

THE MAHARASHTRA TOWN PLANNING SCHEMES RULES, 1974

G. N., U. D., P. H., and H. D., No. TPA 1070/37713-W II, dated 31st July 1974
(M. G., 1974, Extra, Pt. I-C.S., p. 123-32)

Amended by G. N., U. D., and P.H.D., No TPA 1175/248/UD-7,
dated 4th December, 1976
(M.G., 1976, Pt. I-C. S., P. 738)

In exercise of the powers conferred by sub-section (1) and clauses (xx) to (xxvi), (xxvii) and (xxviii) of sub-section (2) of section 158 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 158, namely :—

RULES

1. *Short title.*—These rules may be called the Maharashtra Town Planning Schemes Rules, 1974.

2. *Definitions.*—In these rules, unless the context requires otherwise,—

(a) "Act" means the Maharashtra Regional and Town Planning Act, 1966 ;

(b) "authorized officer" means the officer appointed by the State Government under section 61 or section 63 ;

(c) "Form" means a Form appended to these rules ;

(d) "President" means the President of the Tribunal ;

(e) "section" means a section of the Act ;

(f) [* * * *]

(g) "Tribunal" means the Tribunal of Appeal constituted under section 75.

3. *The other manner of publication of declaration of intention to make scheme under section 60.*—(1) The declaration of intention to make a town planning scheme published in the *Official Gazette*, under section 60, shall, along with a copy of the plan be published also by keeping a copy thereof open to the inspection of the public at the head office of the Planning Authority, during office-hours.

(2) A public notice of such declaration of intention shall also be given in the manner laid down in section 137, and such notice shall also indicate that a copy of the declaration along with a copy of the plan showing the area to be included in the scheme is kept open for the inspection of the public at the head office of the Planning Authority during office-hours.

4. *Meeting of owners and framing of tentative proposals.*—(1) A Planning Authority or an authorised officer shall call a meeting or meetings of the owners of lands included in a draft scheme by issuing a public notice as

1 Clause (f) of rule 2 deleted by G. N. of 4-12-1976. (Scheme means a town planning scheme under the act)

well as individual notices to such owners and explain in such meeting or meetings the tentative proposals of the draft scheme for eliciting public opinion and suggestions thereon. The Planning Authority, or, as the case may be, the authorised officer shall record minutes of the meetings and may take into consideration all such suggestions made and objections raised on the proposals of the draft scheme before finalising the draft scheme in consultation with the Director of Town Planning.

(2) At least three months before the expiry of the period for publication of a draft scheme under section 61, or where such period is extended by the State Government under sub-section (3) of that section, three months before the expiry of such extended period, the Planning Authority, or as the case may be, the authorised officer shall complete the framing of the tentative proposals of the draft scheme, and forward the same to the Director of Town Planning for consultation. The Planning Authority or the authorised officer shall finalise the draft scheme after such consultations and publish it before the expiry of such period [in the manner laid down in rule 5].

5. *Publication of the draft scheme under sections 61 and 63 (1).*—(1) The draft scheme as published in the *Official Gazette*, shall also be published by keeping a copy thereof open to the inspection of the public at the head office of the Planning Authority during office-hours.

(2) A public notice of the publication of the draft scheme shall be given in the manner laid down in section 137, and the notice shall indicate that a copy of the draft scheme has been kept open to the inspection of the public at the head office of the Planning Authority during office hours. The said notice shall also announce that, if within thirty days from the date of publication of the draft scheme in the *Official Gazette*, any person affected thereby communicates in writing any objection or suggestion relating to such draft scheme, the Planning Authority or the authorised officer shall consider such objection or suggestion.

6. *Contents of draft scheme.*—A draft scheme shall contain also the following particulars in addition to those specified in clauses (a) to (g) of section 64, namely :

(i) An index map on a scale not smaller than 1 to 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 to 2,500 showing the original plots with identification numbers and all existing buildings and structures thereon;

(iii) a plan on a scale not smaller than 1 to 2,500 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 to 2,500 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 and valuation statement in Form A 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 estimates of all works contemplated in the scheme and a statement of the approximate period in which the respective works shall be completed.

(vii) a statement in Form 2 explaining the finance of the scheme as estimated.

