



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५३ (१)]

गुरुवार, डिसेंबर २४, २००९/पौष ३, शके १९३१

[पृष्ठे ६, किंमत : रुपये २०.००

असाधारण क्रमांक १०३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Regional and Town Planning (Third Amendment) Act, 2009 (Mah. Act No. XXV of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXV OF 2009.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 24th December 2009.)

An Act further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to

take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ;

and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2009, on the 25th August 2009;

भाग आठ-१०३-१

Mah.
XXXVII
of 1966.

Mah.
Ord.
XVII of
2009.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Third Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 25th August 2009.

Insertion of
Chapter III-
A in Mah.
XXXVII of
1966.

2. After Chapter III of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"), the following Chapter shall be inserted, namely :—

Mah.
XXXVII
of
1966.

"CHAPTER III-A

AREA DEVELOPMENT AUTHORITY

Declaration
of
development
area.

42A. (1) The State Government may, for the purpose of securing planned development of areas within the State, declare by notification in the *Official Gazette*, any area in the State to be a development area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The State Government may, by notification in the *Official Gazette*, amalgamate two or more development areas into one development area, sub-divide any development area into different development areas and include such sub-divided areas in any other development area.

Exclusion
of whole or
part of
development
area from
operation
of Act.

42B. (1) The State Government may, by notification in the *Official Gazette*, withdraw from operation of the relevant provisions of this Act, the whole or part of any development area declared under section 42A.

(2) Where any notification is issued under sub-section (1) in respect of any development area or part thereof, the relevant provisions of this Act and all notifications, rules, regulations and orders made or directions issued and powers conferred thereunder, shall cease to apply to the said area or, as the case may be, part thereof.

Constitution
of Area
Development
Authority.

42C. (1) As soon as may be, after the declaration of a development area under section 42A, the State Government shall, by notification in the *Official Gazette*, constitute an authority for such area to be called the Area Development Authority of that development area for the purpose of carrying out the functions assigned to an Area Development Authority under this Act.

(2) Every Area Development Authority constituted under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and by the said name sue and be sued.

(3) An Area Development Authority shall consist of the following members, namely :—

- | | |
|--|-----------------------------|
| (a) Guardian Minister of the concerned district, | Chairman ; |
| (b) The Presidents of <i>Zilla Parishads</i> and Chairman of <i>Panchayant Samitis</i> functioning in the development area or in any part thereof, | <i>Ex officio</i> Members ; |
| (c) Mayors of Municipal Corporations and Presidents of Municipal Councils, functioning in the development area or in any part thereof, | <i>Ex officio</i> Members ; |
| (d) Municipal Commissioners of Municipal Corporations and Chief Officers of Municipal Councils, functioning in the development area or in any part thereof, | <i>Ex officio</i> Members ; |
| (e) The Collectors of Districts or their representatives not below the rank of Deputy Collector having jurisdiction over the development area or any part thereof, | <i>Ex officio</i> Members ; |
| (f) Chief Executive Officers of <i>Zilla Parishads</i> or their representatives not below the rank of Deputy Chief Executive Officer, functioning in the development area or in any part thereof, | <i>Ex officio</i> Members ; |
| (g) The Chief Engineer of Maharashtra <i>Jeevan</i> Authority or his representative not below the rank of Superintending Engineer having jurisdiction over the development area or any part thereof, | <i>Ex officio</i> Member ; |
| (h) Settlement Commissioner and Director of Land Records or his nominee not below the rank of Deputy Director of Land Records having jurisdiction over the development area or any part thereof, | <i>Ex officio</i> Member ; |
| (i) Chief Executive Officer not below the rank of Joint Director of Town Planning or an Officer appointed by Government for Metropolitan Area and Deputy Director of Town Planning elsewhere, to be appointed by the State Government, | Member-Secretary. |

(4) The provisions of sections 9, 10 and 11 of this Act shall *mutatis mutandis* apply to an Area Development Authority constituted under sub-section (1) as they apply in relation to a Regional Planning Board.

Appointment
of
Government
company,
etc., as Area
Development
Authority.

42D. The State Government may, instead of constituting an Area Development Authority for a development area, appoint any agency or authority or any company or corporation established by the State or Central Government to be the Area Development Authority for any development area.

Control by
Metropolitan
Planning
Committee
and District
Planning
Committee.

42E. (1) Every Area Development Authority constituted under section 42C or appointed under section 42D shall carry out such directions or instructions as may be issued, from time to time, by the Metropolitan Planning Committee or the District Planning Committee, as the case may be, within whose jurisdiction the notified area of the Area Development Authority, is situated :

Provided that, if the notified area of an Area Development Authority is situated in the jurisdiction of a Metropolitan Planning Committee and also of a District Planning Committee, the directions issued by the Metropolitan Planning Committee shall prevail over the directions issued by the District Planning Committee.

(2) Any dispute between the Area Development Authority and the Metropolitan Planning Committee or, the District Planning Committee, as the case may be, shall be referred to the State Government whose decision thereon shall be final.

(3) In the discharge of its duties, the Area Development Authority shall be bound by the directions issued by the State Government.

Powers and
functions of
Area
Development
Authority.

42F. (1) The powers and functions of an Area Development Authority shall be,—

(i) to undertake the preparation and execution of town planning schemes having regard to the draft development plan prepared by the Metropolitan Planning Committee or the District Planning Committee, as the case may be, under the provisions of this Act ;

(ii) to carry out surveys in the development area for the preparation of town planning schemes ;

(iii) to control the development activities in accordance with the development plan and town planning schemes in the development area excluding the area under the jurisdiction of a local authority, which is permitted to execute the functions of a Planning Authority, in the manner provided for in Chapter IV ;

(iv) to levy and collect such scrutiny fees for scrutiny of proposals submitted to the Area Development Authority for permission for development in accordance with the regulations, made in that behalf ;

(v) to enter into contracts, agreements or arrangements, with any person or organization as the Area Development Authority may deem necessary for performing its functions ;

(vi) to acquire, hold, manage and dispose of property, movable or immovable, as the Area Development Authority may deem necessary, subject, however, to the rules or regulations, if any, made in that behalf ;

(vii) to execute works in connection with supply of water, disposal of sewerage and provision of other services and amenities ;

(viii) to levy and collect such fees, for the execution of work referred to in clause (vii) and for provision of other services and amenities, as may be specified by the regulations ;

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

(2) The Area Development Authority shall be a Planning Authority for the area under its jurisdiction excluding the area under the jurisdiction of a local authority under this Act which is permitted to execute the functions of a Planning Authority.

(3) On the constitution or, as the case may be, appointment of an Area Development Authority for any development area, the following consequences shall ensue, namely :—

(i) the authority or authorities functioning within the development area immediately before such constitution or appointment shall cease to exercise the powers and perform the functions and duties which the Area Development Authority is competent to exercise and perform under this Act ;

(ii) the provisions of Chapters VI-A, VIII and IX alongwith the First and Second Schedule of this Act shall apply to the Area Development Authority, as if it was a New Town Development Authority ;

(iii) the provisions of section 21 shall not apply to the Area Development Authority.

(4) The Area Development Authority, may, with the approval of the State Government, delegate any of its powers and functions to any authority or authorities functioning within its jurisdiction.

(5) The Area Development Authority, shall have its office at such place as the State Government may, by order, specify.

Expenses of
Area
Development
Authority.

42G. (1) The State Government shall, by an order in writing determine the amount which an authority or authorities functioning in the development area shall pay as contribution, either in one *lump sum* or in instalments as may be specified in the order, towards the expenses incurred by an Area Development Authority, in the discharge of its functions.

(2) The authority, in respect of whom the order under sub-section (1) has been issued by the State Government, shall not later than six months from the receipt of the order under sub-section (1), pay to the Area Development Authority, concerned, the amount of contribution specified in the order in the manner indicated therein and if such authority fails to so pay such amount, the State Government shall, on receipt of necessary intimation from the Area Development Authority, recover the same from such authority, in the manner as the State Government may decide and pay it to such Area Development Authority.”.

Repeal of
Mah. Ord.
XVII of
2009 and
saving.

3. (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2009, is hereby repealed.

Mah
Ord.
XVII of
2009.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.