



The Madhya Pradesh Towns (Periphery) Control Act, 1960

Act 17 of 1960

Keyword(s):

Agriculture, Building, Collector, Commissioner, To Erect or Re-erect any Building

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MADHYA PRADESH ACT

No. 17 of 1960

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MADHYA PRADESH ACT

(No. 17 of 1960)¹

THE MADHYA PRADESH TOWNS (PERIPHERY) CONTROL ACT, 1960

(Received the assent of the Governor on the 1st April 1960; assent first published in the "Madhya Pradesh Gazette" on the 15th April 1960.)

An Act to control and regulate the periphery of certain towns in Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Eleventh Year of the Republic of India as follows:—

Short title and extents.

1. (1) This Act may be called the Madhya Pradesh Towns (Periphery) Control Act, 1960.

(2) It shall extend to the whole of Madhya Pradesh.

Definitions.

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

(i) "agriculture" includes,—

- (a) the raising of annual or periodical crops and garden produce;
- (b) horticulture;
- (c) the planting and upkeep of orchards; and
- (d) the reserving of land for fodder, grazing or thatching grass;

(ii) "building" means any shop, house, hut, out-house, shed or stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks wood, mud, thatch, metal or any other material whatever; and includes a wall and a well;

(iii) "Collector" means a Collector of the District and includes any person for the time being appointed by the State Government, by notification, to perform all or any of the functions of the Collector under this Act;

(iv) "Commissioner" means a Commissioner of a Division and includes any person for the time being appointed by the State Government, by notification, to perform all or any of the functions of the Commissioner under this Act;

(v) the expression "to erect or re-erect any building" includes—

- (a) any material alteration or enlargement of any building;
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;

1. For Statement of Objects and Reasons (in English) see "Madhya Pradesh Gazette" Extraordinary, dated the 6th April, 1959, page 304 and (in Hindi) page 310. For proceedings in Assembly, see Madhya Pradesh Vidhan Sabha Proceedings 1959, Volume 6, No. 5 pages 394-400; 1960, Vol. 7 No. 9, pages 702 to 718.

- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alterations of a building as effect an alteration of its drainage or sanitary arrangement, or materially affects its security;
- (f) the addition of any rooms, buildings, out-houses, or other structures to any building; and
- (g) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land.

3. (1) The State Government may, from time to time, by notification, specify the towns to which the provisions of this Act apply.

Application of Act to certain towns.

(2) Every such notification shall define the limits of towns to which it relates.

4. (1) The State Government may, by notification, declare the whole or any part of the area adjacent to and within a distance of seven miles on all sides from the outer boundary of a town specified under section 3 to be a controlled area for the purposes of this Act.

Declaration of controlled area.

(2) Before issuing a notification under sub-section (1), the State Government shall publish in the prescribed manner a draft of such notification together with a notice stating that any objection or suggestion which may be received by the State Government within a period specified in the notice (such period being not less than three months from the date of publication of the draft) will be considered by the State Government.

(3) Every notification under sub-section (1) shall also be published in the regional language of the area to which it relates in the prescribed manner.

5. (1) Within three months of the declaration under sub-section (1) of section 4, the Collector—

Publication of plans of controlled area.

(a) shall prepare plans showing the area declared to be controlled area for the purposes of this Act;

(b) shall deposit such plans at his office and at such other places as he considers necessary.

(2) The plans so deposited shall be in the form prescribed and shall be available for inspection by the public free of charge at all reasonable times.

6. Except as provided hereinafter, no person shall erect or re-erect any building or make or extend any excavation, or lay out any means of access to a road, in the controlled area save with the previous permission of the Collector in writing, and in accordance with a plan, as approved by him.

Restrictions in controlled area.

7. (1) Every person desiring to obtain the permission referred to in section 6 shall make an application in writing to the Collector in such form and containing such information in respect of the building, excavation or means of access to which the application relates as may be prescribed.

Applications for permission and grant or refusal of such permission.

(2) On receipt of such application the Collector, after making such enquiry as he considers necessary, shall, subject to rules made under this Act, by order in writing, either—

(a) grant the permission, subject to such conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission.

(3) The Collector shall not refuse permission to the erection or re-erection of a building, if such building is required for purposes subservient to agriculture, nor shall the permission to erect or re-erect any such building be made subject to any conditions other than those which may be necessary to ensure that the building will be used solely for agricultural purposes.

(4) The Collector shall not refuse permission to the erection or re-erection of a building which was in existence on the date on which the notice under sub-section (2) of section 4 was published, nor shall he impose any conditions in respect of such erection or re-erection unless he is satisfied that there is a probability that the building will be used for a purpose or is designed in a manner other than that for which it was used or designed on the date on which the said declaration was made.

(5) If at the expiration of a period of three months after an application under sub-section (1) has been made to the Collector, no order in writing has been passed by the Collector, permission shall be deemed to have been given without the imposition of any condition.