7. *Form of commencement certificate under section 69.*—The commencement certificate to be granted under clause (a) of sub-section (1) of section 69 shall be in Form 3.

8. *Manner of inquiry under sub-section (4) of section 69.*—(1) A Planning Authority shall serve a notice in writing upon any person contravening any of the provisions contained in clause (a) or (b) of sub-section (1) of section 69 informing him of its intention to hold an inquiry 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 development ; or

(c) restoring the land to its original condition.

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

(2) The Planning Authority, if it considers it expedient so to do, may appoint a committee of not less than three of its members to hear such cases.

(3) The Planning Authority, or as the case may be, the committee appointed under sub-rule (2) shall consider, the statement, if any, received from the person served with the notice, give such person an opportunity of being heard and to produce evidence, if any, and shall record the minutes of the inquiry so held. Where the inquiry is held by the Committee, it shall submit its report to the Planning Authority for decision. The Planning Authority shall record its decision with reasons therefor, and communicate the same to the person served with the notice before taking any action envisaged in clauses (a) to (c) of sub-rule (1).

9. *Inquiry procedure where ownership is disputed under section 71.*—

(1) The officer holding an inquiry into a disputed ownership of land under section 71 shall, while the inquiry is proceeding, record a minute of the proceedings including the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the decision. He shall commence the inquiry within one month of the date of his appointment under sub-section (1) of section 71, and complete it as far as practicable within three months from the date of commencement of such inquiry.

(2) Such inquiry shall be held in public and seven days' notice of the inquiry shall be given to the parties to the dispute.

10. *Qualifications of Arbitrator appointed under section 72.*—A person to be appointed as Arbitrator under sub-section (1) of section 72 shall possess at least one of the following qualifications, namely:—

(a) A degree in Town Planning or Estate Management from any University recognised by the State Government in this behalf, and experience of at least 2 years in town planning or valuation of lands and buildings or estate management; or

(b) A diploma in Town Planning or Valuation of lands and buildings or Estate Management from any Institute recognised by the State Government in this behalf, and experience of at least 2 years in the town planning, valuation of lands and buildings or estate management; or

(c) A degree in Civil Engineering or a degree or diploma in Architecture or any other qualification which in the opinion of the State Government is equivalent to such degree or diploma, and practical experience of not less than 4 years in town planning or valuation of lands and buildings, or in both.

11. *Appointment of Arbitrator to be notified.*—The State Government shall notify in the *Official Gazette*, the appointment of the Arbitrator made under section 72 and shall forward a copy of the notification to the Planning Authority concerned. The Planning Authority shall, immediately on receiving a copy of such notification, post it up at the office of the Planning Authority, and in some prominent places in the area within its jurisdiction.

12. *Assistance by Planning Authority.*—The Planning Authority shall render all reasonable assistance to the Arbitrator and shall allow him to examine freely all papers, documents and plans connected with the scheme.

13. *Procedure to be followed by Arbitrator under sub-section (3) of section 72.*—(1) The Arbitrator shall publish a notice in the *Official Gazette*, and also in one or more local newspapers [having wide circulation] of the date on which he will commence his duties, and shall state therein, the time limit of sixty days within which the owner of any property or right which is injuriously affected by the making of the scheme shall be entitled under section 102 to make a claim for compensation before him. Such notice shall be posted in prominent places at or near the area comprised in the scheme, and at the offices of the Arbitrator and of the Planning Authority.

(2) The Arbitrator shall, after the date fixed in the notice given under sub-rule (1), carry on his 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 particular included in the draft scheme to be dealt with, the Arbitrator 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 also be posted at the office of the Arbitrator. Such notice shall be given in Form 4.

(4) The Arbitrator shall give all persons interested in any plot or plots affected by any particular proposal of the draft scheme, sufficient opportunity of being heard, and stating their objections or suggestions and shall not give any decision till he has duly considered their representations, if any.

(5) The Arbitrator shall record a brief minute setting out the points at issue, and the necessary particulars, and shall give a decision with reasons therefor. All such minutes shall form part of the scheme.

(6) The Arbitrator shall record and enter in the scheme every decision given by him under the relevant clause of sub-section (3) of section 72.

