

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XXVI of 1994

THE WEST BENGAL TOWN AND COUNTRY (PLANNING AND DEVELOPMENT) (AMENDMENT) ACT, 1994.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 27th June, 1994.]

[27th June, 1994.]

An Act to amend the West Bengal Town and Country (Planning and Development) Act, 1979.

WHEREAS it is expedient to amend the West Bengal Town and Country (Planning and Development) Act, 1979, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Town and Country (Planning and Development) Act, 1994.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 2 of the West Bengal Town and Country (Planning and Development) Act, 1979 (hereinafter referred to as the principal Act),—

Amendment
of section 2
of West Ben.
Act XIII of
1979.

(a) clause (9) shall be omitted;

(b) after clause (12), the following clause shall be inserted:—

‘(12A) “Land Use and Development Control Plan” means any Land Use and Development Control Plan prepared under this Act;’.

3. In section 13 of the principal Act, in sub-section (1),—

Amendment
of section
13.

(a) in clause (i),—

(i) in sub-clause (b), for the words “an Outline Development Plan;”, the words “a Land Use and Development Control Plan;” shall be substituted;

(ii) sub-clause (c) shall be omitted;

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(Amendment) Act, 1994.*

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(Section 4.)

(b) in clause (ii),—

- (i) in sub-clause (b), for the words “an Outline Development Plan;”, the words “a Land Use and Development Control Plan;” shall be substituted;
- (ii) sub-clause (c) shall be omitted;
- (iii) in sub-clause (g), for the words “Development Plans;”, the words “Land Use and Development Control Plans;” shall be substituted.

Amendment
of chapter
VI.

4. In chapter VI of the principal Act,—

(a) in the heading, for the words “Development Plans”, the words “Land Use and Development Control Plans” shall be substituted;

(b) in section 31,—

(i) for the marginal note, the following marginal note shall be substituted:—

“Land Use and Development Control Plan.”;

(ii) for the words “Outline Development Plan”, wherever they occur, the words “Land Use and Development Control Plan” shall be substituted;

(c) section 32 shall be omitted;

(d) in section 33,—

(i) in the marginal note, for the words “Development Plan” in the two places where they occur, the words “Land Use and Development Control Plan” shall be substituted;

(ii) for the words “Development Plan”, wherever they occur, the words “Land Use and Development Control Plan” shall be substituted;

(e) in section 34,—

(i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;

(ii) for the words “Development Plan”, wherever they occur; the words “Land Use and Development Control Plan” shall be substituted;

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(Section 4.)

- (f) in section 35,—
 - (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
 - (ii) for the words “Development Plan” in the two places where they occur, the words “Land Use and Development Control Plan” shall be substituted;
- (g) in section 36,—
 - (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
 - (ii) for the words “Development Plan”, wherever they occur, the words “Land Use and Development Control Plan” shall be substituted;
 - (iii) in sub-section (1), after the words “within a period of sixty days”, the words “from the date of publication of the public notice in the *Official Gazette* or from the date of publication of the public notice in the newspaper, whichever is later” shall be inserted;
 - (iv) in sub-section (6), for the words “but not later than sixty days,”, the words “but not later than such time as may be prescribed,” shall be substituted;
- (h) in section 37,—
 - (i) in sub-section (1),—
 - (A) for the words “Development Plan”, wherever they occur, the words “Land Use and Development Control Plan” shall be substituted;
 - (B) for the words “but not later than sixty days,”, the words “but not later than such time as may be prescribed,” shall be substituted;
 - (ii) in sub-section (2), for the words “within sixty days of the receipt of the plan.”, the words “within such time of the receipt of the plan as may be prescribed.” shall be substituted;
- (i) in section 38,—
 - (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
 - (ii) for the words “Development Plan”, wherever they occur, the words “Land Use and Development Control Plan” shall be substituted;
 - (iii) sub-section (4) shall be omitted;

(Section 4.)

