

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1034, CUTTACK, TUESDAY, MAY 30, 2017/ JAISTHA 9, 1939

HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 30th May, 2017

S.R.O. No.252/2017— Whereas, aims and objects of the Odisha Development Authorities Act, 1982 are to ensure planned development of different towns in the State;

And, whereas, Section 15 of the Odisha Development Authorities Act, 1982, provides for prohibition of development without permission within the Development Area, and any person including a department of the Central or State Government or a Local Authority or a body corporate constituted under any law makes any unauthorized layout without obtaining written permission from the Concerned Authority are also included under this scheme;

And, whereas, it is noticed that the person sub-dividing the land, shall have to lay down and make street(s), giving access and right of way to all plots into which he or she intends to subdivide the land, so as to connect them with an existing public or private street(s) and also to provide amenities, if any specified by the Development Plan in operation or regulations pertaining to planning or building standards made in this behalf;

And, whereas, over a period of time it is found that parcels of land have been sub-divided and disposed of within the Development Areas of different Development Authorities of the State without obtaining written permission of the concerned Authority as envisaged in the Odisha Development Authorities Act, 1982 and building permissions have also been granted by the Development Authorities on such illegally sub-divided plots for which no layout have been approved (hereinafter referred to as 'unauthorized layout'), and in many cases provisions of amenities like roads, drains, street lights and open spaces etc., as required to be provided under Planning and Building Standards Regulations in force, have not been adhered to thereby defeating the very purpose of ensuring planned development of Urban Areas;

And, whereas, to arrest such unplanned growth in Urban Areas of the State, the Government had issued notification No. 21690, dated 25th August, 2015 imposing restrictions on grant of building permissions on plots within unauthorized layouts by the Development Authorities;

And, whereas, consequent upon such restriction on grant of permission for development in unauthorized layouts, no building permissions are granted, which causes hardship to the owners of

sub-divided plots in unauthorized layout and thereby development activities in Urban Areas have been slowed down;

Now, therefore, considering the need to address the issue of grant of building permissions on sub-divided plots those have not been sub-divided in accordance with the provisions of the Planning and Building Standards Regulations in force and with an intent to bring all the unplanned areas or unauthorized layouts in the State into the fold of planned development providing basic amenities to ensure a better quality of life to the citizens, the State Government decide to frame the following scheme for regularization of such unauthorized layouts ,namely :—

SCHEME

(A) Cut-off date for consideration of unapproved and unauthorized layouts:—

Only those unauthorized layouts and sub-divided plots within the unauthorized layouts and have been transferred by a registered sale/ gift/ partition deed under the provisions of Transfer of Property Act 1882, before the date of notification of this scheme or have been subdivided and or transferred in pursuance to decision of the court, shall be considered for regularization under this scheme;

(B) Application for regularization:—

The developers of unauthorized layouts/owners of sub-divided plots of an unauthorized layout may file an application individually or collectively with the concerned Planning Authority, in the form prescribed under the Odisha Development Authorities (Common Application Form) Rules, 2016, along with an application, as appended at *Annexure 1* for regularization of the case, as the case may be.

(C) Compounding Charges:—

The plot owner and or developer of an unauthorized layout, shall have to pay the following compounding charges as prescribed in Table below for regularization of the sub-divided plots/ layouts, as the case may be, :—

Table 1: Rates of Compounding Charges

Sl. No	Applicant	Area of Plot/ Layout	Rate
A.	Owners of the Plots in unauthorized Layouts	Up to 500 sq.ft	No Charge
		Above 500 sq.ft up to 5000 sq.ft	1 % of Benchmark Value of the Plot
		Above 5000	5% of Benchmark Value of the Plot
B.	Developers / Builders of unauthorized layouts	Compounding charges @ benchmark value of the deficit open space area to make it at least 5% of the total area of the unauthorized layout	

Provided that:—

- (1) The area of the plot/ layout shall be determined as per the ownership document.
- (2) The deficit open space area for layouts shall be calculated on the basis of the shortfall, to achieve an open space reservation equal to at least 5% of the total layout area.
- (3) The minimum width of the access street to the plots/ layouts, for regularization of the layouts/ sub-divided plots, shall be 6 meters.

In case the street width is less than 6 meters, but up to 4.5 meters, the Developers/Builders of the layout shall provide a strip of land half the width of the shortfall width to make the width of the road at least 6.00 meters, on the side that abuts the street, for maintaining the minimum street width to 6.00 meters and shall free gift the strip of land through a registered deed under the provisions of Transfer of Property Act 1882, in favour of the Urban Local Body or the Local Authority, as the case may be. In such cases, the Floor Area Ratio (FAR) of the said plot(s) shall be according to the minimum street width, as specified above. The plot size for payment of compounding charges shall be calculated after deducting the free gifted area for widening of the street. The concerned Authority shall obtain an affidavit from the individual owners of the plot stating that they shall leave or surrender the land for road widening; and

Provided that the lands which have been subdivided as a family partition between the members of the family or under the direction of the Hon'ble Court, duly registered under the relevant Act shall be exempted to pay any compounding charges.

(D) Payment of Compounding Charges:—

The compounding charges shall be paid by the applicant individual plot owners or developers, as the case may be, in lump sum along with the application.

(E) Amount levied to be kept in a separate account:—

The amount collected by the concerned Authority shall be deposited in Comprehensive Development Plan Infrastructure Development Fund (CIDF) of the Authority under a separate head and shall be spent for providing basic amenities to the residents of such layouts/ plots.

(F) Building Plan Approvals:—

Building plan approvals on the regularized sub-divided plots of unauthorized layouts shall only be considered only after the plot owner or developer deposits the compounding charges along with any other dues of the Government and Statutory bodies.

(G) Appeal:—

Any plot owner and / or developer aggrieved by an order passed by the Authority may prefer an appeal before the Appellate Authority under the provisions of the Odisha Development Authorities Act, 1982, which shall be disposed of in a same manner in similar cases under the said Act.

(H) Restrictions on approval and regularization in certain cases:—

No unauthorized layouts and sub-divided plots within the unauthorized layouts shall be regularized in the following cases:—

- (i) Within zones/areas prohibited under any Central or State Government Act, Rules and regulations in force. However, the regularization in such cases shall be considered only after obtaining 'No Objection Certificate' from the concerned Competent Authorities;
- (ii) Where the proposed use of the land which has been subdivided without permission, is not in conformity with the proposed land use of the Development Plan/ Master Plan/ zoning regulation of the concerned Planning Authority and decisions taken by the Authority from time to time including land use in different schemes;
- (iii) Where the layout is on the land
 - (a) water bodies like river, nala, tank, lake, pond etc.; and or recorded as "Jalasaya"/ "forest" in revenue records;
 - (b) within the areas where development has been prohibited under the provisions of "The Environment (Protection) Act, 1986";
 - (c) Where the open space earmarked in an approved layout has been sub-divided and sold and or transferred; and
 - (d) Where the regularization of the unauthorized layout in the opinion of the Planning Authority or Government will affect public interest and safety.

[No. 12226-T.P. Dev-67/2016/HUD.]

By Order of the Governor

G. MATHI VATHANAN

Commissioner-*cum*-Secretary to Government

ANNEXURE - I**Application for Regularisation of unapproved/ unauthorised subdivision of plots and layouts located within Development Areas of different Development Authorities of State of Odisha**

To be filled by Office	
Registration No.	
Date	

From, (Name and correspondence address in capital letters)

Name:

Address:

To,

The Vice Chairman of _____ Development Authority

(Application to be made to the Respective Development Authority within whose jurisdiction the plot/ land of layout is located)

Subject: Regularisation of individual plot/ total layout

Respected Sir/ Madam,

In response to the advertisement of the scheme for Regularisation of Unapproved / Unauthorised subdivision of plots and layouts notified vide No. _____ dated _____, I/ We do hereby apply for regularisation of individual plot/ total layout subdivided without permission of the Authority, along with the Common Application Form, as prescribed in Odisha Development Authorities (Common Application Form) Rules, 2016 duly filled in and with the following compounding charges as furnished below.

A	Whether Application is for Regularisation of:		Individual Plot	Total Layout
	<i>(Please tick the appropriate item)</i>			
B	Compounding Charges			
1	Amount	<i>In Numerals (Rs.)</i>		
2		<i>In Words (Rupees)</i>		
3	DD/ Pay Order No.			
4	Name of the Bank			
5	Date			

Kindly issue order for regularisation of my plot/ layout and oblige.

Yours faithfully

Full Signature of the Applicant