

(2) The Guwahati Metropolitan Development Authority shall so exercise the powers of supervision referred to under this Act as may be necessary to ensure that each development project is executed in the interest of the over-all development of the Guwahati Metropolitan Area and in accordance with the approved Master Plan.

Power of the Guwahati Metropolitan Development Authority to execute any plan.

15. (1) Where the Guwahati Metropolitan Development Authority is satisfied that any direction given by it under sub-section (1) of Section 14 with regard to any development project has not been carried out by such authority referred to therein or that any such authority is unable to fully implement any scheme undertaken by it for the development of any part of the Guwahati Metropolitan Area, the Guwahati Metropolitan Development Authority may itself undertake the works and incur any expenditure for the execution of such development projects or implementation of such schemes, as the case may be.

(2) The Guwahati Metropolitan Development Authority may also undertake any works or schemes in the Guwahati Metropolitan Area or as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work or scheme.

### CHAPTER III

#### Master Plan

Preparation of Master Plan.

16. A Master Plan hereinafter referred to as "Plan" in this Act for the development of Guwahati Metropolitan Area or for any area within the Guwahati Metropolitan Area which the State Government may, consider necessary, shall be drawn up by the Authority in consultation with the Director of Town and Country Planning or such other experts of consultancy as the Guwahati Metropolitan Development Authority consider it necessary:

Provided further, the Authority may adopt the existing Master Plan for Greater Guwahati prepared by the Director of the Town and Country Planning Department, with such alterations, modifications, changes and adjustments as it deems necessary.

Survey and Master Plan.

17. (1) The Authority shall, as soon as may be, carry out necessary surveys of, and prepare a Master Plan for Guwahati Metropolitan Area or for any area within the Guwahati Metropolitan Area, as it may deem necessary in the manner prescribed in Section 16.

(2) The Master Plan shall—

(a) define the various zones into which Guwahati Metropolitan Area may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame work within which detailed development schemes of the various zones may be prepared.

Contents of the Master Plan.

18. (1) The Master Plan to be prepared as defined in Section 16, may include:—

(a) a general land use plan for residential, commercial, industrial, recreational and public and semi-public purposes;

(b) Zoning plan and Zoning Regulations;

(c) Transportation plan including roads, railways, canals, etc ;

(d) Public utilities plan ;

(e) any other matter which is necessary for the proper development of Guwahati Metropolitan Area ;

(f) necessary report giving relevant data and information in respect of the proposals in the Plan and any other thing as it deem necessary.

(2) The Zoning Plan and Zoning Regulations may—

(a) contain a site-plan and use-plan for the development of the zone ;

(b) specify the standards of population density and building density ;

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development ; and

(d) in particular, contain provisions regarding all or any of the following matters, namely :—

(i) the division of any site into plots for the erection of buildings ;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes ;

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out ;

(iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings ;

(v) the alignment of building on any site ;

(vi) the architectural features of the elevation or frontage of any building to be erected on any site ;

(vii) the number of residential buildings which may be erected on any plot or site ;

(viii) the amenities to be provided in relation to any site or buildings on such site

whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

- (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings or a specified architectural feature or buildings designed for particular purposes in the locality;
- (x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and
- (xii) any other matter which is necessary for the proper development of the zone or any area thereof according to Plan and for preventing buildings being erected haphazardly in such zone or area.

Submission  
of Plans to  
the State  
Government  
for approval.

19. Every Plan shall, as soon as may be after its preparation, be submitted by the Authority to the State Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the Plan with direction to the Authority to prepare a fresh plan according to such directions.

Procedure  
to be followed  
in the  
preparation  
and approval  
of Plan.

20.(1) Before preparing any Plan finally and submitting it to the State Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the State Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section, the State Government may direct the Authority to furnish such information as the State Government may require for the purpose of approving any plan submitted to it under this section.

Date of  
operation of  
Plans and  
Zoning Re-  
gulations.

21. (1) Immediately after the plan and Zoning Regulations have been approved by the State Government, the Authority shall publish in such manner as may be prescribed by regulations, a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice, the plan shall come into operation.

(2) After the coming into operation of the Master Plan and Zoning Regulation, it shall be the duty of the Guwahati Municipal Corporation or any other local authority, within whose jurisdiction such area or zone is situated to enforce such regulatory measures in supersession of the rules and regulations, if any, applicable to such area or zone.

Modification  
to the Mas-  
ter Plan and  
the Zoning  
Regulations.

22. (1) The Authority may make any modifications to the Master Plan and Zoning Regulations as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land uses or the standards of population density.

(2) The State Government may make any modifications to the Master Plan and Zoning Regulation whether such modifications are of the nature specified in sub-section (1) or otherwise.