(7) The final scheme drawn up by the Arbitrator shall include the particulars specified in rule 6.

(8) The component parts of the scheme shall be so arranged that they may be readily referred to in connection with the map, and plans forming part of the scheme.

(9) The Arbitrator shall publish the final scheme drawn up by him by keeping a copy thereof open for the inspection of the public during office hours at his office, and also at the head office of the Planning Authority. He shall also publish a notice in the *Official Gazette* and in one or more local newspapers of such publication of the final scheme drawn up by him. The Arbitrator shall communicate in Form 5 the decision taken by him in respect of each plot to the owner or person interested. The Arbitrator shall also inform the President of the Tribunal about the publication of the final scheme by him.

14. *Constitution of Tribunal under section 75.*—(1) Within one month from the date on which he receives from the Arbitrator applications under section 74 for reference to the Tribunal, the President shall appoint and communicate to the State Government the names of two Assessors under sub-section (3) of section 75.

(2) Where the Principal Judge of the Bombay City Civil Court in Greater Bombay, or the District Judge, elsewhere decides to recommend to the State Government the appointment as the President of some other Judge, such recommendation shall as far as feasible be made within one month from the date of receipt from the Arbitrator of applications under section 74 for reference to the Tribunal.

(3) The President appointed by the State Government on the recommendation of the Principal Judge of the District Judge, as the case may be, shall appoint two Assessors under sub-section (3) of section 75, and communicate their names to the State Government within one month from the date of his appointment.

(4) Within one month from the date on which the communication from the President about the appointment of two Assessors is received, the State Government shall publish in the *Official Gazette*, a notification appointing the President and Assessors as members of the Tribunal and intimate the appointments to the Planning Authority concerned.

(5) The Planning Authority concerned shall give publicity to the constitution of the Tribunal by pasting up the copy of the notification appointing the Tribunal at its office and in some prominent places in the area within the jurisdiction of the Planning Authority.

15. *Procedure of Tribunal.*—(1) No business shall be transacted by the Tribunal, unless all the members are present.

(2) Where any assessor of the Tribunal ceases to act for any of the reasons specified in sub-section (6) of section 75, the Tribunal shall proceed with any business in hand as soon as a new assessor is appointed, and it shall not be necessary to transact any business *de novo* by reason of such appointment of new assessor.

(3) The Tribunal shall record reasons in writing in any case where the decision of the Arbitrator under clauses (iv) to (xi), both inclusive, and clauses (xiv), (xv) and (xvi) of sub-section (3) of section 72 is confirmed, reconsidered, varied or modified or rejected by the Tribunal.

(4) On receipt of the application for reference from the Arbitrator under section 74, the Tribunal shall give such notice as it deems sufficient to the parties concerned.

(5) The Tribunal shall meet and adjourn as it thinks proper with due regard to the despatch of business and shall give its decision under sub-section (1) of section 79 as early as possible within a period of six months from the date of its constitution:

Provided that, the President may extend, for good and sufficient reasons, such period by a further period not exceeding six months under intimation to Government.

16. *Notice by Arbitrator for taking advance possession of land under section 83.*—A notice by the Arbitrator under sub-section (3) of section 83 shall be in Form 6.

17. *Publicity of notification regarding sanction to final scheme.*—The notification under section 86 shall be given publicity also by means of an advertisement in one or more local newspapers [having wide circulation], and by pasting copies of the advertisement in or near the area included in the scheme and at the office of the Planning Authority.

18. *Correction of Survey Records.*—When a final scheme is sanctioned by the State Government under sub-section (1) of section 86, the Planning Authority shall forward a copy of the scheme to the Superintendent of Land Records for the purpose of correcting the survey records.

19. *Procedure for eviction under section 89.*—For eviction under section 89, the Planning 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 requirement of the notice, the Planning 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 89 in evicting such person or taking possession of the land from such person.

20. *Notice before enforcement of final scheme.*—Before removing, pulling down or altering any building or other work or executing any work under sub-section (1) of section 90, the Planning 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 Planning Authority to do so on failure to comply with the requirement of the notice.

21. *Variation of scheme.*—(1) Any Planning Authority making an application for the variation of a scheme to the State Government under sub-section (1) of section 91 shall state in such application all the particulars in respect of the variation to be made.

