

**RULES UNDER SECTION 41 OF THE TRAVANCORE TOWN
PLANNING REGULATION IV OF 1108 AMENDED VIDE.**

**Notification No. G.O. MS.463/62/DD. dated 24th May, 1962
Published in the Gazette dated 29th May 1962 Part-I, Page G. 1813.**

PART- I

1. Special Town Planning Committee Definitions

In this part, unless there is anything repugnant in the subject or context:

- (a) " Committee" means the special Town Planning Committee concerned, appointed by the municipal council under section 36; and
- (b) "Member" and "President" means respectively the member and president of such a committee.
- (c) Two sets of plans or maps bearing same serial numbers are referred to in rules - part II.

A. General Town Planning Schemes, and

B. Detail Town Planning Schemes.

There may be many details schemes under one general Scheme. To avoid confusion in the reference to plans the following nomenclature will be adopted:-

- i. The plan or map relating to the general Town Planning Scheme will have distinctive letters "G L S" on them denoting "General Schemes" and the plans will be serially numbered G L S/1, 2,etc. the figures in the denominator denoting the serial number of the plans relating to the general schemes:
- ii. The details schemes will have distinctive letters " D S N " on them denoting " Detail scheme number " and the plan will be serially numbered D S N(1,2 etc.)/ 1, 2 etc. figures in the numerator indicating the serial number of the detailed scheme and the figures in the denominator, the serial number of the plans relating to any particular scheme.

" 1 A. These rules shall apply to the whole of the State of Kerala excluding the Malabar District referred to in sub section (2) of Section 5 of the States Reorganization Act,

1956 (Central Act 37 of 1956)".

2. Strength of the Committee

Unless the Government or otherwise direct not more than four members of the Municipal Council (of whom the Chairman shall be one ex-officio) and not more than two from outside it shall be appointed as members of the committee. The appointment of the latter shall be subject to the approval of Government.

3. INTIMATION OF GOVERNMENT OF THE NAMES OF THE MEMBERS OF THE COMMITTEE.

As soon as the Committee has been formed, the chairman shall report to the Government through the Director the names of the members.

4. TERM OF OFFICE OF MEMBERS

- (a) A member of the Committee who is a municipal councillor (not being the chairman) shall hold office, unless the sooner resigns, until his term of office as councillor is in any manner determined.
- (b) A member of the Committee who is not a Municipal Councillor shall hold office, unless he sooner resigns, for a period of three years from the date of his appointment: Provided that the Municipal Council by resolution supported by not less than one half of the sanctioned strength of the council, extend such period from time to time.

5. Filling up of vacancies

When a vacancy occurs in the Committee, the Municipal Council shall fill up the vacancy as soon as may be, by the appointment of another member and report the name of the member of the

Government through the Director for their information.

6. All the provisions of the Travancore Municipal Regulation relating to the duties, powers, liabilities, disqualification and disabilities of councillors shall so far as may be and save as otherwise provided in these rules be applicable to the members of the Committee who are not Municipal Councillors.

7. President of the Committee

The Chairman shall be the President of the Committee.

8. RULES AND REGULATIONS FOR THE PROCEEDINGS OF THE COMMITTEE

- (a) The Committee shall observe the procedure laid down below, provided however that the Municipal council may make supplementary regulations consistent therewith and with these rules for the conduct of the proceedings of the Committee and also for the maintenance of order at its meetings.
- (b) The Committee shall meet at the Municipal Office at least once a month on such day and at such hour as the Committee may from time to time determine.
- (c) The President may at any time call a meeting of the Committee and shall do so within forty -eight hours of the receipt of a requisition signed by the Chairman or by three members of the Committee and stated the business to be transacted.
- (d) No business shall be transacted at any meeting of the Committee unless at least three members are present.
- (e) All questions shall be decided by a majority of the members present and voting, the President having a second or casting vote when there is an equality of votes.
- (f) Minutes of the proceedings at meetings of the Committee shall be entered in a book kept for the purpose and shall be signed by the President. The minutes books shall be placed before the Municipal Council at such time as it may appoint.

- (g) In any case in which the Committee and any standing or other Committee of the Municipal Council have passed conflicting decisions, the Chairman of the Municipal Council shall place the matter before the Municipal Council for final decision and pending such decision all action in regard to the matter at issue shall be withheld.
- (h) Any member, other than the ex-officio member, who fails to attend four consecutive meetings shall cease to be a member but may be reinstated by the Municipal Council.

- 9. The president shall preside at meetings of the Committee and in his absence a member shall be chosen by the meetings to preside for the occasion. The member presiding at a meeting of the Committee shall for that meeting have all the powers of and be subject to all the obligations of the president.