(3) Before making any modifications to the Plan, the Authority or, as the case may be, the State Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the State Government.

(4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the State Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as the Authority or the State Government may fix.

(5) When the Authority makes any modifications to the Plan under sub-section (1), it shall report to the State Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.

(6) If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the State Government whose decision thereon shall be final.

Restriction  
of use of  
land and  
buildings  
thereon af-  
ter publica-  
tion of the  
Master Plan.

23. After the coming into operation of any Master Plan in any area under sub-section (1) of Section 21, no person or body (including a department of State or Central Government or the local authority) shall use or permit to be used any land, sub-divide any land by transfer, by way of gift, sale, partition or any other manner the whole or any part of the land, or setup any new structure on any land covered by the Plan or change the existing structure or any building or use of any building or land within the area covered by the Plan except with permission of the Guwahati Metropolitan Development Authority on a written application submitted for the purpose.

Prohibition  
of develop-  
ment with-  
out permis-  
sion.

24. After the coming into force of this Act, no development, institution or change of use of any land shall be undertaken or carried out within the Guwahati Metropolitan Area without obtaining the permission in writing from the Authority as provided for here-in-after :

Provided that no such permission shall be necessary—

- (i) for the carrying out such works for the maintenance, improvement or other alteration of any building which effect only the interior of the building or which do not materially effect the structural and external appearance of the building;
- (ii) for the carrying out by the Central or the State Government or any local authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;
- (iii) for the carrying out by the Central or the State Government or any local authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

- (iv) for the excavation (including wells) made in the ordinary course of agricultural operations;
- (v) for the construction of unmetalled road intended to give access to land solely for agricultural purposes.

Permission  
for deve-  
lopment.

25. (1) Any person or body (including a department of the Central or the State Government or any local authority) intending to carry out any development on any land shall make an application in writing to the Guwahati Metropolitan Development Authority for permission in such form and containing such particulars and accompanied by such documents as may be prescribed.

(2) Each such application shall be accompanied by a plan drawn to scale showing the actual dimension of the parcel of the land and the building to be built upon it, the site and the position of the building to be erected and in case of alteration in the use or structure of the building or land the nature and extent of such alteration.

(3) The Authority may also call for such other information as it may deem necessary to examine the application.

(4) The Authority shall not refuse the permission except on the ground of contravention of proposals contained in the plan or the Zoning Regulations and unless the permission has been refused within a period of one month from the receipt of the application or such other information as may be called for by the Authority under sub-section (3), it shall be presumed that the permission has been given.

(5) On such application having been duly made, and on payment of the development permission fees as may be assessed as prescribed by laws framed by the Authority in this behalf--

- (a) the Authority may pass an order--
  - (i) granting permission unconditionally; or



- (ii) granting permission subject to such conditions as it may think fit; or
  - (iii) refusing permission.
- (b) Without prejudice to the generality of clause (a) of this sub-section, the Authority may impose conditions—
- (i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous conditions or the use of the land permitted shall be discontinued.
  - (ii) for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the Authority expedient for the purpose of the permitted development :

Provided no such fee shall be necessary in the case of an application made by a department of the Central or the State Government or any local authority.

(6) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and the order shall be communicated to the applicant.

(7) When permission is refused under this section, the applicant or any person claiming through him, shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (6), direct refund of such portion of the fee as it may seem proper in the circumstances of the case.

(8) In the case of a department of the Central or the State Government or any local authority intending to carry out any development other than operational constructions, on any land where the Authority raises any objection in respect of the conformity of the proposed development either to any Master Plan or scheme under preparation, or to any of the building by laws in force, or to the Zoning Regulations, or due to any other material consideration under sub-section (9), the department or the authority, as the case may be, shall;

(a) either make necessary modifications in the proposals for development to meet the objections,

or

(b) submit the proposals for development together with the objections raised by the Authority to the State Government for decision. When proposals and objections have been submitted, no development shall be undertaken until the State Government has finally decided on the matter.

(9) The State Government on receipt of the proposals for development together with the objections of the Authority, shall either approve the proposals with or without modification or direct the concerned authority to make such modifications in the proposals as it considers necessary in the circumstances.

Appeal against grant of permission subject to conditions or refusal of permission.

26. Any applicant aggrieved by an order passed under Section 25, or if no order is passed under that section, may appeal within one month of the communication of that order to him or after the expiry of the period of three months from the date of submitting the application, as the case may be, in the manner and accompanied by such fees as may be prescribed, to the Appellate Authority appointed by the State Government in this behalf.

Lapse of permission.

27. (1) Every permission for any development granted under this Act shall remain in force for a period of one year from the date of such permission.

(2) The Authority may, on application made in this behalf before the expiry of the aforesaid period, extend the same for such times as it may think proper, but the total period shall in no case exceed three years.