(2) If such variation affects any of the items in Form 1 or 2, an extract from Form 1 and a revised statement in Form 2 together with a plan showing the change or changes proposed to be made, shall be sent to the State Government in duplicate along with the application referred to in sub-rule (1).

(3) The draft variation shall also contain the other particulars as provided in rule 6 so far as may be applicable.

22. *Publication of draft of variation of Scheme.*—(1) The draft variation under section 91 shall be published by keeping it open to the inspection of the public at the head office of the Planning Authority during office hours and by giving a public notice in the manner laid down in section 137. The said notice shall indicate that the draft variation has been kept open to the inspection of the public at the head office of the Planning Authority during office hours. The said notice shall also announce that, if within one month from the date of publication of the draft variation, any person affected thereby communicates in writing any objection to such variation to the State Government, the objection shall be considered by the State Government. Such person shall also send a copy thereof to the Planning Authority.

23. *Time limit for payment under section 105.*—The period within which the owner of a plot included in a final scheme shall make payment to the Planning Authority under section 105 shall be six months from the date on which the owner is directed by the Arbitrator to make payment.

24. *Time limit for payment by Planning Authority under section 106.*—The Planning Authority shall make payment due to any person under the Act as provided under section 106, as far as possible, within three months from the date on which the final scheme as sanctioned by the State Government comes into force.

25. *Procedure of Tribunal under section 109.*—The procedure to be followed by the tribunal under sub-section (3) of section 109 shall be as provided in rule 15 so far as may be applicable.

26. *Access to documents, etc., relating to final town planning scheme.*—(1) All documents, plans and maps relating to any final town planning scheme which is deposited with the Planning Authority shall be kept open for public inspection at the head office of the Planning Authority for a period of six months from the coming into force of such scheme.

(2) The Director of Town Planning or any other officer from the Town Planning and Valuation Department as may be appointed by him in this behalf or such officer as the State Government may by an order in writing direct, may, on an application of an owner of any plot included in the final scheme, issue a certificate in Form 7 specifying the area and boundaries of a reconstituted plot, the nature of the tenure of, and of the owner's title to, such a plot and the name of the person to whom the plot has been allotted under the final scheme.

27. *Repeal and saving.*—(1) The Bombay Town Planning Rules, 1955, in so far as they relate to the town planning schemes, are hereby repealed except as respects things done or omitted to be done.

FORM 1
 [See rules (v) and 21(I)]
TOWN PLANNING SCHEME No.
Redistribution and Valuation Statement

1 Serial Number.	2 Name of Owner.	3(a) Tenure of land.	3(b) Survey Number.	Original Plot Value in rupees.		Final Plot Value in rupees.					11 Contribution (+) compensation (-) [Column 9(c) minus column 6(c)].	12 Increment [column 10(b) minus column 9(b)].	13 Contribution per cent of column 12.	14 Addition to (+) or deduction from (-) contribution to be made other sections.	15 Net demand from (+) or by (-) owner, being the addition of columns 11, 13, 14.	16 Remarks.	
				5 Area.	6(a)*Rate of Original Value.	6(b) Without reference to value of structures.	6(c) Inclusive of structures.	Undeveloped		Developed							
				4 Number.	5 Area.	6(a)*Rate of Original Value.	6(b) Without reference to value of structures.	6(c) Inclusive of structures.	7 Number.	8 Area.	9(a) *Rate of Semi-Final Value.	9(b) Without reference to value of structures.	9(c) Inclusive of structures.	10(a) Rate of Final Plot Value.	10(b) Without reference to value of structures.	10(c) Inclusive of structures.	

*Note.—(a) Original Value means the value of the original plot without reference to any improvement contemplated in the scheme [Clause (f) of sub-section (I) of section 97].
 (b) Semi-Final Value means the value of the final plot without reference to any improvements contemplated in the scheme, other than improvements due to alteration of its boundaries i. e. value of the final plot as a result of improvement in its shape [Clause (f) sub-section (I) of section 97].
 (c) Final value means the value of the final plot with reference to the improvement contemplated in the scheme on the assumption that the scheme has been completed (section 98).