10. REMOVAL OF MEMBERS

The Municipal Council may, subject to the approval of Government, by resolution supported by not less than one-half of the sanctioned strength of the Council, remove from the Committee any member (other than the ex-officio member) who

- (a) refuses to act or becomes in the opinion of the Municipal Council incapable of acting, or
- (b) in the opinion of the Municipal Council has so abused his position as member as to render his continuance on the Committee detrimental to public interest.

- 11. A member removed under Rule 10 shall not be eligible for re-appointment for a period of one year from the date of his removal.

12. DUTY OF THE CHAIRMAN TO CARRY OUT RESOLUTIONS OF THE COMMITTEE

The Chairman shall be bound to give effect to every resolution of the Committee unless such resolution is cancelled in whole or in part by the Municipal Council.

13. After giving due notice (not less than 48 hours) to the President every member shall have access during office hours to such of the records of the Municipal Council as relate to any matter with which the committee is empowered to deal:

Provided that the Chairman may for reasons given in writing refuse such access. The member may appeal against such refusal to the Municipal Council through the Chairman. The decision of the Municipal Council shall be final.

14. REQUISITION BY THE COMMITTEE FOR RECORDS.

- (1) In connection with any matter with which it is empowered to deal the Committee may at any time require the Chairman.
 - (a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Chairman; or
 - (b) to furnish any return, plan, estimate, statement, account or statistics.
- (2) The Chairman shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the municipal administration or of the public in which case he shall make a declaration in writing to that effect and shall if required by the Committee refer the question to the Municipal Council whose decision shall be final.

15. The Committee

- (i) Shall have access to the accounts relating to the Town Planning or any other fund with which it may be concerned and any require the Chairman to furnish any explanation which it considers necessary as to the credits and debits of each fund;
- (ii) may call the attention of the chairman to any neglect in the execution of works, to any misuse of any Municipal property or to any requirements in any area in regard to which a town planning scheme is in preparation or has been sanctioned and

may suggest any improvements, alterations or modification which may appear desirable ; and

- (iii) may appoint individual members to inquire into and report on any of the matters which the Committee is concerned with under the Regulation and the rule there under.

16. SUBMISSION OF PROGRESS REPORTS ON TOWN PLANNING SCHEME.

- (i) As soon as may be after the 1st April every year and not later than the 1st June the Committee shall submit to the Municipal Council a detailed report of the Town Planning Scheme under consideration and preparation during the previous financial year. The Municipal Council shall consider the report and forward the same together with the resolution thereon if any, to the Government through the Director.
- (ii) As soon as may be after the 1st April every year and not later than such date as may be fixed by the Municipal Council the Chairman shall submit to the committee an annual report of the execution of sanctioned Town Planning Scheme during the previous financial year. The Committee shall without delay consider the report and submit it with its remarks to the Municipal Council which shall in turn forward all the papers together with its resolution thereon if any, not later than 15th May to the Government through the Director.

17. MUNICIPAL COUNCIL'S POWER TO CALL FOR RECORDS OF THE COMMITTEE.

The Municipal Council may at any time call for any return, statement account or report connected with any matter with which the Committee is empowered to deal and every such requisition shall be complied with by the Committee.

18. DISSOLUTION OF COMMITTEE

If the Municipal Council is of opinion that the continuance of the Committee is unnecessary, if may, subject to the approval of Government, by resolution supported by not less than one-half of the sanctioned strength of the Council declare that the Committee

shall be dissolved, from such date, as may be specified in such resolution and the committee shall thereupon be, deemed to be dissolved accordingly.

- 19.** Submission of copies of proceedings and resolution to the Municipal Council and power to the Municipal Council to cancel resolutions.
- (i) The president shall submit to the Municipal Council copies of the proceedings and resolutions of the Committee.
 - (ii) The Municipal Council may at any time by resolution supported by not less than one-half of the sanctioned strength of the Council cancel any resolution of the Committee in whole or in part if such resolution transcends the powers of the Committee;

Provided that before taking any action under this sub-rule the Municipal Council shall communicate to the Committee the grounds on which it is proposes to do so, fix a reasonable period for the Committee to show cause against the proposal and consider its explanation and objections if any:

Provided further that if so required by the Committee, the Municipal Council shall refer the matter to the Government for decision.

20. Municipal Council's power to direct taking of action.

- (i) If the Municipal Council is of opinion that the committee is not competent to perform or persistently makes default in performing its duties or has been performing its duties in an imperfect, inefficient or unsuitable manner or exceeds or abuses its power the Municipal Council may subject to the approval of Government, by resolution supported by not less than one-half of the sanctioned strength of the Council declare that the Committee shall be dissolved from such date as may be specified in such resolution and the Committee shall thereupon be deemed to be dissolved accordingly:

Provided that before taking any action under this sub-rule the Municipal Council shall communicate to the Committee the

grounds on which it is proposes to do so, fix a reasonable period for the Committee to show cause against the proposal and consider its explanation and objections if any.

- (ii) As soon as possible after the said date, the Municipal council shall proceed with the reconstitution of the Committee in the prescribed manner.

21. DELEGATION OF POWER TO THE COMMITTEE

Subject to the above rules the Municipal Council may by resolution supported by not less than one-half of the sanctioned strength of the Council shall delegate to the Committee any powers which under the provisions of the Regulation, the rules thereunder, or a town planning scheme are reserved for the decision of the Council. Such powers may include the following:-

- (i) the preparation of reports on the general town planning scheme;
- (ii) the preparation of draft town planning schemes and investigation of all matters incidental to such preparation, the consultation with owners and the convening of meeting of such owners including the taking of written agreements from the owners;
- (iii) disposal of applications presented under section 15;
- (iv) the investigation and disposal of objections and suggestions received under section 12(1);
- (v) the investigation of the question of reconstitution and redistribution of boundaries of plots included in town planning schemes, of claims of compensation and of betterment levy; and
- (vi) the direction and supervision of the execution of town planning schemes and the enforcement of the regulations thereunder.

21.A In this part unless the context otherwise requires

- (a) "Municipal Council" includes a Joint Town Planning

Committee constituted under section 37 or a Town Planning Trust constituted under section 44.

- (b) "Director" means the Director of Town Planning appointed under sub section (1) of section (5).

Part II

PREPARATION AND SANCTION OF GENERAL AND DETAILED TOWN PLANNING SCHEMES

A. GENERAL TOWN PLANNING SCHEMES

22. The preparation of the general town planning schemes shall be undertaken by the Director.
23. The Chairman shall cause to be prepared:-
- (i) a general town map (called map No. G L S/1) drawn to be scale of not less than 1:64000 showing:-
 - (a) the boundaries of the Municipalities and of the area for which the scheme is proposed;
 - (b) all streets (Public and Private) railways , tramways and bus routes the average widths of main streets should be noted;
 - (c) buildings used for public or religious purposes;
 - (d) lands belonging to the Government, to the Municipalities or other public bodies and to religious institutions.
 - (e) burial and burning grounds;
 - (f) bazaars, industrial and commercial buildings and residential areas;
 - (g) tanks, rivers, canals, channels, drains and public wells;
 - (h) public latrines: and
 - (i) dry and wet cultivation, garden, waste and rocky land.
 - (ii) An explanatory note giving:-
 - (a) such information as may be considered desirable with respect to map No. G L S/1:
 - (b) information with respect to land values in different

localities; and

- (c) requirements of the town with respect to
 - (i) housing
 - (ii) education and recreation
 - (iii) public health and sanitation;
 - (iv) industrial sites, markets and remunerative enterprises;
 - (v) roads, communications and traffic; and
 - (vi) any proposal for the exclusion of any part of the municipality from the scheme or for the inclusion of any area in the vicinity of the Municipality in the scheme.
- (iii) a map (called map No. G L S/2) showing proposals that:-
 - (a) have been adopted or
 - (b) are under consideration, or
 - (c) have been made from time to time, or
 - (d) are necessary or desirable for meeting the requirements specified in sub clause (c) of clause (ii):

provided that where the proposals to be shown in map G L S/2 may be included in map No.GLS/1 without detriment to the clarity of that map, map No. G L S/2 may be dispensed with.

- 24.** (1) Map Nos. G L S/1 and G L S/2 together with the explanatory note referred to in clause (ii) of rule 23, shall be submitted to the Government through the Director, and the Government shall return the same to the Council with
- (i) their opinion as to:-
 - (a) the boundaries of the area for which a general town planning scheme should be made
 - (b) the proposals that should be included in the scheme;
 - (c) proposals which should be taken up before publication of the general town planning scheme under rules 26 and 27; and
 - (ii) any other suggestions they may think fit to make in regard to the development and improvement of the area.

- (2) The modifications necessary in the opinion of the government shall be shown either on a separate map or by alterations in map no. G L S/2. such separate map or map No. G L S/2 as so altered shall be called map No. G L S/3.

25. MATTERS THAT MAY BE DEALT WITHIN A SCHEME

A General Town Planning Scheme shall provide for the following matters to the extent necessary to secure a settled policy and plan for improvement and development of the town generally and to control both municipal and private activities connected therewith.

- (a) The construction, diversion, extension, alteration, improvement or closure of streets, roads, and communication to the extent required for the needs of the public generally;
- (b) The reservation of land for streets, roads, open space, recreation grounds and sites for public buildings.
- (c) The determination of what shall be residential commercial, industrial and hutting areas;
- (d) The preservation of object and buildings of archeological or historical interest or of natural beauty or which are actually used for religious purposes or regarded by the public with special religious generation;
- (e) The prescription of building lines and street alignments;
- (f) The imposition of house density restrictions in different parts of the area included in the general town planning scheme; and
- (g) Any other matters mentioned in section 3 the inclusion of which may be considered desirable.

PUBLICATION OF DRAFT SCHEME

26. The draft general town-planning scheme prepared by the Municipal Council shall be published on the notice board of the Municipal Office as notification in form No. 1.

27. A notice in form No. 2 shall also be published.

- (i) on the notice board of the office of the Tahsildar under whose revenue jurisdiction any portion of the area proposed to be included in the scheme is situated;
- (ii) in the government Gazette, and
- (iii) in one or more newspapers circulating in the revenue division in which such area is situated.

SUBMISSION OF SCHEME FOR SANCTION.

28. The draft general town planning scheme as finally prepared by the Municipal Council shall be submitted in duplicate to the Government through the Board of Revenue and the Director with a report dealing with the objects and intentions of the scheme and the works, if any, proposed to be executed in accordance with the scheme.

DUTY TO COMPLY WITH SCHEMES AFTER SANCTION.

29. Every draft town planning scheme prepared under section 7 to 12 shall follow or conform to the general town planning scheme sanctioned by the government and for the time being in force.
30. From the date of sanction of the general town planning scheme by the government no permission shall be given by the Municipal Council or the chairman to any owner of lands or buildings in the area affected by the scheme or to any persons.
- (i) construct or reconstruct or in any way alter or add to any building or work or carry out a contract in respect of land within the area included in such scheme unless it conforms to the requirements thereof; or
 - (ii) to construct buildings in any area in which building is expressly forbidden by the scheme.

B. DETAILED TOWN PLANNING SCHEMES.

Resolution to make or adopt a scheme.

31. (a) The resolution of a Municipal Council under sub-section (1) of section 7 deciding to prepare or adopt a scheme shall describe by boundaries or by ward block and survey numbers the area proposed to be included in the scheme.
- (b) The plan prepared under the said sub section which shall be called map DSN/1 shall be drawn to a scale of not less than 1:64000.

PUBLICATION OF RESOLUTION

32. (a) The notification under section 8 which shall be called notification No.1 shall be in form No. 4 and shall be published on the notice board of the office of the municipal council.
- (c) within fifteen days date of the publication of Notification No. 1.:-
- (i) a copy of the notification and a map of DSN/1 shall be sent by the Chairman to the Director; and
 - (ii) Where the proposed scheme includes any area outside the Municipal limits the chairman shall apply to the Board of Revenue for his concurrence to such inclusion and send him a copy of the notification and of map DSN/1.
33. (a) A notice in form No.5 shall also be published within 15 days of the date of publication of Notification No.1 under rule 32(a)
- (i) on the notice board of the office of every Tahasildar within whose revenue jurisdiction any portion of the area proposed to be included in the scheme is situated.
 - (ii) in the Government Gazette, and
 - (iii) in one or more newspapers circulating in the revenue division in which such area is situated .

Preparation of lay-out plan and drafts scheme

34. (i) After the publication of the notification under section 8, the council shall get a lay-out plan and a draft town planning scheme prepared by the Director.
- (ii) every draft scheme shall in addition to the particulars specified in sectional, contain the following particulars:-
- (a) lands belonging to the Government and to the council
 - (b) the area in respect of which restrictions if any are proposed as regards
 - (h) the character of buildings to be created, whether residential buildings, public buildings, business premises factories or workshops:
- (ii) The density of buildings, that is the number of welling house to the acre or the minimum size of house items, or both; and
- (iii) open spaces, recreation grounds and areas where buildings are prohibited; and
- (c) the levels taken, if any of the area included in the draft scheme and the levels of the surrounding lands.

CONSULTATION OF OWNERS

35. (1) The Municipal Council shall convene meetings of owners of lands and buildings in the area selected by the proposed scheme.
- (2) Notice of every such meeting shall;
- (a) be published on the notice board of the Municipal office, the office of the Joint Town Planning Committee or the Town Planning Trust and the Panchayat offices in the area affected by the proposed scheme and not less than seven days before the date of the meeting and
- (b) be published in two or more newspapers having circulation in the district.
- Provided that it shall not be necessary to send a notice to tenants whose lease expire within a year of the date of the Municipal Council's declaration intention to make or adopt a scheme. In the case of government land or buildings such notice shall be served on the Board of Revenue.
- (3) Deleted.
- (4) At such meetings the proposed schemes shall be generally described and explained and a minute of each meeting shall be kept.
- (5) Deleted.
- (6) Deleted.

PARTICULARS OR PLANS SPECIALLY REQUIRED

36. The proposals, if any made in a scheme for reconstitution of plots or the redistribution of boundaries shall be:-
- (1) Summarized a statement in form No.6 and
- (2) Illustrated by the showing subsidiary plans which shall be called map DSN/A, DSN/B and DSN/C and each shall be a scale of not less than 1:4000.
- (a) Map DSN/A showing the original plots bearing the same numbers as in the statement in form No.6 and all existing buildings;
- (b) Map DSN/B showing both the original plots and the manner in which it is proposed to alter the boundaries of such plots; and
- (c) Map DSN/C showing the boundaries as they will appear if the scheme as proposed if finally sanctioned, such plots bearing the same numbers as in column 7 in Form No. 6.
37. The following statement shall also be prepared :-
- (i) a statement in Form No. 7 showing the ownership and extent of lands included in the scheme.

- (ii) a statement in form no. 8 showing
 - (a) the proposed new streets, and
 - (b) the proposed widening of existing streets.
 - (iii) a statement in Form No. 9 showing the lands proposed to be acquired and
 - (iv) a statement in Form No. 10 showing the lands proposed to be reserved under clause (k) of section 3.
38. The estimate of the cost of the scheme required by clause (e) of section 11 shall be prepared in Form No. 11 and the draft scheme shall state in details how the scheme is proposed to be financed and the amount of end the time at which loans if any are required.

APPROVAL OR ADOPTION OF SCHEME BY COUNCIL

39. A copy of every draft scheme with all its enclosures and the maps prepared in connection therewith will be sent by the Chairman to the Director and Board of Revenue with an intimation of the date on which the Municipal Council will meet for considering whether who draft scheme should be approved or adopted as the case may be and published under section 9, such date not being earlier than fifteen days from the date of such intimation. The Municipal Council shall at such meeting consider the suggestions, if any, received in the meanwhile from the Director and the Board of Revenue.

PUBLICATION UNDER SECTION – 9

40. The draft scheme as approved or adopted by the municipal council shall be published under section 9 on the notice board of the Municipal office by a notification which shall be called notification No.2 and shall be in form No. 12.
41. Notification No.2 shall be accompanied by the plan required by clause (a) of the sub-section (1) of section 11 which shall be called map DSN/2 and shall be drawn to such scale as may be decided by the Director and shall as far as possible illustrates by means of colours, letters and explanatory notes or in some other convenient manner the details of the scheme.
42. A notice in form No. 13 shall also be published:-
- (i) on the notice board of the office of every Tahsildar within whose revenue jurisdiction any portion of the area proposed to be included in the scheme is situated;

- (ii) in the government gazette, and
- (iii) in one or more newspapers circulating in the revenue division in which area is situated. .

A copy of such notice shall also be posted up in one or more conspicuous places or near such area.

OBJECTIONS AND SUGGESTIONS TO BE SENT TO THE DIRECTOR FOR ADVICE.

43. Not less than fifteen days before the date fixed for the meeting of the Municipal council under section 12 for considering and passing the draft schemes, the Chairman shall send to the Director a list in form no.14 of all objections and suggestions received, and any advice as to their disposal received from the Director before the date of the meeting shall be considered by the Council.

SUBMISSION OF SCHEME FOR SANCTION

44. The scheme as modified with reference to the resolution passed at such meeting shall be submitted to the government through the Board of Revenue and the Director and shall be accompanied by a fresh plan which shall be called map DSN/B prepared with reference to the modifications which the Municipal Council may in such resolution have ordered. When no modifications are required in map DSN/2 the letter shall be called map DSN/3 also. Where it is more convenient to do so map DSN/2 the letter shall be called map DSN also. Where it is more convenient to do so map DSN/2 the letter shall be called map DSN/3 also. Where it is more convenient to do so map DSN/2 may be corrected with reference to modifications ordered, the modifications being indicated clearly in distinctive color or otherwise and Map DSN/2 so corrected shall also be called Map DSN/3 .
45. The fact of such submission shall be published by a notice in form No. 15.
- (i) on the notice board of the municipal office; and
 - (ii) in the government gazette.
46. The Board of Revenue shall have the particulars specified in the scheme and the maps and schedules attached thereto verified and forward the same together with his remarks to the government through the director.

47. If the government order any material modifications in the scheme submitted by the Municipal Council a fresh map called DSN/4 shall be prepared embodying such modifications. Otherwise DSN/3 as corrected with reference to the modification if any shall also be called map DSN/4 .

C. Town Planning Schemes under section 10.

48. Any notification of the government under section 10 published in the government gazette shall be republished by a notice in form No. 16:-
- (i) on the notice of the office of the Municipal Council.
on the notice board of every Tahsildar within whose revenue
 - (ii) jurisdiction any portion of the area included in the scheme is situated;
and
 - (iii) in one or more newspapers circulating in the revenue division in which such area is situated.
49. The rules contained in part B shall as far as may be apply to schemes under section 10.

D. Submission of progress reports of Schemes.

50. Every municipal council shall submit to the Government through the Director every year:
- (i) a Progress Report in form No.3 not later than the 15th May on the Progress made in the preparation of a general town planning scheme during the year proceeding; and
 - (ii) Progress Reports in form Nos.17 and 18 not later than the 15th May in respect of all other schemes whether sanctioned pending sanction or under preparation during the year proceeding.

PART – III

ARBITRATION

NOTICE OF APPOINTMENT OF ARBITRATOR

51. The arbitrator shall on his appointment by government give notice of the date on which he will commence his duties and the place at which he will held his office and to which all correspondence relating to the scheme should be addressed. The notice shall be affixed to the notice board of every Tahsildar within whose revenue jurisdiction any portion of the area included in the scheme is situated and shall also be posted up in two more conspicuous place in or near such area. The notice may also be published in one or more newspapers circulating in the revenue division in which

such area is situated.

RECONSTITUTION OF PLOTS

52. (1) With reference to the proposals, if any for reconstruction of plots contained in a sanctioned scheme or made before him in pursuance of such scheme and within the time fixed therein, the arbitrator shall serve a notice on every person affected, and on the Chairman or president of every local authority interested in such reconstitution. Such notice shall state the particulars of the proposals made under section 4 and the date on which the arbitrator will take them into consideration. In the case of government lands such notice shall be served on the Board of Revenue.
- (2) (a) The arbitrator shall give public notice at convenient places in or near the lands concerned of the date on which he will commence the demarcation of reconstituted plots and the areas allotted to or reserved for the purposes mentioned in clause (k) of section 3.
- (b) He may also issue a certificate specifying the area and boundaries of a reconstituted plot the nature of the tenure and of the owner's title to such plot and the name of the person or authority to whom the plot has been allotted by him.

CLAIMS FOR COMPENSATION.

53. (i) Claims for compensation under section 18 shall be made within the time specified in the scheme:-
- (a) to the Chairman during the interval between the sanctioning of the scheme and the appointment of the arbitrator; and
- (b) to the arbitrator after his appointment.

All claims received by the chairman shall be transferred to the arbitrator for disposal.

Claims shall either be presented in person or sent by registered a/c or post. Every claim shall state clearly the facts on which it is based and shall be verified in the manner prescribed for the verification of pleadings in the Travancore Code of civil procedure in force.

- (ii) The arbitrator shall fix a day or days for the hearing of the claims and give notice thereof to the claimants the local authority or any other person or authority who is in his opinion interested therein.
- (iii) on the day or days fixed the arbitrator shall proceed to inquire into the claims, shall take such evidence as may be adduced on behalf of the persons or authorities interested and record a decision shall also state clearly:
 - (a) the description of the property injuriously affected:
 - (b) the nature of the injurious affection:
 - (c) the amount of the compensation awarded; and
 - (d) the person entitled to receive such compensation.
- (iv) The arbitrator's decision shall be entered in a register in form No. 19.

Levy of betterment contribution

- 54. (i) Where a scheme provides for the levy of a betterment contribution, the council shall within the time if any limited by the scheme file before the arbitrator a claim in form No.20.
 - (ii) The arbitrator shall give notice to the owner of every property in respect of which such claim is made of the day or days on which he will held an inquiry in respect of :-
 - (a) the liability of the land to a betterment contribution ; and
 - (b) the value of the land on the date of the notification under section 8 or under section 10.
 - (iii) The arbitrator shall enter the particulars of his decision in column 7 to 10 of a register in Form No. 21.
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- 55. (a) All notices required to be served upon or given to any person under Rules 52, 53 or 54 shall be served as nearly as may be in the manner laid down in the Travancore summons on a defendant.
 - (b) The arbitrator shall give to all persons affected by the scheme a reasonable opportunity to state their views and shall take such views if any into consideration before coming to a decision.
 - (c) The arbitrator shall communicate his decision to the parties concerned by registered anchal or post or in such other manner, as he may find convenient.
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- 56. A register showing the assessment and collection of betterment contributions shall be maintained in form no. 22. It shall be divided into parts one part being allotted to each scheme. In each part of separate page shall be allotted to each property liable for betterment contribution.

57. The market value of the properties liable to betterment contribution in each of the financial years following that in which the scheme takes effect shall be determined by the chairman.
Provided that the market value of the property in respect of which the betterment contribution is payable by the chairman shall be determined by the Board of Revenue.
58. (1) When the assessment register has been prepared for the first time and whenever the valuation of any property is altered the chairman shall give notice to the owners or owner of the properties or property affected stating that revision petitions will be considered by the council if they reach the municipal office within a period of sixty days from the date of such notice in the case of the government, a railway administration or a company and of thirty days from the said date in other cases.
- (2) In every case in which the assessment or valuation is increased such notice shall state the reasons for increase.
59. Without the sanction of the Council the chairman shall not remove from such register any property liable to betterment contribution.
60. When a revision petition is presented, the Chairman shall unless the date on which the petition will be considered has already been notified, intimate to the petitioner the date on which his petition will be considered; and no petitions shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorized agent to represent his case.
61. Immediately after the disposal of a revision petition the chairman shall inform the petitioner or his authorized agent in writing of the orders passed hereon, direct him to pay the amount fixed on revision within a specified date not being less than 30 days from the date of such disposal and if necessary arrange for correcting the assessment register.
62. (i) An appeal shall lie to the Division Peishkar or such other officer as may be empowered by our Government in this behalf from time to time against the orders under Rule 61.
- (ii) The appeal shall be made in writing and set forth concisely and under distinct heads the grounds of objection to the order appealed against.
- (iii) No appeal shall be heard unless it be presented on or before the date specified in the Chairman's order or the payment of the levy.

Provided that an appeal may be admitted after the expiration of the period prescribed therefore by this Rule if the appellant satisfies the officer before whom the appeal is preferred that he has sufficient cause for not presenting the appeal within the period.

63. The Assessment register shall be corrected in accordance with any orders passed by the appellate authority on appeal. In the event of the amount of contribution being reduced or remitted by the appellate authority the chairman shall grant a refund accordingly.

64. The assessment or demand of any betterment contribution then no appeal is made as herein before provided, and when such an appeal is made, the adjudication of the appellate authority thereon shall be final:

Provided that where any assessment or demand not on accordance with the assessment register is made nothing in this rule shall be deemed to prohibit a fresh assessment on demand of the contribution being made in accordance herewith.

65. (i) Whenever the title of any person primarily liable to the payment of the betterment contribution in respect of any premises, to or ever such premises is transferred, the person whose title is transferred and the persons to whom it is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it be registered, or after the transfer is effected if no instrument be executed give notice of such transfer to the Chairman.
- (ii) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall given written notice of such transfer to the Chairman within one year from the death of the deceased;
- (iii) The notice to be given under this rule shall be in such form as the chairman may direct, and the transferee or the person to whom the title passes as the case may be shall if so required be bound to produce before the Chairman only. Documents evidencing the transfer or succession.
- (iv) Every person who makes a transfer as aforesaid without giving such notice to the Chairman shall in addition to any other liability which he incurs through such neglect, continue liable for the payment of the betterment contribution assessed on the premises transferred until he gives notice on until the transfer shall have been recorded in the municipal register; but nothing in this rule shall be held to affect:-
- (a) the liability of the transferee for the payment of the said contribution or
 - (b) the prior claim of the council under sub-section (1) of section 24.

Part IV
Town Planning Fund

66. (a) Every municipal council shall maintain in Form No. 23 as account of its transactions relating to town planning in two sections, namely 'ordinary' and 'capital' under the head Town Planning Fund. Such account shall be incorporated under the same head in the consolidated account of the municipal council.
- (b) A summary of the town planning fund for any year shall be submitted to the Director not later than the 1st June of the year following.
67. (i) The items of expenditure which shall be debited and the items of receipts which shall be credited to the 'ordinary' sanction of the Town Planning Account shall be as follows:-
- (a) Items of expenditure
- .
- (1) Salary of staff employed for schemes in general under the Act.
 - (2) Allowances, pensionary contributions and cost of conveyance or hire of vehicles for the officers and servants appointed for the preparation and execution of town planning scheme.
 - (3) Survey charges.
 - (4) Contingencies and equipment renewals.
 - (5) Law charges paid in connection with the schemes.
 - (6) Interest on loans.
 - (7) Stationery, printing and notification expenses and cost of preparation maps and maintenance of records and registers.
- (b) Items of receipt.
- (1) Rent of lands included in schemes.
 - (2) Ground rent.
 - (3) Produce of lands.
 - (4) Betterment contributions.
 - (5) Fees levied on licenses and permission in connection with schemes.
 - (6) Interest on investments.
 - (7) Law charges recovered.

- (8) Sundry charges recovered in connection with schemes including sale proceeds of copies of maps and schemes.
- (ii) the items of expenditure which shall be debited and the items of receipts which shall be credited to the capital section of the town planning account shall be as follows:-
- (a) Items of Expenditure.
- (1) Cost of acquisition of land, buildings etc. under schemes.
 - (2) Cost of works of improvement provided in schemes.
 - (3) Repayment of loans (Sinking fund charges).
 - (4) Investments.
 - (5) Compensation for injurious affection.
 - (6) Advances made.
 - (7) Miscellaneous:-
 - (i) Cost of special surveys required for or under particular schemes; and
 - (ii) Cost of arbitrator including his staff and contingencies.
 - (8) Expenses of enforcement under section 17 (3).
- (b) Items of Receipt
- (1) Grants from Government.
 - (2) Contributions from:
 - (i) Government department.
 - (ii) Other local authorities; and
 - (iii) Private persons.
 - (3) Sale proceeds of lands building and equipment.
 - (4) Loans.
 - (5) Investments realized.
 - (6) Contribution from Municipal funds:-
 - (i) General account – ordinary.
 - (ii) Lighting account;
 - (iii) Remunerative Enterprises; and
 - (iv) Any other account.
 - (7) Recoveries of advances; and
 - (8) Recoveries of the expenses of enforcement under section 17(3).

68. The surplus of receipts over expenditure if any in the ordinary section of the account at the end of a year shall be shown as a balance under the ordinary accounts appropriation being made to the capital account, whenever circumstances require such appropriation.

Part – V

Recovery of Expenses of Enforcement

69. Where any owner commits default or delays the carrying of any work or improvement ordered by a responsible authority under sub-section (3) of section 17 or by the Government on an appeal made to them under that sub-section, the responsible authority may authorize Chairman:
- (a) to cause such works or improvement to be executed or take any measures or do anything which it may consider for the execution of such work or improvement; and
 - (b) to recover the expenses incurred thereby from the owner.
70. The Chairman may, if he thinks fit, take an agreement from the person liable for the payment of any expenses referred to in rule 69 to pay the same in such installments and at such intervals as will secure the payment of the whole amount due with the interest thereon at the rate of 9 per cent, per annum within a period of not more than five years.

Part - VI

Variation or revocation of a Town Planning Scheme

71. (i) The Government shall publish a draft of the notification proposed to be issued by them under sub-section (2) of section 13 in the Government Gazette.
- (ii) The Government shall also communicate copies of the draft to the municipal council in turn shall communicate the same to all persons or bodies concerned with or affected by the proposal. The Chairman shall within ten days of his receipt of the copy of the draft republish it by posting a copy thereon:-
- (a) on the notice board of the office of the municipal council;
 - (b) on the notice board of the office of every Tahsildar within whose revenue jurisdiction any portion of the area included in the scheme is situated; and
 - (c) in one or more conspicuous places in or near the area included in the scheme.

Part – VII

Transfer of funds to the responsible authority by the Municipal Council

72. The concerned municipal council shall pay annually to the responsible authority such amounts as may be fixed in that behalf in the scheme; and where no amount has been so fixed, such amount as may be agreed upon between the concerned municipal council and the responsible authority.
73. The responsible authority shall borrow any money. But the concerned municipal council shall transfer any money borrowed by it for the purpose of the scheme to the responsible authority either in whole or in installments as the later may require.
74. (i) The responsible authority shall maintain an account of its transactions relating to the Town Planning Scheme in accordance with the rules prescribed for municipal councils in Part IV of these rules.
(ii) An annual summary of such account which shall be in Form No. 23 shall be submitted by the responsible authority to the concerned municipal council and the Director not later than the 1st Kanni of the year following.
75. When any street or other work has been constructed or when any open space for purposes of ventilation or recreation or any site for a public purpose has been provided (or acquired) by the responsible authority, it shall on completion be transferred to the concerned municipal council by order of the responsible authority and shall thereafter be maintained by the concerned municipal council.
76. If any difference of opinion arises between the responsible authority and the concerned municipal council in respect of any matter referred to in the foregoing rules the matter shall be referred to the Government whose decision shall be final.

Part – VIII

Short Title and Commencement

77. (1) These rules may be called the Travancore Town Planning Rules.
(2) They shall come into force on the 1st day of Edavam 1113/14th May 1938.