(3) If any permission lapses under sub-section (1) or (2), such lapse shall not bar any subsequent application for fresh permission under this Act.

Sub-division  
of private  
land.

28. (1) Every person who intends to sub-divide any plot of land within the Guwahati Metropolitan Area shall give notice in writing to the Authority of his said intention and such notice shall be accompanied by the plans and statements together with a development permission fee as prescribed.

(2) All plans for sub-division of land shall be in accordance with the standards prescribed by the State Government.

Plans  
accompanying  
notice.

29. A layout plan drawn to a suitable scale and containing the following information shall accompany the notice given under Section 28,—

- (a) the location of the land,
- (b) the boundaries of the proposed land shown on the map, and sufficient description to define the same,
- (c) name and address of the owner of the land,
- (d) location, name and present widths of the adjacent roads and lanes,
- (e) the major physical characteristics of the land proposed to be sub-divided, including topography, the approximate location and width of any water course and location of any areas subject to inundation or flood,

- (f) The complete layout of the proposed sub-division showing the location and widths of all the proposed street dimensions and uses of all the plots,
- (g) The locations of all drain, sewers and other utilities,
- (h) Building lines permissible,
- (i) Scale and north line,
- (j) Key plan.

Sanction with or without modification or refusal.

30.(1) The Authority may either grant or refuse the approval to the plans or may approve them with such modifications as it may deem fit and thereupon shall, communicate its decision to the person giving the notice within three months from the date of the notice.

(2) No person shall be allowed to construct a building on any plot of land, the sub-division of which has not been previously approved by the Authority.

Layout not according to plan.

31. Should be Authority determine at any stage that the layout or the construction is not proceeding according to the sanctioned plan or is in violation of any provision of this Act, it shall serve a notice on the applicant requiring him to stay further execution until correction has been effected in accordance with the approved plan.

Prohibition of registration in certain cases.

32. Where any deed or document required to be registered under the Indian Registration Act, 1908 (Act No.XVI of 1908), purports to sub-divide any land or transfer of any land within the Guwahati Metropolitan Area, no registering officer shall register any such document unless the party presenting the deed or document for registration produces a No-Objection Certificate from the Authority to the effect that the Authority has No-Objection to the registration of such deed or document.

Power of  
revocation  
and modi-  
fication of  
permission  
to develop.

33.(1) If it appears to the Authority that, it is expedient, having regard to the Master Plan or development scheme prepared or under preparation or to be prepared and to any other material consideration, that any permission to develop land granted under this Act or any other law, should be revoked or modified, the Authority may, by order, revoke or modify the permission to such extent as appears to it to be necessary provided that,—

(a) Where the permission relates to the carrying out of building or other operations, no such order shall,—

- (i) affect such of the operations as have been previously carried out;
- (ii) be passed after these operations have been completed

(b) Where permission related to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) When permission is revoked or modified by an order made under sub-section (1), if the owner claims from the Authority within thirty days from the date of revocation or modification, an amount for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification, the Authority shall, after giving the owner a reasonable opportunity of hearing by the Authority, assess and offer such amount to the owner as it thinks fit.

(3) If the owner aggrieved by the assessments and offer of such amount made by the Authority, the aggrieved owner may appeal to the Appellate Authority against the assessment and offer of such amount, within thirty days from the date of offer and the decision of the Appellate Authority shall be final and binding on the owner and the Authority.

Penalty for violation.

34. The Authority shall have power to impose fine not exceeding five hundred rupees on any person, firm or Corporation who violates, disobeys, refuses to comply with, or who resist the enforcement of any of the provisions of this Act. Continuation of the violation shall constitute a separate offence for which a fine of fifty rupees per day may be imposed for the days after the first conviction. An appeal shall lie to the Appellate Authority constituted under this Act.

## CHAPTER VI

### Development of lands and Development schemes.

Declaration of development areas and preparation of Development schemes.

35. (1) As soon as may be after the commencement of this Act, the Authority may for the purpose of implementing the proposals contained in the Master plan, by notification in the Official Gazette, declare any area in the Guwahati Metropolitan Area to be a development area for the purposes of this Act and shall thereafter prepare one or more development schemes for the development area.

(2) Notwithstanding anything contained in subsection (1), the State Government may after making such enquiry as they may deem necessary, by notification in the Official Gazette, declare any area in the Guwahati Metropolitan Area to be a development area and shall thereafter, direct the Authority, or any Officer of the State Government or any local authority to prepare and submit for their sanction before an appointed date, a scheme under this section for an area specified in such notification:

Provided that, while preparing the scheme as directed by the State Government, the Officer of the State Government or the local authority, as the case may be, shall prepare such scheme, in consultation with the Guwahati Metropolitan Development Authority.