FORM 2

(See rules 6 (vii) and 21 (2))

Finance of Town Planning Scheme....., No..... of the*

Rs.

Estimated expenses of works included in the scheme under section 59 (b).

Other expenses :—

Expenses shown in the redistribution and valuation statement (total of column 11 of Form 1).

Cost of preparation and publication of the draft scheme under sections 60 (2) and 61 (1), 61 (2) or 63 (2).

Compensation under section 102

Legal expenses under section 97 (1) (e)

Compensation under sections

Cost of demarcation, salaries or remuneration of Arbitrator and Tribunal of Appeal and their staff and other expenses under section 81 (2).

(a) Total expenses ...

Total of increments (column 12 of Form 1) ...

Proportion of increment to be charged under section 99.

.....per cent.

(b) Total of the contribution under section 99 ...

Net cost of scheme to Planning Authority (a)-(b) ...

*Name of Planning Authority

FORM 3

(See rule 7)

..... Planning Authority.

COMMENCEMENT CERTIFICATE

Permission is hereby granted under section 59 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).

to *

to †

subject to the following conditions, namely:—

(i)

(ii) etc.

**2

‡3

Place

Date



..... Planning Authority.

*Name of person.

†Description of work of development.

**2. This Certificate shall remain valid for a period of one year from the date of issue.

‡3. This certificate is subject to the condition that the owner obtains the permission of the Collector of the District under section 44 of the Maharashtra Land Revenue Code, 1966, if necessary.

FORM 4
[See rule 13(3)]
Special Notice

You are hereby informed that the Draft Town Planning Scheme,
..... No. as submitted by the
Municipal Council
Municipal Corporation has been sanctioned under Government Notifica-
tion, Urban Development, Public Health and Housing Department No.
....., dated, published in the
Maharashtra Government Gazette, Part-I, Divisional Supplement, dated
..... at pages

You are further informed that in the making of the above scheme, your
original plot (which is numbered on the Plan,
which accompanies the scheme) is proposed to be ~~altered and in its place~~
unaltered and will be
final plot has been allotted to you as numbered
retained in your possession as the final plot
on the plan, subject to proof of your title to the original plot.

The areas of the original and final plots with their values and amounts
of compensation payable to you or contribution to be paid by you as
proposed by the Planning Authority, are given hereunder. All these values
are estimated as at the date of declaration of intention to prepare the
scheme, and are as follows, namely:—

	Value	
	Without Structure	With Structure
(1) Original plot : S. No. O. P. No. area		
*Original Value		
Per Rs.	(X1)	(Y1)
(2) Final plot : No. area		
‡Semi-final value per Rs.	(X2)	(Y2)
‡Final value per Rs.	(X3)	(Y3)
(3) Compensation under section 100 due to you : (Y1)—(Y2) Contribution under section 100 due from you ; (Y2)—(Y1) Rs.		
(4) Increment under section 98 : (X3)—(X2)		
(5) Increment contribution under section 99 at per cent		Rs.
by (6) Net payable ——— you to		Rs.

Note.—*Original value means the value of the original plot without reference to any improvement contemplated in the scheme [Clause (f) of sub-section (1) of section 97].

‡Semi-final value means the value of the final plot without reference to any improvements contemplated in the scheme, other than improvements due to alteration of its boundaries i.e. value of the final plot as a result of improvement in its shape [Clause (f) of sub-section (1) of section 97].

‡Final value means the value of the final plot with reference to the improvement contemplated in the scheme on the assumption that the scheme has been completed (section 98).

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Please note that the above proposals are made in the draft scheme sanctioned by the State Government, which may be varied by the Arbitrator, under the proviso to sub-section (3) of section 72, if he considers it necessary.

The final plot or plots as proposed to be allotted in the draft scheme will be demarcated on the site and shown to you on the 19, between the hours of and when you should be present on the site in person or represented by your agent to make any proposals or representation you may have as to the revision or alteration of the boundary of the final plot or plots proposed to be allotted to you.

IF YOU have any objection or proposals to make in respect of any proposal made in the draft scheme in regard to the boundary and area of the plot, use of land, building regulation, or in any other part of the scheme as also any value, increment, contribution or compensation shown in this notice or in any other plot or matter in which you are interested within the area of the scheme, you in person or your duly authorised representative, should appear before me at the office of the Arbitrator/..... with the requisite documents, any plans or certified copies thereof with extracts from the Property Register Card or Record of Rights on the 19 at a. m. and be prepared to give evidence in support of your objection or proposals. In case you desire to file written statements, in this matter, copies of the same should be submitted to the Arbitrator, for his consideration and decision.

In case you desire to claim compensation under section 102 of the Act on the ground that your property/or right has been injuriously affected by the making of the said Town Planning Scheme, you are hereby called upon to submit to the undersigned the amount and particulars of such a claim for compensation for injurious affection within sixty days from the receipt of this notice to enable the undersigned to determine the same as required under clause (xvi) of sub-section (3) of section 72 of the Maharashtra Regional and Town Planning Act, 1966.

Any person interested in any land or matter included within the above draft scheme is advised to see the copy of the scheme and plans which are available for inspection at the office of the Planning Authority or at the office of the Arbitrator during office hours.

Arbitrator

Dated 19

Address of the Arbitrator.

To
.....



FORM 5

[See rule 13 (9)]

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966
(MAH. XXXVII OF 1966)

Serial No.

Town Planning Scheme, No.
Extract from the final scheme as published by the Arbitrator, a notice of which dated the 19, has appeared on pages of Part II of the *Maharashtra Government Gazette*, dated is hereby communicated to the reputed owner Shri/Smt.

		Value	
	S. No. O. P. No. area	Without Structure Rs.	With Structure Rs.
(1) Original plot :			
*Original Value per	Rs.	(X1)	(Y1)
(2) Final plot :	No. area		
†Semi-final value per	Rs.	(X2)	(Y2)
‡Final value per	Rs.	(X3)	(Y3)
(3) Compensation under section 100 due to you :	(Y1) - (Y2)		
Contribution under section 100 due from you ;	(Y2) - (Y1) Rs.		
(4) Increment under section 98 :	(X3) - (X2) Rs.		
(5) Increment at contribution under section 99 at ... per cent	Rs.		
(6) Addition to, (+) or deduction from (-) contribution to be made under other sections.	Rs. by you		
(7) Net payable to you	Rs.		

Dated 19

ARBITRATOR.

To

Note—(1) A copy of the final scheme including the plans as drawn up by the Arbitrator will be opened for inspection at the office of the Arbitrator and the head office of the Planning Authority. during office hours on week days.

Note—(2) Sections 73 and 74 of the Maharashtra Regional and Town Planning Act, 1966 are reproduced hereunder for information.

Section 73.—Except in matters arising out of clauses (iv) to (xi) both inclusive, and clauses (xiv), (xv) and (xvi) of sub-section (3) of section 72, every decision of the Arbitrator shall be final and conclusive and binding on all parties including the Planning Authority.

Section 74.—(1) Any decisions of the Arbitrator under clauses (iv) to (xi), both inclusive and clauses (xiv), (xv) and (xvi) of sub-section (3) of section 72 shall be forthwith communicated to the party concerned including the Planning Authority; and any party aggrieved by such decision may, within two months from the date of communication of the decision, apply to the Arbitrator to make a reference to the Tribunal of Appeal for decision of the appeal.

(2) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this section.

Note—(3) *Original value means the value of the original plot without reference to any improvement contemplated in the scheme [Clause (f) of sub-section (1) of section 97].

†Semi-final value means the value of the final plot without reference to any improvements contemplated in the scheme, other than improvements due to alteration of its boundaries, i.e. value of the final plot as a result of improvements in its shape [Clause (f) of sub-section (1) of section 97].

‡Final value means the value of the final plot with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed (section 98).

FORM 6

(See rule 16)

Notice under sub-section (3) of section 83 of the Maharashtra Regional and Town Planning Act, 1966

TOWN PLANNING SCHEME No.

WHEREAS, the Draft Town Planning Scheme No.

..... as submitted by the Municipal Council
..... Municipal Corporation

has been sanctioned under Government Notification, Urban Development Public Health and Housing Department, No. dated published in the *Maharashtra Government Gazette*, Part I, dated the at page

AND WHEREAS, the Municipal Council Municipal Corporation having thought it necessary, in the public interested to undertake forthwith the work of (hereinafter referred to as the said work), as included in the said draft Town Planning Scheme, has applied to the State Government under sub-section (1) of section 83 of the Maharashtra Regional and Town Town Planning Act, 1966 (hereinafter referred to as the said Act), through the Arbitrator 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 Municipal Council Municipal Corporation to enter on the land for the purpose of executing the said work, have directed the undersigned under Government Notification, Urban Development, Public Health and Housing Department, No. , dated, which has been published in the *Maharashtra Government Gazette* Division supplement, dated at page (s) No. to take possession of such lands under sub-section (2) of section 83 of the said Act,

NOTICE is hereby given to you under sub-section (3) of section 83 of the said Act to hand over possession of the below mentioned lands to the undersigned or to the person authorised by the undersigned, on 19, at a. m./p. m.

Under section 85 of the said Act you are entitled to interest at the rate of 4 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 Municipal Council Municipal Corporation

Please note that if the possession is not delivered on the date specified above, the undersigned shall take possession of the lands and shall hand over the land to the said Municipal Council. If the undersigned is opposed Municipal Corporation

or impeded in taking possession of the lands under section 83, the delivery of possession of the land shall be secured through the Commissioner of Police/District Magistrate as provided for in section 84 of the Act.

Description of the land :-

Land out of S./C.T.S. No.

Shown as O.P. No. admeasuring about

Acres/hectares/square metres required for the purpose of as demarcated on site.

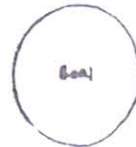
Arbitrator,

Town Planning Scheme, No.

Dated

To

Address



FORM 7

[See rule 26 (3)]

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

Certificate of Tenure and Title

Town Planning Scheme, No. sanctioned under Government Notification, Urban Development, Public Health and Housing Department, No., dated the and published at page of the *Maharashtra Government Gazette*, Division Supplement, dated

Final Plot No. Hectares or sq. metres Area

Reputed owner—

Lessor :

Lessee :

Period of lease from

SKETCH OF FINAL PLOT No.
(Here enter the sketch)

I. *Boundaries*.—Bounded on the North by
South by
East by
and West by

II. *Tenure*.—Occupant Class I, Occupant Class II or Government lessee or *inam* or any other as the case may be (This will be the same as the tenure or the tenures of the original plot or original plots in lieu of which the final plot or final plots are allowed). (If there are different tenures for different portions of the whole plot these will be shown separately on the plan divided by a thick chain line).

Title.—(Here describe the nature of the owner's title as found by the Arbitrator or Special Officer appointed under section 71 of the said Act).

Rights.—(If the owner of the plot has any special rights transferred to his final plot from the original plots or any new rights given to him under the scheme, there may be entered here).

Disabilities.—(Rights of any other owner or person over this plot such as mortgage or easements, etc., may be entered here).

Note.—(1) The above plot shall be held subject to all the restrictions and regulations specified in the above Town Planning Scheme, and as regards assessment subject to the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and of the rules and orders from time to time issued thereunder.

(2) No person shall institute or change the use of the above plot or building thereon or carry out development in the above plot, except with the necessary permission in the form of Commencement Certificate from the Planning Authority having jurisdiction over the area at the time and in accordance with the provision of the said scheme.

(3) The holder of this certificate may apply to the Collector to have the amount and nature of the assessment and the period of guarantee shown on the certificate. The Collector's endorsement shall declare that non-agricultural assessment is, except in the case of *inam* land, liable to revision should the land be appropriated to any non-agricultural use under section 67 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

(4) Any other special regulation in respect of the above plot

.....

.....

.....

III. This certificate is granted under rule 26 of the Maharashtra Town Planning Schemes Rules, 1974, as *prima facie* proof of the tenure and title of the owner above named, and shall be valid unless declared otherwise by a decree of a civil court within the period of limitation from the date hereof (section 71), by and under the hand and seal of the Director of Town Planning, Maharashtra State, Poona/..... this day of One thousand nine hundred and

Director of Town Planning, Maharashtra State, Poona.



Note.—Figure of a circle with word "seal" printed inside at the end of Forms 3, 4 and 6 inserted by G.N. of 4-12-1976.