(6) The Collector shall maintain a register as may be prescribed with sufficient particulars of all cases in which permission is given or deemed to have been given or refused by him under this section, and the said register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

Appeal.

8. (1) Any person aggrieved or affected by an order of the Collector under sub-section (2) of section 7 granting permission subject to conditions or refusing permission, may within sixty days from the date of such order prefer an appeal to the Commissioner.

(2) The order of the Commissioner on appeal shall be final.

Compensation.

9. A person whose application has been refused or whose application has been granted subject to conditions, under sub-section (2) of section 7 shall be entitled to claim compensation within three months of the order of the Collector under section 7 or the order of the Commissioner under section 8, if any, as the case may be, for any injury, loss or damage actually suffered on account of the order, in the manner hereinafter provided.

Arbitration for compensation.

10. (1) An application for compensation shall lie to an arbitrator appointed by the State Government in this behalf.

(2) Such arbitrator shall be a person who is or has been a District Judge or an Additional District Judge and he shall have all the powers of an arbitrator under the Indian Arbitration Act, 1940 (X of 1940), and the provisions of the said Act shall, so far as may be, apply in relation to proceedings before him.

(3) In computing the compensation to be awarded regard shall not be had to any consideration for advantages to be gained or improvements to be made in any land or building in the controlled area, with reference to their development or intended development in the future, or to increase in value as a result of the development of a town.

(4) The arbitrator shall have power to reject the application after due enquiry, or to make an award of compensation.

(5) Every decision of the arbitrator shall be final and conclusive and binding on all parties.

Savings.

11. Nothing in this Act shall affect the power of Government or any other authority to acquire land or to impose restrictions upon the use and development of land comprised in the controlled area under any other law for the time being in force, or to permit the settlement of a claim arising out of the exercise of powers under this Act by mutual agreement.

12. (1) No land within a controlled area shall, except with the permission of the State Government, be used for purposes other than those, or for purposes ancillary thereto, for which it was used on the date on which the notice under sub-section (2) of section 4 was published; and no land shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime-kiln or brick-field or brick-kiln, except under and in accordance with, the conditions of a licence from the Collector on payment of such fees and under such conditions, as may be prescribed.

Prohibition on use of land.

(2) The renewal of such licence may be made annually on payment of such fees, as may be prescribed.

(3) No person shall be entitled to claim compensation for any injury, damage or loss caused or alleged to have been caused by the refusal to issue or renew a licence, except in cases where such kiln was in existence at the time of the notice under sub-section (2) of section 4 and in which case an application shall lie to the arbitrator within three months of the order of refusal in the manner provided in section 10.

13 (1) Any person who—

Offences and penalties.

(a) erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 6 or in contravention of any conditions imposed by an order under section 7 or section 8; or

(b) uses any land in contravention of the provisions of sub-section (1) of section 12;

shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with a further fine which may extend to fifty rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

(2) Without prejudice to the provisions of sub-section (1), the Collector may order any person who has committed a breach of the provisions of the said sub-section to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within three months of the order, may himself take such measures as may appear to him to be necessary to give effect to the order and the cost of such measures shall be recoverable from such person as an arrear of land revenue.

14. No court inferior to that of a Magistrate of the first class shall be competent to try any offence punishable under this Act.

Trial of offences.

15. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Indemnity.

16. Nothing in this Act shall apply to—

Exemption.

(a) the erection or re-erection of any building for residential purposes or for purposes subservient to agriculture in the abadi area of any village as defined in the revenue records;

(b) the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a grave-yard, place of worship, cenotaph or samadhi on land which is, at the time of the notice under sub-section (2) of section 4, occupied by or for the purposes of such place of worship, tomb, samadhi, cenotaph or grave-yard;

- (c) excavation (including wells) or other operations made in the ordinary course of agriculture;
- (d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes;
- (e) the erection or re-erection of any other building or class of buildings which the State Government may, by notification, exempt from the operation of this Act.

Power to make rules.

17. (1) The State Government may make rules generally for the purposes of carrying into effect the provisions of this Act.

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

- (a) (i) the manner of publication of draft of notification to be issued under sub-section (1) of section 4;
- (ii) the manner of publication of a notification under sub-section (3) of section 4;
- (b) the form in which the plans under section 5 are to be displayed and the matters to be contained therein;
- (c) (i) the form in which applications under sub-section (1) of section 7 shall be made and the information to be furnished in such applications; and
- (ii) prescription of register to be maintained under sub-section (7) of section 7;
- (d) the fees to be charged for the grant and renewal of licences under section 12 and the conditions governing such licences;
- (e) the regulation of the laying out of means of access to roads;
- (f) the principles and conditions under which applications for permission under this Act may be granted or refused;
- (g) any other matter which has to be or may be prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly.