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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th April, 2017 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 22 OF 2017.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 13th April, 2017).

AN ACT

further to amend the Gujarat Town Planning and Urban Development Act, 1976.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Town Planning and Urban Development (Second Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force at once.

Amendment of
section 7 of
President's Act
No. 27 of 1976.

2. In the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act), in section 7, -

President's Act
No. 27 of 1976.

(i) in sub-section (1), in clause (ii), after the words "town planning schemes", the words "or Local Area Plan" shall be inserted ;

(ii) for sub-section (2), the following shall be substituted namely:-

“(2) On receipt of the proposal from the Area Development Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the Area Development Authorities to the local authority or authorities or an officer within its jurisdiction.”.

Amendment of
section 23 of
President's Act
No. 27 of 1976.

3. In the principal Act, in section 23,-

(i) in sub-section (1), in clause (ii), after the words "town planning schemes", the words "or Local Area Plan" shall be inserted ;

(ii) for sub-section (2), the following shall be substituted namely:-

“(2) On receipt of the proposal from the Urban Development Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the Urban Development Authorities to the local authority or authorities or an officer within its jurisdiction.”.

Amendment of
section 49 of
President's Act
No. 27 of 1976.

4. In the principal Act, in section 49, in sub-section (1), to clause (b), the following proviso shall be inserted, namely:-

“Provided that any such permission or condition thereto shall be in accordance with the Draft Town Planning Scheme sanctioned under sub-section (2) of section 48 and in line with the notification of the Government while according such sanction.”.

Amendment of
section 52 of
President's Act
No. 27 of 1976.

5. In the principal Act, in section 52, in sub-section (1), in Explanation (i), the words “or rupees one lac, whichever is lower” shall be deleted.

Amendment of
section 76A of
President's Act
No. 27 of 1976.

6. In the principal Act, in section 76A, after sub-section (6), the following sub-sections shall be added, namely:-

“(7) Where the State Government sanctions the Local Area Plan under clause (a) of sub-section (6), it shall state in the notification-

(a) the place at which the Local Area Plan shall be kept open for inspection by the public, and

(b) a date on which all the liabilities created by the Local Area Plan shall come in to force:

Provided that the State Government may from time to time extend such period, by notification in the *Official Gazette*, not exceeding three months at a time, as it thinks fit.

(8) On and after the date on which a Local Area Plan comes into force, any person continuing to occupy any land which he is not entitled to occupy under the Local Area Plan shall, within a period of three months, surrender the land to the appropriate authority and if he fails to do so the appropriate authority shall, give a notice in writing to evict within a period specified in the notice. In case, if the person continues to occupy such land for which the notice has been issued, the appropriate authority shall take following measures, namely:-

(a) remove, pull down, or alter any building or other work in the area of the land included in the Local Area Plan which is such as contravenes the Local Area Plan or in the erection or carrying out of which any provision of the Local Area Plan has not been complied with.

(b) any expenses incurred by the appropriate authority under this section shall be recovered from the person in default or the owner of the plot in the manner provided for the recovery of the sums due to the appropriate authority under the provision of this Act.

(c) no persons shall be entitled to compensation in respect of any damage, loss or injury resulting from all action taken by the Appropriate Authority under the provisions of this section except in respect of the building or work begun before the date referred to in clause (b) of sub-section (7) and only in so far as such building or work has proceeded until that date:

Provided that any claim to compensation which is not barred by this sub-section shall be subject to the condition of any agreement entered between the claimant and the Appropriate Authority.”.

7. In the principal Act, in section 119, in sub-section (1), after the words “the State Government”, the words “or, the State Government may *suo moto*,” shall be inserted.
