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NOTIFICATION

No.H.12018/282/2025-LJD(UD&PA), the 23rd June, 2025: The following Act is hereby published for general information.

"The Mizoram Urban & Regional Development Act, 2025."
(Act No. 11 of 2025)

(Received the assent of the Governor of Mizoram on 12.03.2025)

MIZORAM URBAN & REGIONAL DEVELOPMENT ACT, 2025

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THE MIZORAM URBAN AND REGIONAL DEVELOPMENT ACT, 2025

ACT No. 11 OF 2025

AN ACT

To make provision for the regulation of planned growth and development of urban and rural areas and regions in relation to economic growth and protection and preservation and development of natural setting and urban environment and heritage in relation to development, protection, and in the state for matters connected therewith or incidental thereto.

Be it enacted by the Mizoram Legislative Assembly in the Seventy-sixth Year of the Republic of India, as follows namely: -

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.

(1) This Act may be called the Mizoram Urban and Regional Development Act, 2025;

(2) It extends to the whole of the State of Mizoram;

Provided that in the Autonomous Districts of Chakma, Mara and Lai constituted under sub-paragraph (2) of paragraph 1 of the Sixth Schedule to the Constitution of India, the provisions of this Act shall apply only upon a specific request to the State Government is made by the Autonomous District Council.

(3) It shall come into force on the date of publication in the Official Gazette.

2. Definitions.

In this Act, unless the context otherwise requires.-

(a) "Act" means 'the Mizoram Urban and Regional Development Act, 2025';

(b) "agriculture" includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodders, trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, donkeys, mules, pig, fish, poultry and bees and use of any land which is ancillary to the farming of land or other agricultural purpose of a garden to be used along with such building and agricultural shall be constructed accordingly;

(c) "amenities" include roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, service and conveniences;

(d) "appropriate authority" means the Planning Committee or as assigned by the Government;

(e) "building" means construction for whatsoever purpose and of whatsoever materials constructed in every part thereof, whether used as human habitation or not, and may include plinth, walls, chimney, drainage, works fixed platforms, verandah, balcony, works cornice or projection or part of a building or delimiting or intended to be enclosed or delimit any land or space.

(f) "Chief Town and Country Planner" means the officer appointed by the State Government as

the Chief Town & Country Planner, to perform the duties specified in this Act. The officer so appointed shall possess the prescribed degree in Town Planning from a recognized university/ institution.

(g) "Court" means a principal Civil Court of original jurisdiction and includes any other Civil Court empowered by the Government of Mizoram to perform the functions of the court under this Act within the pecuniary local limits of its jurisdiction;

(h) "Department" means Town and Country Planning Office, Urban Development and Poverty Alleviation Department.

(i) "development area" means the planning area or the spatial region, as the case may be for, the purpose of this Act;

(j) "development" with its grammatical variations, means the carrying out of building, engineering, mining, or other operations, in, on, or over or under land on the making of any material change, in any building or land, or in the use of any building or land, and includes re-development and Layout plan and Sub division of any land; and to 'develop' shall be construed accordingly;

(k) "development plan" means the development plan prepared under section 11 of the act.

(l) "District" means a district in a State;

(m) "final plot" means a plot reconstituted from an Original Plot and allotted in a Town Planning Scheme as a final plot;

(n) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(o) "Local Area Plan" means a plan contemplated under section 36 of this Act;

(p) "Local Authority " means such body which is defined under article 12 or Constituted under article 243Q of the Constitution of India which may include any Village Council, Town Committee, Municipality or Municipal Board, Municipal Corporation and any other Authority constituted or designated under any law for the time being in force which would entrust the control or management of local funds and development and which is determined by the Government may determine by notification in the Official Gazette;

(q) "occupier" includes any person for the time being paying or liable to pay to the owner rent or any portion of the rent for the land or the building in respect to which the word is used, or for damages on account of the occupation of such land or building and also includes a rent-free tenant;

(r) "owner", in relation of any land or building or of any part of any land or building, includes the person for the time being receiving the rent or entitled, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose or as a receiver or who would receive such rent or profits if the land or the building or any part of the land or the building were let to a tenant and also includes a mortgagee in possession thereof;

(s) "planning area" or "planning region" means any such area which is declared under section 3 of this Act.

(t) "planning interventions" means the provisions made in the Development Plan or the Town Planning Scheme or the Local Area Plan or in matters of the above namely,

i. any policy made in respect of Development Plan or the Town Planning Scheme or the Local Area Plan; and

ii. any direction made by the State Government or the Appropriate Authority in respect thereto;

(u) "plot" means a portion of land, in the Town Planning Scheme or the Local Area Plan or in any other scheme, held in single or joint ownership with its own independent access from a street or such thoroughfare;

(v) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(w) "Preliminary Scheme" means a preliminary scheme relating to a Town Planning Scheme prepared under this Act;

(x) "prescribed" means prescribed by rules made under this Act;

(y) "property" means the plot or any floor of a building occupied or owned by a person(s);

(z) "Revenue Act" means The Mizoram (Land Revenue) Act, 2013 (Act No. 5 of 2013) or as amended from time to time;

(aa) "regulation" means a regulation made under this Act by the Government and includes zoning and other regulations made as a part of a Development Plan or a Town Planning Scheme or a Local Area Plan;

(ab) "rule" means rules made under this Act;

(ac) "Slum" implies an area within a planning area or region, where living conditions have been identified as being unfit for human habitation as regards the safety, in regard to health or morality of the inhabitants therein;

(ad) "State Government" means for the purpose of this Act, the Government of Mizoram;

(ae) "Town Planning Scheme" means a scheme prepared and notified by a Competent Authority under Sections 21 through 35 of this Act.

(af) "unauthorized development" means the development where, irrespective of ownership, no permission of a building or a part thereof is obtained from the authority competent to give such permission, or having obtained permission, the development is in contravention of the relevant law or of such permission;

CHAPTER II
PLANNING AREAS AND REGIONS

3. Planning areas and regions.-

(1) The State Government, may by notification:-

(a) declare any region in the State to be planning area or planning region for the purposes of this Act;

(b) define the limits of such area or region and specify the name by which such area or region shall be known:

Provided that the State may prescribe the manner in which such a planning area or region is notified, altered or renamed, having due regard to the local authorities comprising such regions and duly providing the opportunity to the residents therein of being heard.

(2) The State Government in consultation with the Planning Committee, as the case may be, by notification –

(a) alter the limits of area or region so as to include therein or exclude there from such area or region as may be specified in the notification;

(b) amalgamate two or more areas or regions so as to form one area or region;

(c) divide any area or region into two or more areas or regions, or

(d) declare that the whole or part of the areas or regions comprising an area or region shall cease to be area or region or part thereof:

Provided that following any such alteration, any reference in any law or instrument or other document to the area or region shall be deemed as renamed in consonance with such alteration.

CHAPTER III
PLANNING COMMITTEE

4. Establishment of the Planning Committee.-

For the purpose of this Act, the State Government shall, by notification in the Official Gazette, establish the Planning Committee for such area as may be specified in the notification issued under section 3 of this Act.

5. Constitution of Planning Committee.-

The Committee shall consist of the following members, namely:

(a) The elected representative to the State Legislature for the Assembly Constituency within which the planning area or region shall be the Chairman of the Committee;

Provided that if such planning area or region spans more than one Assembly Constituency, the State Government shall appoint the Chairperson from amongst the elected representatives of the State Legislature for the Assembly Constituency.

(b) Deputy Commissioner concerned may be appointed as the Vice-Chairman:

Provided that, in cases where the planning area or region spans two or more districts, the State Government shall appoint anyone of the Deputy Commissioners as Vice Chairperson.

(c) Chief Town & Country Planner or any officer appointed by him or her as Member Secretary of the Committee.

(d) Other members not exceeding fifteen to be appointed by the State Government having special knowledge on matters specified below: -

- Persons from Finance, Engineering, Planning & Health matters;
- Persons from any other concerned departments;
- Elected representative from the members of the Village Councils AND/OR the Municipalities in the area or region in proportion with the ratio between Urban and Rural population in the area or region.

(e) The Chairman shall preside over the meeting and in his absence the Vice-Chairman, shall preside over the meetings of the Planning Committee constituted under clause (a).

6. Meetings of the Planning Committee.-

(1) The Committee shall meet at such times and places and observe such rules of procedure in regard to the transaction of its business at such meetings as may be provided by the regulations.

(2) No meeting of the Committee shall be held without the presence of at least the Chairman or Vice Chairman.

(3) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present voting and in the case of equality of votes, the members presiding shall have a second or casting vote.

7. Powers and functions of the Planning Committee.-

(1) Subject to the provisions of this Act and the rules made thereunder, the objects of the Committee shall be to promote economic growth of regions, mediate for the protection of

environment and heritage and secure the development of urban and rural areas in the planning area or region and all matters connected therewith or incidental thereto;

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Committee may—

(a) Facilitate the preparation and enforcement of any plan to be made under the provisions of this Act in relation to economic growth and submit to the Government for approval and enforcement;

(b) to oversee the preparation and implementation of various Town Planning Schemes including State Capital Development and its Regional Plans, re-development in such areas or regions as may be approved by the State Government;

(c) guide, direct and assist the local authority and other statutory authorities in matters pertaining to planned development;

(d) exercise such other powers and perform such other functions as are supplemental, incidental, or consequential to any of the foregoing powers and functions or as may be directed by the State Government;

(e) undertake the implementation and execution of Development Plan or Town Planning Scheme or the Local Area Plan as may be approved by the State Government;

(f) to determine policies, principles, standards, guidelines, and procedures to make and implement the Development Plan or the Town Planning Scheme or the Local Area Plan and thereof, itself adopt them and issue directions to the Town Planning Committee or any other Authority or person for adoption;

(g) control the development activities in accordance with the Development Plan or the Town Planning Scheme or the Local Area Plan;

(h) to formulate schemes for environmental improvement of slum, environment planning and assess environment impact, coordinate with various environmental schemes and to undertake development in such areas or regions;

(i) to prepare scheme for improvement of bad sanitation sites, unsound buildings, narrow streets and to undertake development in such areas or regions as may be approved by the Government;

(j) to cause the clearance of improvement of slum and shanty areas and undertake development of such areas or regions;

(k) to exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act;

(l) to carry out works and surveys within planning areas or regions to prepare Regional Development Plan.

(3) The Committee as the case maybe, in preparing the Development Plan or the Town Planning Scheme or any other plan made under this Act have regard to-

(i) the Plans prepared by the Municipalities and the Local Council/ Village Councils including Spatial Planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservations;

(ii) the overall objectives and priorities set by the Government of India and the State Government;

8. Competent Planning Authorities.-

(1) Where a municipal body is not in place within the notified planning area or planning region, development plan, town planning schemes, local area or functional plans for such planning areas or planning regions shall be prepared by or caused to be prepared by the Chief Town & Country Planner or any official authorized by him or her.

(2) Where a Municipal body, such as a Municipal Corporation, Council or a Board is present within the notified planning area or region, the Commissioner or Executive Officer, through the Town Planner appointed by such Corporation, Council or Board may prepare development plan, town planning schemes, local area or functional plans upon direction from the state government.