(j) in section 39,—

- (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
- (ii) for the words “Development Plan”, wherever they occur, the words “Land Use and Development Control Plan” shall be substituted;

(k) in section 40,—

- (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
- (ii) for the words “Development Plan”, wherever they occur, the words “Land Use Development Control Plan” shall be substituted;

(l) in section 41,—

- (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
- (ii) for the words “Development Plan”, wherever they occur, the words “Land Use Development Control Plan” shall be substituted;

(m) in section 42,—

- (i) in the marginal note, for the words “Development Plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
- (ii) for the words “Development Plan” in the two places where they occur, the words “Land Use and Development Control Plan” shall be substituted;

(n) after section 42, the following section shall be inserted:—

“Validation of plan prepared or adopted prior to the coming into force of the West Bengal Town and Country (Planning and Development) (Amendment) Act, 1994.

42A. Any plan, by whatever name called, prepared or adopted by any Planning Authority or Development Authority under any provision of this Act prior to the coming into force of the West Bengal Town and Country (Planning and Development) (Amendment) Act, 1994, shall, on the coming into force of the West Bengal Town and Country (Planning and Development) (Amendment) Act, 1994, be deemed to be a Land Use and Development Control Plan prepared or adopted, as the case may be, under this Act, as amended by the West Bengal Town and Country (Planning and Development) (Amendment) Act, 1994.”;

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(Amendment) Act, 1994.*

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(Sections 5-7.)

- (o) in section 43, for the words "Development Plan", the words "Land Use and Development Control Plan" shall be substituted.

5. In section 44 of the principal Act,—

Amendment
of section 44.

- (a) in the marginal note, for the words "Development Plan.", the words "Land Use and Development Control Plan." shall be substituted;
- (b) for the words "Development Plan", wherever they occur, the words "Land Use and Development Control Plan" shall be substituted.

6. In section 46 of the principal Act,—

Amendment
of section 46.

- (a) in clause (i) of sub-section (3),—
- (i) in sub-clause (a), for the words "development plan.", the words "Land Use and Development Control Plan," shall be substituted;
- (ii) for sub-clause (b), the following sub-clause shall be substituted:—
- (b) the regulations, if any, made under section 139 and applicable to the land on which the development is intended to be carried out, the building rules, if any, of a Panchayat or a Municipality in so far as they are not inconsistent with the regulations as aforesaid and are applicable to such land, the provisions of Land Use and Development Control Plan as forwarded to the State Government under section 31 or as modified thereafter, and any other material consideration.

Explanation.—"Panchayat" has the same meaning as in clause (d) of article 243, and "Municipality" has the same meaning as in clause (e) of article 243P, of the Constitution of India.;

- (b) in sub-section (6), for the words "development plan", the words "Land Use and Development Control Plan" shall be substituted.

7. In sub-section (1) of section 51 of the principal Act, for the words "development plan", the words "Land Use and Development Control Plan" shall be substituted.

Amendment
of section 51.

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(Sections 8-13.)

Amendment
of section
52.

8. In section 52 of the principal Act,—

- (a) in the marginal note, for the words “development plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
- (b) for the words “development plan”, in two places where they occur, the words “Land Use and Development Control Plan” shall be substituted.

Amendment
of section
53.

9. In section 53 of the principal Act, in the marginal note, for the words “development plan.”, the words “Land Use and Development Control Plan.” shall be substituted.

Amendment
of section
55.

10. In sub-section (1) of section 55 of the principal Act, for the words “development plan”, the words “Land Use and Development Control Plan” shall be substituted.

Amendment
of section
56.

11. In section 56 of the principal Act,—

- (a) in the marginal note, for the words “development plan.”, the words “Land Use and Development Control Plan.” shall be substituted;
- (b) for the words “development plan” in the two places where they occur, the words “Land Use and Development Control Plan” shall be substituted.

Amendment
of section
57.

12. In section 57 of the principal Act, for the words “development plan” in the two places where they occur, the words “Land Use and Development Control Plan” shall be substituted.

Amendment
of section
138.

13. In sub-section (2) of section 138 of the principal Act,—

- (a) in clause (f),—
 - (i) for the words “Outline Development Plan,” the words “Land Use and Development Control Plan” shall be substituted, and
 - (ii) the words “Detailed Development Plan” shall be omitted;
- (b) in clause (g), for the words “development plans.”, the words “Land Use and Development Control Plans,” shall be substituted.