;
- (b) the principles in accordance with which permission referred to in section 5 may be granted;
- (c) the form of application and the particulars referred to in sub-section (1) of section 6.

¹For the Durgapur (Development and Control of Building Operations) Regulations, 1960, see notification No. 8424/DPA/9-2/60, dated the 10th October, 1960, published in