Provided that such functions shall be discharged in accordance with the provisions of sections 330 through 344 of the Mizoram Municipalities Act, 2007:

Provided further that where urban development region has been notified under section 340 of Mizoram Municipal Act, 2007, the Board of Councilors shall be deemed as equivalent to the Planning Committee.

(3) Where a Municipal body, such as a Municipal Corporation, Council or a Board is present within the notified planning area or region, the State Government through the Chief Town Planner may prepare the development plan, town planning schemes, local area or functional plans for the Municipal Corporation, Council or Board, if necessary.

9. Plans to be prepared by the Competent Planning Authorities.-

(1) The Competent Planning Authorities shall be obligated to prepare the following plans;-

(a) Development Plan, in accordance with section 11 to section 20 of this Act;

(b) Town Planning Schemes, in accordance with section 21 to section 34 of this Act;

(c) Local Area Plans, in accordance with section 36 to section 49 of this Act;

(d) Functional Plans, as may be directed by the State Government from time to time, such as Comprehensive Mobility Plans or any plans for implementation of infrastructure or basic services in accordance with any other plan made under the provisions of this Act.

(e) Action Plans, which may be adopted by competent planning or local authorities to implement plans made under the provisions of this Act or as may be directed by the State Government.

(2) Plans shall remain in force until replaced with another plan or withdrawn by the State Government.

CHAPTER IV
APPOINTMENT OF THE CHIEF TOWN & COUNTRY PLANNER

10. Appointment of the Chief Town & Country Planner.-

For the purpose of this Act, the State Government shall, by notification in the Official Gazette, establish the Planning Committee for such area as may be specified in the notification issued under section 3 of this Act.

(1) On and from the commencement of this Act, the State Government shall, by notification in the Official Gazette, appoint a person possessing the prescribed degree in Town Planning as the *Chief Town & Country Planner* to perform the functions assigned to him under this Act and may appoint such categories of officers and staff which may be necessary for the discharge of the duties and the functions of the Appropriate Authority;

Provided that the Government may appoint more than one Chief Town & Country Planner in order to address matters related to this Act, dividing responsibilities between them.

(2) The *Chief Town & Country Planner* shall exercise such powers and perform such duties as are conferred upon him by or under this Act and the Officers or staff to assist within such area or region as the State Government may specify, exercise such powers and perform such duties conferred and the *Chief Town & Country Planner* by or under this Act, as the State Government may, by special or general order, direct.

(3) The Officers and staff appointed to assist the *Chief Town & Country Planner* shall be subordinate to him and shall work under his guidance, supervision and control.

(4) The head of office of the Chief Town & Country Planner shall be at the Capital of the State of Mizoram.

CHAPTER V
DEVELOPMENT PLAN

11. Development Plan.-

(1) As soon as maybe after the establishment of the Appropriate Authority for the Development Area the Appropriate Authority shall, not later than three years after the declaration of such Development Area or within such time as the State Government may, from time to time, extend, prepare and submit to the State Government a draft Development Plan for the whole or any part of the Development Area in accordance with the provisions of this Act.

(2) If a draft Development Plan is not prepared and submitted to the State Government by any area Appropriate Authority within the period specified in sub-section (1) or within the period extended under that sub-section, an Officer appointed by the State Government in this behalf may prepare and submit to the State Government in the prescribed manner a draft Development Plan and recover the cost thereof from such area Appropriate Authority out of its funds.

(3) The draft Development Plan shall be prepared in the manner as prescribed in section 13.

12. Copy of draft development plan to be open for public inspection.-

A copy of the draft Development Plan as prepared under section 11 in respect of any area shall be kept open for inspection by the public during office hours at the head office of the Appropriate Authority, or as the case may be, at the office of the authorized Officer.

13. Contents of draft development plan.-

(1) A draft Development Plan shall indicate the manner in which the use of land in the area covered by it shall be regulated and also indicate the manner in which the development therein shall be carried out.

(2) In particular, it shall provide, so far as may be necessary, for all or any of the following matters, namely:-

(a) proposals for designating the use of the land for residential, industrial, commercial, educational, agricultural and recreation purposes or overlay zoning or such other purposes;

(b) proposals for the reservation of land for public purposes, and for such other purposes as may, from time to time, be specified by the State Government;

(c) proposals for designation of areas for zoological gardens, green belts, natural reserves, water body, water course and sanctuaries;

(d) proposals for mobility, transport and communications including extension and development of such;

(e) proposals for supply, recharge, reuse & conserve water, drainage, sewage disposal, storm water drainage, other public utility amenities and services;

(f) proposals for energy efficiency, use of non – conventional energy;

(g) reservation of land for community facilities and services;

(h) allocation of areas to be developed for 'township project' or any other type of large development projects may be established;

(i) preservation, conservation and development of areas of natural scenery and landscape

and of heritage building and heritage precincts;

(j) proposals for flood control and prevention of river pollution;

(k) the filling up or reclamation of low lying, swampy or unhealthy areas or leveling up of land;

(l) proposals for the reservation of land for the purpose of Union, any State, local authority or any other Authority or body established by or under any law for the time being in force;

(m) provision for controlling and regulating the use and development of land, construction of building with provision of open spaces within the Development Area including Transferable Development Rights (TDR), imposition of development charges or other charges at such rate as may be provided, parking spaces, loading and unloading space, and other matters as may be considered necessary for carrying out the objects of this Act;

(n) provision for preventing or removing pollution of water or air caused by the discharge of waste or other means as a result of the use of land;

(o) such other proposals for public or other purposes as may from time to time be approved by the Appropriate Authority or as may be directed by the State Government in this behalf.

14. Publication of draft development plan.-

(1) The Appropriate Authority or, as the case may be, the authorized officer shall, as soon as may be, after a draft Development Plan is prepared and submitted to the State Government under section 11, publish it in the Official Gazette and in such other manner as may be prescribed along with a notice in the prescribed manner, inviting suggestions or objections from any person with respect to the Development Plan within a period of two months from the date of its publication.

(2) The following particulars shall be published along with the draft Development Plan, namely:-

(a) The existing Land Use maps;

(b) A narrative report, supported by maps, documents and charts, explaining the provisions of the Draft Development Plan;

(c) The provisions of enforcing the draft Development Plan;

(d) The phasing of implementation of the draft Development Plan as suggested by the Department;

(e) an approximate estimate of the cost involved in acquisition of land reserved for public purposes and the cost of works involved in the implementation of the Development Plan.

(f) A Note indicating the priorities assigned to works included in the draft Development Plan and the phasing of the programmes of development as such;

(g) A Notice on the role being assigned to different Government Agencies and the Local Authorities [or Voluntary Organizations or Privates] in the enforcement and implementation of the Development Plan;

15. Suggestions or objections to draft development plan to be considered.-

If within the period specified in sub - section(1) of section 14 any person communicates in writing

to the Appropriate Authority, or, as the case may be, to the authorized Officer any suggestions or objections relating to the draft Development Plan, the said Authority or Officer shall consider such suggestions or objections and then shall submit the same to the State Government along with his or its opinion on such objections or suggestions.

16. Modifications made after publication of draft development plan.-

When the modifications made by an Appropriate Authority or, as the case may be, by the authorized officer, are of an extensive or of a substantial nature, the said Authority or the authorized officer shall publish the modifications in the Official Gazette along with a notice in the prescribed manner inviting suggestions or objections from any person with respect to the proposed modifications within a period of two months from the date of publication of such notice and thereupon, the provisions of section 15 shall apply in relation to such suggestions or objections.

17. Submission of draft development plan to the State Government for sanction.-

(1) After a draft Development Plan is published as aforesaid and the objections or suggestions thereto, if any, are received, the Appropriate Authority or, as the case may be, the authorized Officer shall, within a period of six months from the date of publication of the draft Development Plan under section 14, submit to the State Government for its sanction the draft Development Plan and the regulations:

Provided that the State Government may, on an application by the Appropriate Authority or the authorized officer, by order in writing, extend from time to time, the said period by such further period or periods as may be specified in the order, so however, that the period or periods so extended shall not, in any case, exceed twelve months in the aggregate.

(2) The particulars published under sub-section (2) of section 14, and the suggestions or objections received under section 15, shall also be submitted to the State Government, along with the draft Development Plan.

18. Power of State Government to sanction draft development plan.-

(1) On receipt of the draft Development Plan under section 17, the State Government may, by notification: -

(i) Sanction the draft Development Plan and the regulation so received, within the prescribed period, either without modification, or subject to such modification, as it may consider proper; or

(ii) Return the draft Development Plan and the regulations to the Appropriate Authority or, as the case may be, to the authorized Officer, for modifying the plan and the regulations in such manner as it may direct:

Provided that, where the State Government is of the opinion that substantial modifications in the draft Development Plan and regulations are necessary, the State Government may publish the modifications in the Official Gazette along with a notice inviting suggestions or objections with respect to the proposed modifications within a period of two months from the date of publication of such notice; or

(2) Where a Development Plan and regulations are returned to an Appropriate Authority, or, as the case may be, the authorized Officer under clause(ii) of sub-section (1), the

Appropriate Authority, or, as the case may be, the authorized Officer, shall carry out the modifications therein as directed by the State Government and submit it to the State Government for sanction.

(3) Where the State Government has published the modification in a draft Development Plan, the State Government shall, after taking into consideration the suggestions or objections, and thereafter accord sanction to the draft Development Plan and the regulations in such modified form as it may consider fit.

(4) The sanction accorded under clause (i) or clause (ii) shall be notified by the State Government in the Official Gazette and the draft Development Plan together with the regulations so sanctioned shall be called the final Development Plan.

(5) The final Development Plan shall come into force on such date as the State Government may specify in the notification issued under sub-section (4).

(6) After the final Development Plan comes into force, the Appropriate Authority concerned may execute any work for developing, re-developing or improving any area within the area covered by the plan in accordance with the proposals contained in the Development Plan.

19. Acquisition of land.-

(1) The Appropriate Authority or any other authority for whose purpose land is designated in the final Development Plan for any purpose specified in clause(b), clause(d), clause(f), clause(k), clause(n) or clause(o) of sub- section (2) of section 13, may acquire the land, -

(a) By way of assigning Development Rights to the owner against the area of land surrendered free of cost and free from all encumbrances;

(b) Under the provisions of the extant Act and rules.

(2) If the land referred to in sub-section(1) is not acquired by agreement within a period of ten years from the date of the coming into force of the final Development Plan, the owner or any person interested in the land may serve a notice on the Authority concerned requiring it to acquire the land and if within six months from the date of service of such notice the land is not acquired or no steps are commenced for its acquisition, the designation of the land as aforesaid shall be deemed to have lapsed.

20. Review and revision of Development Plan.-

At least once in ten years from the date on which a final Development Plan comes into force, the Appropriate Authority shall carry out a review of the Development Plan and revise it, if necessary, including replacing the same with a new development plan.

Provided that till such time the new plan is notified, the current development plan shall remain in force.

Provided further that town planning schemes within the jurisdiction of the current plan shall also remain to be in force even after the new plan is notified, unless such town planning scheme itself is revised in provision with the law.

CHAPTER VI
TOWN PLANNING SCHEME

21. Town Planning Scheme.-

(1) A Town Planning Scheme may be made in accordance with the provisions of this Act in respect of land which is: -

(i) In the course of development,

(ii) Likely to be used for building purposes, or

(iii) Already built up.

Explanation:-

The expression "Land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasures or recreational grounds, parking spaces, or the purpose of executing any work upon or under the land incidental to a scheme, whether in the nature of a building work or not.

Provided that the State Government may in this behalf direct any Appropriate Authority by specific or general order to make Town Planning Scheme for any area in the State.

(2) For any Town Planning Scheme construed under sub-section (1) or sub-section (2), the Appropriate Authority, shall determine and delineate the limits.

Provided that, the Appropriate Authority shall not determine and delineate the limits without having consultation with the Chief Town and Country Planner of Mizoram, as the case may be.

22. Contents of a Town Planning Scheme.-

(1) The Town Planning Scheme may make provision for all or any of the following matter, namely: -

(a) The acquisition and development of land, laying out or rearranging of land either vacant or already built up;

(b) the area or region, ownership and tenure of all existing plots covered by the development schemes;

(c) layout of new street or roads, construction, improvement and stopping up of streets, roads and communications;

(d) re-adjustment of plots or demolition of obstructive buildings or portion of buildings;

(e) the extent to which the area or region proposed to alter the boundaries of the original plot by re-constitution;

(f) the construction, alteration and removal of buildings, houses, shopping centers, cultural centers, administrative centers, bridges and other structures including detail and allotment or reserve and to which such land is to put into use;

(g) acquisition and development of land, allotment or earmarking of roads, parking spaces, open space, garden, recreation, playground, school, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purpose of all kinds;

(h) earmarking of land to the extent of which the State Government may determine from time to time, for the purpose of providing housing accommodation to socially and economically backward classes of people and of such other class of people as may be determined by the State Government;

(i) provisions of drainage and sewerage, disposal of waste, re-use and conservation and prevention of contamination to water point or rivers or other resources;

(j) water supply;

(k) lighting;

(l) the preservation and protection of objects of historical or national importance, natural beauty and building used for religious purposes;

(m) environments impact assessment of urban and rural areas and other projects and planting and care of trees on roadside and for landscaping;

(n) provision for controlling and regulating the use and development of land and building with open spaces within the Development Area, including Transferable Development Rights (TDR), imposition of development charges or other charges at such rate as may be provided;

(o) the suspension so far as may be necessary for carrying out of the Development scheme, of any rule, bye-law, regulation, notification or order made or issued under any act of the Legislative Assembly of the State is competent to amend;

(p) acquisition of land, purchase, sale of land for the purpose of town expansion, assess, exchange or otherwise of any property necessary for or affected by the execution of the Development scheme;

(q) an estimate of the total cost of the development scheme and the net cost to be borne by the Appropriate Authority;

(i) full description of all details of the Development schemes,

(ii) any other prescribed particulars.

23. Declaration of intent to prepare a town planning scheme.-

(1) The Appropriate Authority may at any time declare its intention to prepare a development scheme.

(2) Not later than thirty days from the date of such declaration of intention to make a scheme, the Appropriate Authority shall publish the declaration in the Official Gazette and in such other manner as may be prescribed.

(3) Not later than one year from the date of publication of the declaration under sub-section (2), the Appropriate Authority shall prepare a draft development scheme along with the draft regulations and publish in such manner may be prescribed together with a notice inviting objection and suggestions from any person with respect to the said draft development scheme:

Provided that, immediately after the Draft Scheme is made and before publishing it in the Official Gazette, the Appropriate Authority shall organize an awareness meeting, at the time and place decided by the Authority, to explain the proposals of the scheme to the owners:

Provided further that, on application by the Appropriate Authority, the State Government may, from time to time, by notification, extend the aforesaid period by such period or periods, as may be specified therein.

(4) Immediately after the development scheme is approved with or without modifications the Appropriate Authority shall publish in the Official Gazette and in such other manner as may be prescribed a final development scheme and specify the date on which it shall come into operation.

24. Original plot layout.-

(1) The Appropriate Authority, before declaration of intention under sub section(1) of section 23, shall prepare the record for each plot in the manner as prescribed and publish it in the *Official Gazette* along with a notice in the prescribed manner, inviting suggestions or objections from any person with respect to his plot within a period of two months from the date of its publication.

(2)

(a) The record, to be published under sub-section (1), in general may indicate the manner in which the record is captured and validated;

(b) in particular, the record shall contain, for each plot, the following, namely. –

(i) the boundary, location, area; and

(ii) ownership, tenure and share of interests of different persons;

(3) If within the period specified in sub-section (1) any person communicates in writing to the Appropriate Authority any suggestions or objections with regard to clause (b)of sub-section (2) the said Authority shall consider such suggestions or objections and may modify scheme.

Provided that in matters pertaining to sub-clause (i) of clause (b) of sub-section (2), the Appropriate Authority may modify scheme, as it deems fit.

(4) After carrying out the modifications in sub-section (3), the Appropriate Authority shall, with respect to each plot, determine the Original Plot and publish the Original Plot in the Official Gazette within a period of three months from the date of publication of record under sub-section (1) of section 24.

(5) The Original Plot published under sub-section (4) shall be open for the inspection of the public in the office of the Appropriate Authority.

(6) Except in conditions specified in sub-section (7), the Original Plot published under sub-section (4) shall be considered final for the purpose of the Town Planning Scheme and may only be challenged in the High Court of the State.

(7) Any time after the appointment of the Town Planning Scheme Officer, with regard to any representation made before the Town Planning Scheme Officer, such Officer shall communicate in writing, along with the representation received, to the Appropriate Authority:

Provided that, the representation shall only be considered if it pertains to sub-clause (i) of clause (b) of sub-section (2);

25. Officer appointed for Town Planning Scheme.-

(1) Within one month from the date of publication of the notification sanctioning the scheme in the *Official Gazette*, the State Government shall by an order, appoint a Town Planning Scheme Officer possessing town planning qualifications and holding a position of no less than an Assistant Town Planner, for the purpose of such scheme.

Provided that the State Government may, on the request made by the Appropriate Authority appoint a Town Planning Scheme Officer within one month from the date of

declaration of intention of Draft Scheme under sub- section (1) of section 24.

(2) The Appropriate Authority shall render all reasonable assistance to the Town Planning Scheme Officer and shall allow such Officer to examine all papers, documents and plans connected with the scheme.

(3) Subject to the provisions of sub-section (3), a Town Planning Scheme Officer appointed under sub-section (1) for the purpose of any scheme shall cease to hold office with effect from the date on which the Final Scheme is sanctioned.

26. Duties of officer appointed for town planning scheme.-

Within a period of twelve months from the date of appointment, the Town Planning Scheme Officer shall, after following the prescribed procedure, split the Town Planning Scheme into a Preliminary Scheme and a Final Scheme. Provided that on the receipt of an application, mentioning the reasons for extension, made by the Town Planning Scheme Officer, the State Government, may, from time to time, by order in writing extend the said period by such further period or periods, but not exceeding six months at a time, as may be specified in the order and any such order extending the period may be made so as to have retrospective effect. However, the periods so extended may in aggregate not exceed more than 24 months.

27. Contents for preliminary & final scheme.-

(1) In a Preliminary Scheme, the Town Planning Scheme Officer shall,

(a) After giving notice in the prescribed manner and in the prescribed form to the persons affected by the scheme, define and demarcate the areas allotted to or earmarked for any public purpose or for a purpose of the Appropriate Authority, and the Final Plots;

(b) After giving notice as aforesaid, determine in cases in which a Final Plot is to be allotted to persons in ownership in common, the shares of such persons;

(c) Provide for the total or partial transfer of any right(s) in an Original Plot to a Final Plot, or provide for the transfer of any right(s) in an Original Plot in accordance with provisions of section 28.

(2) The Town Planning Scheme Officer shall on the sanction of the Preliminary Scheme prepare and submit to the State Government the Final Scheme in accordance with the provisions of sub-section (3).

(3) In the Final Scheme, the Town Planning Scheme Officer shall,-

(a) fix the difference between the total of the values of the Original Plots and the total of the values of the plots included in the scheme in accordance with clause (vii) of sub-section (1) of section 72;

(b) determine whether the areas used, allotted, or earmarked for a public purpose or purposes of the Appropriate Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(c) estimate the portion of the sums payable as compensation on each plot used, allotted, or earmarked for a public purpose or for the purpose of the Appropriate Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(d) calculate the contribution to be levied under section 73, on each plot used, allotted, or earmarked for a public purpose or for the purpose of the Appropriate Authority

which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(e) determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes;

(f) estimate the increment to accrue in respect of each plot included in the scheme in accordance with the provisions of section;

(g) calculate the proportion of the contribution to be levied on each plot in the Final Scheme to the increment estimated to accrue in respect of such plot under section 73;

(h) calculate the contribution to be levied on each plot included in the Final Scheme;

(i) determine the amount to be deducted from, or added to, as the case maybe, the contribution leviable from a person in accordance with the provisions of section 73;

(j) estimate with reference to claims made before Town Planning Scheme Officer, after notice has been given by such Officer in the prescribed manner and in the prescribed form, the compensation to be paid to the owner of any property or right injuriously affected by the making of the Town Planning Scheme in accordance with the provisions of section 75;

(k) draw in the prescribed form the preliminary and the Final Scheme in accordance with the Draft Scheme:

Provided that the Town Planning Scheme Officer may make modification in the Draft Scheme, but no such modification, if it is of a substantial nature, shall be made except with the previous sanction of the State Government, and except after hearing the Appropriate Authority and any owners who may raise objections.

Explanation–

(i) For the purpose of this provision "modification of a substantial nature" means a modification which is estimated by the Town Planning Scheme Officer to involve an increase of more than ten percent in the costs of the scheme as is described in section 72 or on account of the provisions of new works or the allotment of additional sites for public purposes included in the Preliminary Scheme drawn up by the Town Planning Scheme Officer;

(ii) If there is any difference of opinion between the Town Planning Scheme Officer and the Appropriate Authority as to whether a modification made by the Town Planning Scheme Officer is of substantial nature or not, the matter shall be referred by the appropriate authority to the State Government whose decision shall be final

28. Development Rights.-

Development Rights" shall encompass the rights to construct a certain amount of built up area upon a given plot within a planning area. Such rights would be denoted in terms of constructed floor area and may be given to the owner of the land as consideration for encumbrance free land acquired by the Government for any purpose, whether under this Act or any other Act being in force.

Provided that such development rights may be utilized by the person being dispossessed of such land either on the balance land or transferred to another person for use within the same planning area with or without a consideration.

Provided further that the Government may prescribe rules, regulations or directions regarding

the issue and utilization of such development rights from time to time.

29. Usage of development rights.-

Any right in an Original Plot which in the opinion of the Town Planning Scheme Officer is capable of being transferred wholly or in part, without prejudice to the making of a Town Planning Scheme, to a Final Plot shall be so transferred and any right in an Original Plot which in the opinion of the Town Planning Scheme Officer is not capable of being so transferred shall be extinguished:

Provided that an Agricultural Lease shall not be transferred from an Original Plot to a Final Plot without the consent of all the parties to such lease.

30. Power of State Government to sanction or refusal thereof to preliminary or final scheme.-

On receipt of the Preliminary Scheme or, as the case may be, the Final Scheme, the State Government may-

(a) in the case of a Preliminary Scheme, within a period of two months from the date of its receipt, and

(b) in the case of a Final Scheme, within a period of three months from the date of its receipt,

By notification, sanction the Preliminary Scheme or the Final Scheme, or refuse to give sanction, provided that in sanctioning any such scheme, the State Government may make such modifications, as may, in its opinion, be necessary for the purpose of making necessary corrections in the Town Planning Scheme.

31. Power of State Government to issue directions.-

(1) The State Government may, if it considers necessary in public interest so to do, give direction to the Chief Town & Country Planner or Municipalities or Government agencies or any Local authority.

(i) To frame a development scheme;

(ii) To modify a development scheme for reasons to be specified in such direction;

(2) The directions given by the State Government under this section shall be binding on the Chief Town & Country Planner or Municipalities or Government Agencies or any Local authority.

32. Imposition of restrictions in land use and development.-

As from the date of publication to prepare a development scheme, no person shall, within the area or region included in the scheme, institute or change the use of any land or building or carry out any development scheme in accordance with the development authorized by the Appropriate Authority or the Department in accordance with the provisions of this Act prior to the publication of such declaration.

33. Disposal of land, buildings and development works.-

Notwithstanding any other law in force made in this behalf, the State Government may, by regulation, determine the procedure for the disposal of land, houses, buildings and other structures.

34. Development charges.-

The development charges to be paid from time to time shall be such as may be prescribed.

35. Mode of levy of charges.-

The State Government shall, by rules, determine the method, manner, conditions, and mode of levy, collection of development charges and other fees chargeable under this Act from time to time.

CHAPTER VII
LOCAL AREA PLAN

36. Local Area Plan.-

(1) Subject to the provisions of this Act or any other law for the time being in force and having regard to the proposals of the interventions made thereunder for the development of the area, the Appropriate Authority, may make one or more Local Area Plans in respect of any area within its functional area, where interventions are required in respect of economic, physical, environmental & social matters and in particular in respect of any land which, -

(i) Is already built upon or is in the course of development;

(ii) Has old, dilapidated, and unauthorized structures and requires redevelopment;

(iii) Attracts retrofitting in respect of,-

(a) Disaster preparedness

(b) Management of built areas surrounding heritage structures and places;

Provided that the State Government may in this behalf direct any Appropriate Authority by specific or general order to make Local Area Plan for any area in the State.

Provided further that in the case of Aizawl, the plan for each zone as defined in the Master Plan of Aizawl, 2030 shall be treated at par with a local area plan.

(2) Subject to the provisions of this Act or any other law for the time being in force, the Appropriate Authority, may make one or more Local Area Plan(s) for the area under its jurisdiction or any other area as may be notified by the State Government;

(3) For any Local Area Plan construed under sub-section (1) or sub-section (2), the Appropriate Authority, shall determine and delineate the limits. Provided that, the Appropriate Authority shall not determine and delineate the limits without having consultation with the Chief Town and Country Planner of Mizoram.

37. Determining record of rights. -

(1) The Appropriate Authority, before making any Local Area Plan under section 36, for each record and right shall, in the manner as prescribed, publish in the *Official Gazette* along with a notice in the prescribed manner, inviting objections, within a period of two months from the date of its publication, from any person in that respect. Also, about the publication, communicate in writing, to the State Government and the Director of Land Revenue & Settlement Department.

(2) (a) The record, to be published under sub-section (1), in general may indicate the manner in which the record is captured and validated;

(b) in particular, the record shall contain, for each plot, the following, namely-

(i) the boundary, location, area of the land and the buildings thereon, as determined after measurements;

(ii) the property details,-

(a) as recorded in the municipal records or with the City Survey Officer,

namely: the property number, name of the property holder, the nature of holding (i.e., free hold or lease hold or tenant); and

(b) the existing facilities, specifying for each facility, the terms and conditions and the nature of users, namely individual or common;

(c) the beneficiaries of facilities, and in particular those facilities where the beneficiaries have common rights.

(iii) the shares of each person and related to any general or specific terms and conditions with regard to any matter pertains to clause(i) and (ii);

(3) If within the period specified in sub-section (1) any person communicates in writing to the Appropriate Authority any objections with regard to clause (b) of sub-section (2), the said Authority shall consider such objections, for pertaining matter, may modify Local Area Plan, provided that in matters pertaining to sub-clause (i) of clause (b) of sub-section (2), the Appropriate Authority may modify, as it deems fit.

(4) After carrying out the modifications in sub-section (3), the Appropriate Authority shall with respect to each record and right, within a period of three months form the date of publication under sub-section (1), publish final record and rights in the Official Gazette.

(5) The records and rights published under sub-section (4) shall be open for the inspection of the public in the office of the Appropriate Authority and shall be considered final for the purpose of the Local Area Plan.

38. Contents of a Local Area Plan.-

(1) A Local Area Plan may be a Statement incorporating policy, plan(s), scheme(s), projects, and strategies for implementation wherein provisions may be made for all or any of the following matters, as the Appropriate Authority deems fit, namely: -

(a) Laying out or relaying new or old streets or roads or communications and their appurtenant structures to improve and augment access;

(b) designating or the allotment of the land for open spaces, gardens, recreation, schools, markets, commercial, public purpose, space for pickup or drop off points, space for passageway for access to: parking, buildings & spaces for common use;

(c) allotment of land for sale by the Appropriate Authority, for residential, commercial, or industrial use depending upon the nature of development;

(d) the preservation and protection of objects of historical or national interest, natural beauty, and of buildings actually used for religious purposes;

(e) The imposition of conditions and restrictions in regard to the building envelopes and open space to be maintained around buildings, the percentage and size of building area on a plot, with respect to buildings, the number, size, height and character, architectural elements & faced, to be allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking spaces and loading and unloading space for any building and the sizes or locations of projections and advertisement signs;

(f) lighting, water supply, drainage inclusive of sewerage, surface or sub-soil drainage and management of sewerage;

(g) the suspension, so far as may be necessary, for the proper carrying out of the Local

Area Plan, of any rule, byelaw, regulation, notification, or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend:

(h) such other matters not inconsistent with the provisions in any other law pertaining to the natural disaster or hazard prone areas;

(i) such other interventions in respect of economic, social, and environmental aspects;

(2) (a) The proceeds from the sale of land referred to in sub-clause(d)of sub-section (1) shall be used for the purpose of providing infrastructural facilities;

(b) any suspension referred to in sub clause (g) of sub-section (1) shall under this clause shall cease to operate in the event of the State Government refusing to sanction the Local Area Plan or in the event of withdrawal of scheme, under section 47 or on the coming into force of the Local Area Plan.

39. Declaration of intent to prepare Local Area Plan.-

(1) For any Local Area Plan to be made under sub-section (1) of section 36, the Appropriate Authority, shall pass are solution to declare its intention to make the Local Area Plan and thereafter, within twenty-one days publish it in the *Official Gazette* and in one or more newspapers having wider circulation in its area, and shall submit a copy thereof along with a plan showing the area which it proposes to include in the Local Area Plan to the State Government.

(2) A copy of the plan submitted to the State Government under sub-section (1) shall be made open to the inspection of the public during office hours at the office of the Appropriate Authority.

40. Preparation and publication of Local Area Plan.-

(1) Within nine months from the date of declaration of intention, the Appropriate Authority, shall prepare a draft Local Area Plan of the area in respect of which the said declaration has been made and publish the same in the *Official Gazette*, inviting suggestions and objections within a period of two months from the date of its publication, along with the regulations, in the manner as may be prescribed, and submit to the State Government a draft Local Area Plan in accordance with the provisions of this Act:

Provided that on application by the appropriate authority, in that behalf, the State Government may, from time to time, by notification, extend the aforesaid period by such period or periods, as may be specified therein, however, that the period or periods so extended shall not in any case exceed three months in the aggregate.

(2) With regard to sub-section (1), the following particulars shall be published, namely: -

(a) records and rights published in accordance with sub-section (4) of section 37;

(b) the survey(s) carried out for the preparation of the Local Area Plan, the maps, charts, and Statements explaining the provisions of the Local Area Plan;

(c) Statement specifying the policy, plan(s), scheme(s), projects, and strategies for its implementation;

(d) plan(s) showing the uses to which lands are proposed;

(e) the plan showing the envelope(s) of different structures, the setbacks, and facade controls;

(f) the plan showing the designation of spaces for public and private use, and the details related conditions and specifications of development;

(g) regulations for enforcing the proposals;

(h) an estimate of the cost of Local Area Plan.

(3) A copy of the draft Local Area Plan as prepared under sub-section (1) in respect of any area shall be kept open for inspection by the public during office hours at the head office of the Appropriate Authority, or as the case may be, at the office of the Authorized Officer.

(4) If within the period specified in sub-section (1) any person communicates in writing to the Appropriate Authority, or as the case may be, to the Authorized Officer any suggestions or objections relating to the draft Local Area Plan, the said Authority or Officer shall consider such suggestions or objections and may modify such plan as it is or as such Authority or Officer thinks fit.

(5) Where the modifications made by an appropriate authority or, as the case may be, by the Authorized Officer in the draft Local Area Plan, are of extensive or of a substantive nature, the said authority, or, as the case may be, the Authorized Officer shall publish the modifications in the Official Gazette along with a notice in the prescribed manner inviting suggestions or objections from any person with respect to the proposed modifications within a period of two months from the date of publication of such notice.

(6) On receipt of any suggestions or objections, in regard to publication made under sub-section (5) or otherwise, the Appropriate Authority or, as the case may be, the Authorized Officer may, if deemed fit, make modifications, and determine the final draft Local Area Plan.

41. Contents of Draft Local Area Plan.-

(1) A draft Local Area Plan shall contain full description of all the details under section 37 as may be applicable and in particular the following particulars, so far as may be necessary, namely: -

(a) the record and rights published under sub-section (4) of section 37;

(b) the particulars of land allotted or designation with regard to clause (a), (b), (c) and (d) of sub-section (1) of section 37 specifying the terms and conditions thereof;

(c) fix the extent to which it is proposed to alter the boundaries with respect to proposals under clause (a);

(d) specify the particulars under clause (e) of section 1 of section 38;

(e) fix the extent to which the rights of persons, holding different property rights of a plot, are relinquished, or infringed or altered or appropriated in regard to clauses (b) and (d);

(f) determine whether the areas used, allotted, or earmarked under clause(b) of sub-section (1) of section 38 are beneficial wholly or partly to the owners or residents within the area of the Local Area Plan;

(g) determine the extent of benefits to the owners or residents within the area of the Local Area Plan with respect to the proposals under clauses (b), (d), (e), and (f);

(h) the cost with regard to conditions imposed in clauses (b), (d), (e) and (f);

(i) estimate the sums payable as compensation in respect of each plot wherein each of estimate is at the value prescribed under the rules at the date of the declaration of intention to make a Local Area Plan, with all the buildings and works thereon at

the said date and without reference to improvements contemplated in the Local Area Plan other than improvements, considering the effect of the conditions imposed in clause (b) and with regard to clauses (e) and (f);

(j) estimate the portion of the sums payable as compensation on each plot used, allotted, or reserved for a public purpose or for the purpose of the Appropriate Authority which is beneficial partly to theowners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the Local Area Plan;

(k) calculate the contribution to be levied on each property included in the Local Area Plan;

(l) provisions made as projects or arrangements with regard to clause (i) of sub-section (1) of section 38;

(m) estimates of the cost with respect to clauses (b) and (g), measures take under clauses (i) and (j);

(n) an estimate of the total cost of the Local Area Plan and the net cost to be borne by the Appropriate Authority;

(o) the size of plots and building envelopes shall be determined, so far as may be, to render it suitable for building purposes and where a plot is already built upon, to ensure that the building, as far as possible complies with the provisions of the scheme as regards the provisions under clause (e) of sub-section (1) of section 38.

(2) Soon after the sanction is granted by the Government, where under clauses (b), (c) and (e) of sub-section (1), the purpose to which the property rights may not be appropriated, the property rights shall cease to exist, and the person affected by the provision shall be entitled to compensation from the Appropriate Authority in the manner and according to the method prescribed.

42. Demarcation of areas and plots.-

Soon after of the publication in the *Official Gazette* under section 40,and within four months of such publication, in respect of the final draft Local Area Plan, the Appropriate Authority shall, after giving notice in the prescribed manner and in the prescribed form to the persons affected by the proposals under clauses(c)and(e) of sub-section (1) of section 40, define and demarcate the areas allotted to, or earmarked for, any public purpose, or for a purpose of the Appropriate Authority.

43. Appeals against draft Local Area Plan. -

(1) Within one month from the date of publication in the Official Gazette under section 40, an appeal can be made to the appropriate authority by any party aggrieved by the proposals of the final draft Local Area Plan in respect of matters under section 43.

(2) Except in matters arising out of sub-section (1) of section 43, the proposals of the final draft Local Area Plan published under sub-section (6) of section 40 shall be final and binding on all persons.

(3) Where no appeal is made within the specified time, under sub-section (1), the appropriate authority shall send to the State Government, a certificate of not having received any appeals.

44. Submission of final draft local area plan to government. -

Soon after the requirements completed under sub-section (6) of section 40, the Appropriate

Authority or, as the case may be, the authorized officer shall and not later than a period of eighteen months from the date of the publication of the draft Local Area Plan under sub-section (1) of section 40, submit to the State Government for its sanction the final draft Local Area Plan with the modifications, if any, made thereto under sub-section (6) of section 40.

45. Power of government to sanction Local Area Plan or refusal thereof.-

(1) On receipt of the draft Local Area Plan, the State Government, within a period of two months from the date of its receipt, may make inquiry as it may think fit and by notification,-

(a) Sanction such Local Area Plan as it is, or may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality and sanction with modifications; or

(b) return the plan to the Appropriate Authority with directions as it may think fit; or

(c) refuse to sanction.

(2) The State Government before taking any decision under sub-section (1), shall, after making an inquiry as it deems fit, if necessary, make any modifications in the draft Local Area Plan submitted by the Appropriate Authority under section 44, in accordance with decision of the after an Appeal (if any).

(3) Where the State Government sanctions the Local Area Plan under clause (a) of sub-section (1), it shall state in the notification-

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

(b) a date on which the plan shall come into force:

(4) On and after the date fixed in such notification, the Local Area Plan shall have effect as if it were enacted in this Act.

46. Effect of sanctioned Local Area Plan.-

On the day on which Local Area Plan comes into force, -

(a) All rights relinquished in favor of the Appropriate Authority shall, unless it is otherwise determined in such plan, vest absolutely in the Appropriate Authority free from all encumbrances;

(b) all rights appropriated shall be relinquished as determined and settled, in the sanctioned Local Area Plan and where is not capable of being so transferred shall be extinguished.

47. Withdrawal of Local Area Plan.-

Any time after the sanction of the Local Area Plan but not before 60 months from the date of sanction of the plan, the State Government, or a representation made by majority of the owners in the area or otherwise, after inquiry as deemed fit, may withdraw whole or part of the Local Area Plan.

Explanation - Majority means to the extent of seventy five percent of all owners in the scheme area.

48. Apportionment of costs of local area withdrawn or not sanctioned.-

In the event of a Local Area Plan being withdrawn or sanction to a Preliminary Scheme being refused by the State Government, the State Government may direct that the costs to be borne by the Appropriate Authority or be paid to the Appropriate Authority by the owners or people concerned in such proportion as the State Government may in each case determine.

49. Power to amend or alter the Local Area Plan.-

(1) If at any time after the Local Area Plan comes into force, the Appropriate Authority is of the opinion that anything in the Local Area Plan requires to be amended or altered, the Appropriate Authority may make such a proposal of the variation, by passing a resolution.

(2) The Appropriate Authority shall, within 21 days from the date of resolution, invite objections and suggestions by publishing the variations in the Official Gazette.

(3) If within the period specified in sub-section (2) any person communicates in writing to the Appropriate Authority, any suggestions or objections relating to the variations, the Appropriate Authority shall consider such suggestions or objections and then shall submit the same to the State Government along with its opinion on such objections or suggestions.

(4) In case the State Government is satisfied that the variations submitted by the Appropriate Authority are not substantial, the State Government may sanction as it is or refuse to sanction by publishing a notification in the Official Gazette, otherwise, if the State Government is of the opinion that modifications are required in the proposal of the variation sent by the Appropriate Authority, the State Government shall invite suggestions and objections, published in the Official Gazette, for the modifications it may consider fit.

(5) The draft modifications shall be open to the inspection of the public at the head office of the Appropriate Authority and at the office of the Deputy Commissioner of the district during office hours.

(6) Within one month of the date of publication of the draft modification under sub- section (5), any person affected thereby may communicate in writing any objections to such modification to the State Government through the Deputy Commissioner and send a copy thereof to the Appropriate Authority.

(7) After receiving the objections under sub-section (6), the State Government may, after consulting the Appropriate Authority and after making such an inquiry as it may think fit, by notification-

(a) Make the variation with or without modification, or

(b) Refuse to make the variation.

(8) From the date of the notification of making the variation, with or without modification, such a variation shall take effect as it was incorporated in the Local Area Plan.

CHAPTER VIII
GRIEVANCE REDRESSAL

50. Establishment of grievance redressal committee. -

(1) The State Government may establish separate Grievance Redressal Committee for different areas as required comprising of one or more members namely, -

(a) the Administrative Secretary, Urban Development and Poverty Alleviation Department or any other officer the State Government may designate in this behalf, shall be the Chairperson;

(b) the Deputy Commissioner of the district or his representative as the case may be; and

(c) the Chief Town and Country Planner of Mizoram, Member Secretary, ex-officio;

(d) Director of Land Revenue & Settlement Department or his representative;

(2) While dealing with any complaint, to assist the committee, the Chairperson of the committee, may appoint an officer of the Appropriate Authority or officer(s) of any authority, having the jurisdiction to deal with the complaint.

51. Jurisdiction of grievance redressal committee.-

Subject to the provisions of this Act, the Grievance Redressal Committee shall have jurisdiction to entertain complaint in respect of the following matters, namely, -

(a) Where a complaint pertains to Town Planning Scheme and the allotment of a Final Plot in joint ownership:
Provided that no application can be made in respect of alteration of boundaries of the Final Plot and the share of interest or benefits decided in the scheme.

(b) Where a complaint pertains to a sanctioned Local Area Plan and the shares of the rights are in joint ownership;

52. Manner in which complaint shall be made before the grievance redressal committee.-

A complaint in relation to any matter arising out of clause (a) or clause (b) of section 51 may be filed with a Grievance Redressal Committee, by-

(a) One or more owners of the Final Plot or the property, having the same interest; or

(b) The Appropriate Authority; or

(c) The local body; or

(d) The Central or the State Government; or

(e) Any other authority or any other person.

53. Procedure on receipt of complaint.-

(1) The Grievance Redressal Committee shall, on receipt of a complaint, if it after arising out of clause(a) or clause(b) of section 51-

(a) refer a copy of the complaint to the one or more parties mentioned in the complaint directing them to give their version of the case within a period of thirty days or such an extended period not exceeding fifteen days as may be granted by the Grievance Redressal Committee;

(b) where the party or parties on receipt of a complaint referred to them under clause (a) denies the claims or disputes or the allegations contained in the complaint, or omits or fails to take any action to represent their case within the time given by the Grievance Redressal Committee, the Grievance Redressal Committee shall proceed to settle the dispute in the manner specified in clauses (c) to (f);

(c) where the complaint alleges a defect in the size or location or shape or area of the Final Plot or the plot and which cannot be determined without proper survey, the Grievance Redressal Committee shall obtain a report from the Revenue Officer or any other Officer appointed by the State Government, as the case may be (hereinafter referred to as the Survey Officer), with a view to finding out whether such a Final Plot suffers from any defect alleged in the complaint or suffer from any other defect and to report its findings thereon to the Grievance Redressal Committee within a period of thirty days of the receipt of the reference or within such extended period as may be granted by the Grievance Redressal Committee;

(d) before any survey is referred to the Survey Officer under clause (c), the Grievance Redressal Committee may require the complainant to deposit such fees and, in such account, as may be specified;

(e) on receipt of the report from the Survey Officer, the Grievance Redressal Committee shall forward a copy of the report along with such remarks as deemed fit, to the concerned parties;

(f) the Grievance Redressal Committee shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the Survey Officer.

(2) Notwithstanding any inquiry made under sub-section (1), the Grievance Redressal Committee may conduct inquiry, as deemed fit, if required by appointing a person or an officer having knowledge about the subject of complaint, with a view to address the issues.

(3) No proceedings complying with the procedure laid down in sub-sections (1) and (2) shall be called in question in any court on the grounds that the principles of natural justice have not been complied with.

(4) For the purposes of this section, the Grievance Redressal Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure,1908(5 of 1908) while trying a suit in respect of the following matters, namely, -

(i) The summoning and enforcing attendance of any defendant or witness and examining the witness under oath;

(ii) the discovery and production of any document or other material object producible as evidence;

(iii) the receipt of evidence on affidavits;

(iv) the requisition of the report of the concerned analysis or test from the Survey Officer or from any other relevant officer or relevant source;

(v) issuing of any commission for the examination of any witness; and

(vi) any other matter.

(5) Every proceeding before the Grievance Redressal Committee shall be deemed to be a judicial proceeding and the Grievance Redressal Committee shall be deemed to be a Civil Court under

this Act, the same powers vested in Civil Court under the Code of Civil Procedure, 1908.

54. Decision of the Grievance Redressal Committee.-

(1) After the proceeding conducted under section 52, the Grievance Redressal Committee, with regards to the complaint, by an order, shall decide, in the Town Planning Scheme or as the case may be the Local Area Plan, namely- (a) To make the variation, or (b) To refuse to make the variation.

(2) In case of any decision with respect to clause (a) of section (1), -

(a) In case of Town Planning Scheme,-

(i) to define the size, shape and location of the Final Plot of the sanctioned preliminary or Final Scheme by altering the boundaries, and the share or shares of one or more owners.

(ii) direct the Appropriate Authority to demarcate on ground, in consultation with the Survey Officer, the plots for which decision is taken under sub-section (2), clause (a)

(b) In case of Local Area Plan,-

(i) to define the size, shape and location of the portion of the plot which is to be designated for public purpose by altering the boundaries of the plot, and the share or shares of development rights of one or more owners of the property.

(ii) direct the Appropriate Authority to demarcate on ground, in consultation with the Survey Officer, the plots for which decision is taken under sub-section (2), clause (b).;

(3) If the notification made under sub-section (1), relates to clause (a) of sub-section (1), it shall specify the date on which it comes into force.

(4) From the date of the notification the variation shall take effect as it were incorporated in the sanctioned Town Planning Scheme or the sanctioned Local Area Plan.

CHAPTER IX
IMPLEMENTATION OF TOWN PLANNING SCHEME AND LOCAL AREA PLAN

55. Power of Appropriate Authority to evict summarily.-

On and after the date on which a Preliminary Scheme or the Local Area Plan comes into force, any person continuing to occupy any land which they are not entitled to occupy under the Preliminary Scheme or the Local Area Plan shall, in accordance with the prescribed procedure, be summarily evicted by the Appropriate Authority.

56. Power to enforce Town Planning Scheme or Local Area Plan.-

(1) On and after the date on which the Preliminary Scheme or Local Area Plan comes into force, the Appropriate Authority shall, after giving the prescribed notice and in accordance with the provisions of the scheme-

(i) remove, pull down, or alter any building or other work in the area included in the scheme which contravenes the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;

(ii) execute any work which is the duty of any person to execute under this scheme in any case where it appears to the Appropriate Authority that delay in the execution of such a work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the Appropriate Authority under this section shall be recovered from the person in default or from the owner of the plot in the manner provided for the recovery of sums due to the Appropriate Authority under the provisions of this Act.

(3) A reference shall be made by the Appropriate Authority to the State Government in questions, if any, arises as to whether, namely, -

(i) Any building or work contravenes a Town Planning Scheme or whether any provision of a Town Planning Scheme is not complied with in the process of erection or carrying out of any such a building or work, or

(ii) any building or work contravenes a Local Area Plan or whether any provision of a Local Area Plan is not complied with in the process of erection or carrying out of any such a building or work, or

(iii) it shall be referred to the State Government and the decision of the State Government shall be final and binding on all persons.

(4) No persons shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Appropriate Authority under the provisions of this section except in respect of the building or work that had begun before the date referred to in sub-section (1) 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 into between the claimant and the Appropriate Authority.

(5) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or State Government.

57. Execution of works in final scheme or local area plan by appropriate authority.-

(1) The Appropriate Authority shall complete all the works provided in a Final Scheme within the period specified in the Final Scheme.

Provided that, on the request of the Appropriate Authority, the State Government may by an order in writing extend the period or periods.

(2) If the Appropriate Authority fails to complete all the works within the specified period or within the period extended under sub-section (1), the State Government may, notwithstanding anything contained in sub-section (1), require the Appropriate Authority to complete the works within such further period as it may consider reasonable or appoint an officer or to any other authority to complete such works at the cost of the Appropriate Authority and recover the cost from the Appropriate Authority.

58. Implementation of Town Planning scheme and Local Area Plan.-

(1) Under the guidance and supervision, and direction of the State Government, implementation of Town Planning Scheme shall be a Joint Efforts and participation of various Government Agencies, Municipalities, Village Councils, Voluntary Organizations;

(2) Subject to such terms and condition under the rules as may be made in this behalf, the State Government shall decide the manner of assuming responsibilities and collection of fees out of the executed schemes for the maintenance of the amenities or public assets created under this Act.

59. Monitoring of implementation.-

The State Government shall by an order, from time to time, authorize an officer who shall review the implementation of the Town Planning Scheme or the Local Area Plan and thereafter make suggestions regarding interventions required for timely implementation.

CHAPTER X
CONTROL OF DEVELOPMENT, USE OF LAND AND CONSTRUCTION OF BUILDINGS IN REGION AND PLANNING AREA

60. Control of land use.-

The overall control of development and the use of land or construction or re-construction of any building in the planning areas or regions shall be vested to the appropriate authority designated by the Government, as from the date of publication in the Official Gazette.

61. Conformity with development plan.-

After coming into force of the Development Plan, the use and development of land and building shall conform to the provisions of the Development Plan:

Provided that the Department may, at its discretion, permit the continued use of land and building for the purpose for which it was being used at the time of the coming into operation of the Development Plan:

Provided further that such permission shall not be granted for a period exceeding five years from the date of coming into operation of Development Plan.

62. Prohibition of development without permission.-

After coming into operation of the Development Plan, no person shall change the use of any land or carry out any development of land and building without the permission in writing of the Department.

Provided that no such permission shall be necessary–

(i) For carrying out work for the maintenance repair or alteration of any building which, does not materially alter the external appearance of the building;

(ii) for carrying out work for the improvement or maintenance of highway, road or public street by the Union or State Government or an authority established under this Act or by Local authority having jurisdiction provided that such maintenance or improvement does not change the road alignment contrary to the provisions of the Development Plan;

(iii) for the purpose of inspecting, repairing or renewing of any drain, sewers, main pipe, cables, telephones or other apparatus including the breaking open of any street or other land for that purpose;

(iv) for the excavation or soil shaping in the interest of agriculture;

(v) for restoration of land to its normal use where land has been used temporarily for any other purposes;

(vi) for use for any purpose incidental to the use of buildings or land attached to such buildings;

(vii) for the construction of road intended to give access to land solely for agriculture purposes.

63. Development undertaken on behalf of Union or State Government.-

(1) When the Union Government or the State Government intend to carry out development of any land for the purpose of its departments or office or authorities, the Officer-in-charge thereof shall inform in writing to the Department to do so, giving full particulars thereof, accompanied by such documents and plans as may be prescribed at least thirty days before

undertaking such development.

(2) Where the Department raises any objection to the proposed development on the ground that Development Plan, the Officer shall –

(i) make the necessary modification in the proposals for development to meet the objections raised by the Department; or

(ii) submit the proposal for development together with the objections raised by the Department to the State Government for decision; Provided that where no modification is proposed by the Department within thirty days of the receipt of the proposed plan by the Government, the Development Plan will be presumed to have been approved.

(3) The State Government, on receipt of the proposal for development together with the objections of the Department shall, approve the proposals with or without modifications or direct the Officer to make such modifications in the proposals as it considers necessary in the circumstances;

(4) The decisions of the State Government under sub-section (3) shall be final and binding.

64. Application for permission for development by others.-

(1) Any person, not being the Union Government, State Government, a Local Authority or any Authority constituted under this Act intending to carry out any development or sub-division on any land, shall make application in writing to the Department for permission, in such form and containing such particulars and accompanied by such documents, design etc. as may be prescribed.

(2) Such application shall also be accompanied by such fees as may be prescribed.

(3) Without prejudice to the provisions of sub-section (1) or any other provisions of this Act, any person intending to execute a Township Project on any land, may make an application to the State Government, and on receipt of such application the State Government may, after making such inquiry as it may deem fit in that behalf, grant such permission and declare such project to be a Township Project by notification in the Official Gazette or, reject the application.

65. Grant or refusal of permission.-

(1) On receipt of an application under section 64 the Appropriate Authority may, subject to the provisions of this Act by order in writing –

(i) Grant the permission unconditionally;

(ii) grant the permission, subject to such conditions as may be deemed necessary under the circumstances; or

(iii) refuse the permission.

(2) Every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal;

(3) Any permission granted under sub-section (2) shall be communicated to the applicant in such manner as may be prescribed;

(4) Every order under sub-section (2) shall be communicated to the applicant in such manner as may be prescribed;

(5) If the Appropriate Authority does not communicate its decision whether to grant or refuse permission to the applicant within six months from the date of receipt of his application, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of six months.

Provided that in computing the period in between the date of requisitioning any further information of documents from the applicant and date of receipt of such information or documents for the applicant shall be excluded.

66. Appeal.-

(1) Any applicant aggrieved by an order granting permission on conditions or refusing permission under section 65 may, within thirty days of the date of communication of order to him submit an appeal to Appellate Authority i.e., the Deputy Commissioner of the concerned District in this behalf, and such appeal shall be made in such manner and accompanied by such fees may be prescribed.

(2) The Appellate Authority shall, after giving a reasonable opportunity to the appellant and the Approving Authority to be heard and thereafter, decide to allow the petition made by the appellant as it is or subject to conditions thereof by an order.

(3) Any order made in sub-section (2) shall be final.

67. Lapse of permission.-

Every permission granted under section 65 shall remain in force for a period of five year from the date of such grant and thereafter is shall lapse.

Provided that such lapse shall not bar any subsequent application for fresh permission under this Act.

Provided further that, the Appropriate Authority may, on an application, extend such period from year to year but the total period shall, in no case exceed three years from the date on which the permission was initially granted.

68. Power to revoke or modify permission for development.-

(1) If it appears to the Appropriate Authority that it is expedient, and the development for which the permission is accorded earlier is detrimental to any of the planning interventions which are in force or under preparation and to any other material considerations or to any other law time being in force, the Appropriate Authority shall by an order specifying the reasons may, revoke or modify or suspend for a specific period, the permission to such an extent it appears to be necessary.

(2) Where permission is revoked or modified by an order under section (1), and the owner claims before the Appropriate Authority in the expenditure incurred in carrying out the works in respect of the permission granted which has been rendered abortive by the revocation or modification. Provided that, before issuing an order in respect to any claims, the Appropriate Authority shall give the owners and the officers of the authority involved in granting the permission, a reasonable opportunity of being heard.

(3) If the owner does not accept the amount and gives notice within such time as may be prescribed, of his refusal to accept, the Appropriate Authority shall refer the matter for the adjudication of the court and the decision of the court shall be final and be binding on the owner and the Appropriate Authority.

69. Penalty for unauthorized development or for use otherwise than in conformity with development plan.-

Any person who whether at his own instance or at the instance of any other person commences, undertakes or carries out any development or changes use of any land –

(a) without permission required under this Act;

(b) in contravention of the permission granted;

(c) after the permission for development has been duly revoked or

(d) in contravention of any permission which has been duly modified; shall without prejudice to any action that may be taken under section 68 be punished with simple imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees or with both, and in the case of a continuing offence with further fine which may extend to two hundred and fifty rupees for everyday during which the offence continues after conviction for the first commission of the offence.

70. Power to require removal of unauthorized development.-

(1) Without prejudice to any of the provisions in the Act, in respect of any unauthorized development, the Appropriate Authority may, at any time, serve on the owner a notice requiring him, within such period being not less than one month and not exceeding three months as may be specified therein from the date of serving of notice –

(a) Restore the land to its condition existing before the said development took place;

(b) to secure compliance with the conditions or with the permission as modified;

Provided that where the notice required the discontinuance of any use of land, it shall be served on the occupier also.

(2) In particular, such notice may for purpose of sub-section(1)require–

(a) The demolition or alteration of any building or works;

(b) The carrying out on land, of any building or other operations; or

(c) The discontinuance any use of land.

(3) Any person aggrieved by such notice may within fifteen days of the receipt of the notice and in the manner prescribed, apply to the Appropriate Authority for permission under section 66 of this Act for retention on the land, or any building or works or for the continuance of any use of the land, to which the notice relates and till the time application is disposed off, the notice shall stand withdrawn.

(4) The foregoing provisions of this chapter shall, so far as may be applicable, apply to an application under sub-section (3).

(5) If the permission applied for is granted, the notice shall stand withdrawn, but if the permission applied for is not granted, the notice shall stand, or if such permission is granted or the retention only of some buildings or works, or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects of such buildings or works or other parts of the land, as the case may be; and there upon the owner shall be required to take steps specified in the notice under sub-section (1) as respects to such other buildings or works or part of the land.

(6) If within the period specified in the notice or within the same period after the notice or so much of it as it stands is not complied with, the Appropriate Authority may –

(i) prosecute the owner for not complying with the notice and whether the notice requires the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice, and

(ii) where the notice required the demolition or any alteration of any building or works or carrying out of any building or other operations, itself cause the restorations of the land to its conditions before the development took place and secure the compliance with conditions of the permission or as modified by taking such steps as the Appropriate Authority may consider necessary, including demolition or alteration of any building or works or carrying out of any building or other operations; and recover the amount of any expenses incurred by it in this regard from the owner as arrears of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall, on conviction, be punished with simple imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees or with both and in the case of a continuing offence, with further fine which may extend to two hundred and fifty rupees for every day during which the offence continues after conviction for the first commission of the offence.

(8) the Deputy Commissioner of the concerned District shall by order in writing direct such person to remove any structure or building or work erected, or to discontinue the use of land or development made unauthorized; and any development or construction unauthorized made again, shall be summarily removed or discontinued summarily without making any order as aforesaid.

(9) Any expenses incurred by under sub-section 8 shall be recovered or met from the person in default or the owner of the land, building or land concerned.

(10) Any sum or fines due in relation to sub-section 8, which is not paid on demand on the day on which it becomes due or on the day fixed by the Appropriate Authority, a complaint shall be filed to the Deputy Commissioner who shall take action to realize the due or fines in favor of public demands under the Mizoram Public Demands Recoveries Act, 2001.

(11) No compensation shall be claimed by any defaulter for any damage which he may sustain in consequence of the removal of any structure or building or development, or the discontinuance of the use of land or development under sub-section 8.

CHAPTER XI
FUNDS AND FINANCE

71. Funds.-

(1) The State Government shall place all such Urban Development fund at the disposal of the Competent Authorities, as the case may be, for Spatial and Economic Development Plans and Schemes preparation thereof and its implementation, as may be compatible with the respective State Five Year Plan and the Annual Plan;

(2) The State Government shall, by notification, constitute a 'State Urban & Planning and Development Fund' for the purpose of preparation of plans under this Act and implementation thereof, and the administration of such fund shall be made in such a manner as may be prescribed.

72. Costs of Town Planning Scheme or Local Area Plan.-

(1) The costs of a Town Planning Scheme or as the case may be the Local Area Plan shall include-

(i) all sums payable by the appropriate authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme or the Local Area Plan;

(ii) all sums spent or estimated to be spent by the appropriate authority in the making and execution of the scheme or the Local Area Plan:

Provided that the estimates shall be with reference to the period during which, after the sanctioned of Preliminary Scheme under section 27 or the Local Area Plan under section 44, is to be implemented;

(iii) all sums payable as compensation for land earmarked or designated for any public purpose or for the purposes of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme or the Local Area Plan;

(iv) such portion of the sums payable as compensation for land earmarked or designated for any public purpose or for the purpose of the appropriate authority which is beneficial partly to the owners of land or residents within the area of the scheme or the Local Area Plan from such earmark or designation;

(v) all legal expenses incurred by the appropriate authority in the making and in the execution of the scheme or the Local Area Plan;

(vi) any amount by which the total amount of the values of the Original Plots exceeds the total amount of the values of the plots included in the Final Scheme or the Local Area Plan, each of such plots being estimated at the value prescribed under the Rules at the date of the declaration of intention to make a scheme or the Local Area Plan, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme or the Local Area Plan other than improvements due to alteration of its boundaries;

(vii) twenty percent of the amount of the cost of infrastructure provided in the area adjacent to the area of the scheme, or the Local Area Plan, as is necessary for the purpose of and incidental to the scheme or the Local Area Plan.

(2) If in any case the total amount of values of the plots included in the Final Scheme or as the case may be the Local Area Plan exceeds the total amount of the values of the Original

Plots, each of such plots being estimated in the manner provided in clause (vi) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme or the Local Area Plan as defined in sub-section (1).

73. **Certain amounts to be added to, or deducted from, contribution leviable from a person.-**

The amount by which the total value of the plots included in the Final Scheme or as the case may be the Local Area Plan with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the Original Plots with all the buildings and works thereon of such person shall be deducted from, or, added to, the contribution leviable from such a person, each of such plots being estimated at its market value at the date of declaration of intention to make a scheme or the Local Area Plan or the date of the notification issued by the State Government and without reference to improvements contemplated in the Town Planning Scheme or the Local Area Plan other than improvements due to the alteration of its boundaries.

74. **Exclusion of compensation in certain cases.-**

(1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provisions contained in the Town Planning Scheme or the Local Area Plan.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a Town Planning Scheme or the Local Area Plan which imposes any conditions and restrictions in regard to any of the matters specified in clause (o) of section 22 in case of Town Planning Scheme or clause (e) of sub-section (1) of section 38 in case of Local Area Plan.

75. **Compensation when the Town Planning Scheme or Local Area Plan is varied.-**

If at any time after the date on which the scheme or as the case may be the Local Area Plan has come into force, such a scheme or the Local Area Plan is varied, any person who has incurred any expenditure for the purpose of complying with such a scheme or the Local Area Plan shall be entitled to be compensated by the appropriate authority for the expenditure, if such an expenditure is rendered abortive by reason of the modification in the scheme or as the case may be the Local Area Plan.

76. **Compensation in respect of property or right injuriously affected by the Town Planning Scheme or the Local Area Plan.-**

(1) The owner of any property or right which is injuriously affected by the making of a Town Planning Scheme or as the case may be the Local Area Plan shall, if such owner makes a claim before the Town Planning Scheme Officer within the prescribed time, be entitled to be compensated in respect thereof by the appropriate authority or by any person benefited or partly by the appropriate authority and partly by such a person as the Town Planning Scheme Officer may in each case determine:

Provided that the value of such property or right shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the Local Area Plan or the date of the notification issued by the State Government under sub-section (1) of section 31 in case of Town Planning Scheme or sub-section(1)of section 45 in case of Local Area Plan, as the case may be and without reference to improvements contemplated in the scheme or the Local Area Plan.

(2) If at any time after the date on which the Local Area Plan has come into force, and such a

Local Area Plan is varied, any person who has incurred any expenditure for the purpose of complying with such a scheme or as the case may be the Local Area Plan shall be entitled to be compensated by the appropriate authority for the expenditure, if such an expenditure is rendered abortive by the reason of modification in the Local Area Plan.

CHAPTER XII
COMPULSORY ACQUISITION AND DISPOSAL OF LAND

77. Compulsory acquisition of land.-

(1) Any area or region of land notified by the Government for the purpose of Development Plan, or Town Planning Scheme or Local Area Plan and its Implementation or as notified by the Government for development or for any other functions of the Appropriate Authority or the Department under this Act, it shall be deemed to be land needed public purpose, the Government shall acquire such area or areas of land.

(a) Either compulsorily; or

(b) By agreement; or

(c) by taking an application to the collector for acquiring such land under the extant Act and rules in force for the time being as amended from time to time; and the land (together with the amenity, if any, developed or constructed) so acquired shall vest in the Government.

(2) The acquisition of land shall be made in accordance with the provisions of the extant Act and rules in force for the time being as amended from time to time.

(3) Subject to the regulations made by the Government, the owner of a plot of land which has been declared to be needed for public purpose under this Act, the owner will be eligible for the award of Transferable Development Right (TDR) to such extent and such conditions as may be determined by the Government.

(4) At any time, after the publication of the notification under the extant Act and rules in force for the time being (as amended from time to time) in pursuance of action under sub-section(2) above, where the Government, on an application by the Appropriate Authority or the Department is certified that the possession of any land notified or reserved or allotted or designated for public purpose or for preparation of Development Plans or Town Planning Schemes or for any other functions of the Appropriate Authority or the Department under this Act, is urgently required for public interest, the possession of such land may be taken after giving a notice of fifteen days and there upon the provisions of the extant Act and rules in force for the time being as amended from time to time shall apply mutatis mutadis.

78. Disposal of land by the State Government.-

Subject to the regulations made by the State Government under this Act, the Government may dispose of the land so transferred or handed over to the Government and so acquired under section 77 of this Act.

CHAPTER XIII
MISCELLANEOUS PROVISIONS

79. Power of Entry.-

The Chief Town & Country Planner or the Appropriate Authority or the Town Planning Scheme Officer or any employee authorized by the them or the Department in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of –

(a) Making any enquiry, inspection, measurement or surveys or taking levels of such land or building; or valuation of land and building and charge service fees;

(b) Setting out boundaries and intended lines of works;

(c) Making such levels, boundaries and lines by placing marks, boundary pillar, cutting and trenches;

(d) examining works under construction and ascertaining the course of electricity, water supply, sewers and drains;

(e) digging or working into the sub-soil;

(f) ascertaining whether any land is being or has been developed in contravention to any provision of this Act or rules or regulations there under; and

(g) doing any other act necessary for the efficient administration of this Act:

Provided that –

(i) no such entry shall be made (unless) with the consent of the occupier thereof, at least twenty-four hours' notice in writing of the intention to enter;

(ii) sufficient opportunity, shall, in every instance be given to enable workmen (if any) to withdrawn from such land or building;

(iii) due regards shall always be had, so far as may be compatible with exigencies of the purpose or which the entry is made to the social and religious engages of the occupants of the land or building entered.

(h) Power of the Chief Town & Country Planner under this section shall extend to the whole State Co-coordinating different Government Agencies. Local Authorities and Voluntary Organizations in the matter of Enforcement and implementation of the Development Plan. Otherwise as directed by the State Government. Provided that the powers of the District Town & Country Planner shall extend only to the respective District and the powers of the Sub-Divisional Town & Country Planner shall extend only to such Sub-Division of Planning area or region or project as may be notified.

(i) Any person who obstructs the entry of a person empowered or authorized under this section, to enter into or upon any land or building or vacation of land and building or molest such person after such entry shall punishable with imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees, or

(j) The Chief Town & Country Planner or the Appropriate Authority or the Town Planning Scheme Officer or such other officers authorized in this behalf may enter into and perform or require the performances of all such contract and any other expenditure involving such amount as decided by the

(k) Government as it will be necessary or expedient for carrying out Town Planning Schemes

implementation and any other purposes under this Act;

Provided that every contract, accounts etc. made by the Chief Town & Country Planner or the Appropriate Authority or the Town Planning Scheme Officer under this clause shall be entered into in such manner and in such forms as may be prescribed from time to time.

80. Restrictions on development of land after the declaration of a Town Planning Scheme or Local Area Plan.-

(1) On or after the date on which a draft scheme is published under section 30 or as the case may be the Local Area Plan is published under section 44, no person shall, within the area included in the scheme or as the case may be the Local Area Plan, carry out any development unless such person has applied for and obtained the necessary permission for doing so from the appropriate authority on payment of such scrutiny fees as may be specified in the regulations.

(2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the appropriate authority under the sub-section (1) of section 38 except in respect of a building or work begun or contract entered into before the date on which a declaration of intention to make a development scheme is published under sub-section (1) of section 23 or as the case may be the Local Area Plan is published under sub-section (1) of section 40:

81. Service of notice, etc.-

All documents including notice and orders required by this Act or any other to be served upon any person shall save as otherwise provided in this Act or rule or regulation, be deemed to be duly served.

82. Public notice to be made known.-

Every public notice given under this Act or rules or regulations made under this Act, shall be in writing over the signature of the Secretary of the Appropriate Authority or such other Officers who may be authorized in this behalf by the Department and shall be widely made known in the locality to be affected thereby affixing copies thereof inconspicuous public place with the said locality or by advertisement in a registered local newspaper in English or Mizo and by such other means which the Chief Town & Country Planner of the Department thinks fit.

83. Notice of reasonable time.-

Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder required anything to be done for the doing of which no time is fixed in this Act or rules or regulations thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

84. Authentication of order and documents.-

All permissions, orders, decisions, notices and other documents shall be authenticated, by the signature of the Officer authorized by the Appropriate Authority or Town Planning Scheme Officer or the Chief Town & Country Planner or any authority in this behalf.

85. Mode of proof of records.-

A copy of any receipt, application, design, plan, notice, order, entry in a register or other document in the possession of the Appropriate Authority or the Department is duly certified by the legal keeper thereof, or other person authorized by the Appropriate Authority or the Department in

this Act shall be received as prima facie evidence of the matters on transaction therein recorded, in every case where, and to the same extend as the original entry or document would, if produced have been admissible to prove such matters.

86. Restriction on the summoning of officers and servants.-

No Officers or servants of the Department or Appropriate Authority under this Act shall in any legal proceedings to which the Department or the Appropriate Authority is not a party, be required to produce any register or document the contents recorded therein, unless by order or the Court made for special case.

87. Offence by company.-

If the person committing an offence under this Act is a company or any person, who at the time the offence was committed was in charge of, and was responsible to the company shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and prosecuted accordingly.

For the purpose of this section-

(a) 'Company' means a body corporate and includes a firm, limited liability partnership firm or any association of this individuals; and

(b) 'Director' in relation to affirm or limited liability partnership firm or means partner in the firm.

88. Penalty for obstructing contractor or removing mark.-

If any person–

(a) Obstructs or molest any person engaged or employed by the Department or any person with whom the Department has entered into a contract, in the performance or of anything which he is empowered or required to be done under this Act, or

(b) Removes any marks or pillars set up for the purpose of indicating any level or direction necessary to the execution of works authorized under this Act; he shall be punished with fine which may extent to give hundred rupees or with imprisonment for a term which may extend to three months.

89. Offences and penalties.-

Whoever does any work in contravention in this Act shall, on conviction, be punished with fine which may extend to five lakh rupees and the court shall, in such order of conviction, direct that if such contravention continues after the date of the order of conviction, a fine not exceeding five thousand rupees per day for the period during which the contravention continues shall be recovered from the person so convicted:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine shall not be less than five hundred rupees and in the case of a continuing contravention, the fine shall not be less than ten thousand, per day.

90. Relation with police.-

It shall be the duty of the Police:-

(1) To communicate without delay to the officer or employees of the Department any information which he receives of a design to commit or of the commission of any Offence against this Act, or any rule made thereunder and,

(2) to assist the Chief Town & Country Planner or any Officer or employees of the Department who reasonably ask his assistance for the lawful exercise of any power vesting in the Chief Town & Country Planner or any such Officer or employees under this Act or any rule made thereunder.

91. Sanction of prosecution.-

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the State Government concerned or any Officer authorized by the State Government in this behalf.

92. Fine when realized to be paid the department.-

All fines realized in connection with prosecution under this Act shall be paid to the Department concerned.

93. Compounding of offences.-

(1) The Chief Town & Country Planner or the Town Planning Scheme Officer or any person authorized by the State Government in this behalf by general or special order, may compound any offence punishable under this Act.

(2) When an offence has been compounded, the offender, if in Custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence already compounded.

94. Arrest of offenders.-

The Police Officer, not below the rank of Sub-Inspector, may arrest without taking warrant from Magistrate any person who commits in his view, any offence against this Act or rules made thereunder, if the name and address of such persons be unknown to him and if such person, on demand, declines to give his name and address which such Officers has reason to believe false.

95. Right to appear by recognized agent.-

Every party to any proceedings before the Development Scheme Officer or the Appropriate Authority or its representative shall be entitled to appear either in person or through authorized representative.

96. Jurisdiction of courts.-

No Court inferior to that of a Magistrate of the First Class shall try any offence Punishable under this Act.

97. Members and officers to public servants.-

Every member and every officer and employee of the Department shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. (Central Act No. 45 of 1860)

98. Sub-division of plots.-

Within Notified planning areas or regions under section 3 of this Act no sub-division of plots by individuals, will be allowed by the Land Revenue & Settlement Department or Local Authority or Authorities or any other Department or any person unless prior approval of the Appropriate Authority has been obtained actually. Such sub-division of plat without prior approval of Appropriate Authority shall be deemed void, ab initio.

99. Control by the Government.-

The Appropriate Authority or the Chief Town & Country Planner shall carry out such directions or instruction as may be issued from time to time by the State Government for the efficient administration of the Act;

100. Power to remove difficulties.-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, within 2 years of the commencement of this Act, by order publish in the Official Gazette, as the occasion may require do anything which appears to it to be necessary to remove the difficulty.

101. Effect of law.-

(1) Save as aforesaid, the provisions of this Act, and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained any other law –

(2) Notwithstanding anything contained in any such other law–

(i) When permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other laws, this shall not, however, be constructed as exemption to permission being obtained as required under such other laws and of payments of such fees and charges as may be prescribed by these laws;

(ii) When permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried by reason only for the fact that permission, approval or sanction required under such other law for such development has been obtained.

102. Power to make rules.-

(1) The State Government may, by Notification in the Official Gazette, make rules to carry out the purpose of this Act.

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

(i) the manner of publication of declaration of intention to make a development scheme under sub-section (1) of section 31;

(ii) the manner of publication of declaration of intention and to conduct awareness meeting to first make a scheme and then explain the proposals of such scheme to the owners under sub-section (2) of section 7;

(iii) the particulars to be considered in estimating the costs of development scheme or Local Area Plan under section 72;

(iv) the record of rights which is to be collected, the methods of capturing, the forms in which it may be documented and the manner in which it is to be published to invite objections and suggestions;

(v) The time within which the Government is to direct modifications in or to give its consent for publication of notice for preparation of Development Plans and approval, to any Development Plan and development scheme;

(vi) The form and consent of the Development Plans and the development schemes and

the procedures to be followed in connection with the preparation, submission and approval of such Development Plans and Development schemes and the form and the manner of publications of the notice relating to such Development plans and development schemes;

(vii) The periodical amendment of Development Plans, the period and the expiration of which such an amendment may be taken up, procedure to be followed in making such amendment;

(viii) The form in which any application for Development permission shall be made and the particular be furnished in such applications and documents and Building design or Layout plan which shall accompany such application;

(ix) The form of registration of application and the particular to be contained in such Register;

(x) The manner in which acquisition notice is to be served, and claim for compensation is to be made and the procedure to be followed for assessment of compensation;

(xi) The documents of which copies may be granted, the fees for such copies;

(xii) the manner in which documents, plans and maps relating to a sanctioned scheme shall be made accessible to the public, under the provision;

(xiii) The manner of filling, and the fees to be paid and the procedure to be followed in appeals;

(xiv) the procedure for summary eviction of a person and the form of the notice to be given;

(xv) the procedure for provisional register or owners of each Original Plot;

(xvi) the method of estimation of the value of the plot and the structures thereon, at the date of declaration of intention;

(xvii) the time within which any claim is to be made by the owner of any property or right injuriously affected by the making of a development scheme;

(xviii) any other matter which is to be, or may be prescribed including transferable development right, development control rules and regulation or building regulations for environmentally sensitive areas or regions.

103. Power to make regulations.-

(1) The appropriate authority may, with the approval of the State Government, make regulations, consistent with this Act and the rules made thereunder, for all other matters for which provision is, in the opinion of the authority, necessary for the exercise of its powers and discharge of its functions and duties under this Act.

(2) No regulations made by an appropriate authority under sub-section (1) shall take effect unless it is published in the Official Gazette.

104. Repeal and savings.-

(1) On the commencement of this Act, the following laws, namely— The Mizoram Urban & Regional Development Act, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken to make a scheme, or draft development scheme published by the Appropriate Authority or any application made

to the State Government for the sanction of any draft development scheme, any sanction given by the State Government to the scheme or any application made by the prescribed authority for any scheme made to the State Government for the sanction of any variation or revocation or to withdraw, any sanction given by the State Government in respect of the application or any part thereof, or any delivery of possession enforced, any eviction summarily made, any notice severed, any action taken to enforce a scheme, any costs of scheme calculated or any other authority by owners of plots included in a scheme, any recoveries made or to be made or compensation awarded or to be awarded in respect of any plot, or any restriction imposed on any person against carrying out any development work in any building or in or over any land or upon an owner of land or building against the erection or re-erection of any building or work, any commencement certificate granted, or any order made for demolition of building, or any appeal made preferred on an order of the prescribed authority or any decision on an appeal of the authority appointed in regard of any appeal or any order as stay of any proceedings in matters of development restrictions or otherwise or any order of suspension of rule, bye law, regulation, notification, or order made, or notice served for any purchase or any order or any proceedings in pursuance of such purchase notice, or any rules or regulations made, under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and the provisions of this Act shall have effect in relation thereto.

(3) All proceedings pending before the authority appointed in regard of any appeal under the repealed Act hereby repealed on the date of commencement of this Act shall be disposed, in accordance with the provisions of this Act, by the Town Planning Scheme Officer or by an Officer or by any authority which the State Government may appoint by an order for general purposes or specific purpose, as the case may be,

105. Overriding effect.-

Save as otherwise provided, the provision of this Act and the rules or regulations made thereunder shall have overriding effect notwithstanding anything inconsistent therewith contained in any other laws.

Secretary,
Law & Judicial Deptt.,
Government of Mizoram.

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