

Government of Gujarat,
Urban Development and Urban Housing Department,
Sachivalaya, Gandhinagar.

Dated the 1st June, 1999.

The Gujarat
Town Planning
and Urban
Development
Act, 1976.

NO. GH|V| 85 of 1999| TPS-1498-52-L:- WHEREAS under Government Notification, Urban Development and Urban Housing Department NO. GH|V| 174 of 1988| TPS| 1400| 3090| L dated the 19th September, 1988 the Government of Gujarat had in exercise of the powers conferred by sub-section(2) of section 48 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No.27 of 1976) (hereinafter referred to as "the said Act") sanctioned a draft Town Planning Scheme, Surat No.5 (Umra North) (hereinafter referred to as "the said draft scheme") submitted to it by the Surat Municipal Corporation, Surat;

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AND WHEREAS in exercise of the powers conferred by Section 50 of the said Act, Government of Gujarat appointed the Town Planning Officer for the said draft scheme;

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AND WHEREAS the Town Planning Officer has submitted to the Government of Gujarat the Town Planning Scheme, Surat No.5 (Umra-North) - Preliminary Scheme (hereinafter referred to as "the said preliminary scheme") as required under sub-section (2) of section 52 and section 64 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No.27 of 1976);

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AND WHEREAS the petitioner Shri Chhaganbharti Pranbharti filed SCA No. 4545|91 against the Gujarat State Government and Ors. in the Hon'ble Gujarat High Court;

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AND WHEREAS the petitioner Shri Razab Ali Meghani filed CA No. 9922|96 in SCA No. 4545|91.

AND WHEREAS in aforesaid S.C.A. No. 4545|91 and CA No. 9922|96, Hon'ble Gujarat High Court has passed the following Order on 7th May, 1997:-

"The Order Status Quo granted in main petition SCA No. 4545|91 is confined to petitioners land bearing Original Survey No. 17|P of Final Plot No. 5 of Town Planning Scheme No. 5, Surat (Umra-North). The authorities would be at liberty to enforce the Town Planning Scheme and pass all

consequential Orders in relation to other lands of final plots included in the scheme".

AND WHEREAS the petitioner Shri Chetnaben Dilipkumar Sutaria filed SCA No. 7085/97 against State Government and Others in the Hon'ble Gujarat High Court; which, as reported by Chief Town Planner, Gujarat State, Gandhinagar vide his letter dated 26-11-1998, is, at present, pending with Hon'ble Gujarat High Court at admission stage.

AND WHEREAS in S.C.A.No. 831/98 Hon'ble High Court of Gujarat has directed to the Government to consider the re-allotment of Final Plots against Original Plot No. 20, while sanctioning the Preliminary Scheme;

NOW; THEREFORE, in exercise of the powers conferred by Section 65 of Gujarat Town Planning ^{and} Urban Development Act, 1976 (President's Act No. 27 of 1976) the Government of Gujarat hereby:-

- (a) Sanctions the said Preliminary Scheme subject to:-
- (i) Modification enumerated in schedule appended hereto;
 - (ii) Aforesaid Order dated 7-5-1997 of Hon'ble High Court in CA No. 9922/96 in SCA NO. 4545/96 and the ^{SCA NO. 7085/1997} final decision so far as it relates to the matter involved in Hon'ble Gujarat High Court;
- (b) States that the said Preliminary Scheme shall be kept open to inspection by the public at the office of the Municipal Corporation, Surat during office hours on all working days;
- (c) fixes the 1-7-99 as the date for the purpose of clause (b) of sub-section (2) of the said Section 65.

SCHEDULE

In the Preliminary Town Planning Scheme, Surat No. 5 (Umra-North) General Development Control Regulation appended shall be treated as excluded,

- (1) The lands covered under the scheme area shall be subject to Urban Land Ceiling Act, 1976 and subject to the decision in accordance with the said Act;
- (2) In the Preliminary Scheme documents on Page No. 209 to 366 the Development Control Regulations shall be treated as excluded.

(3) While finalising the Preliminary Scheme the 12 mt. wide Town Planning Scheme road proposed by the Town Planning Officer at the Western Boundary of Original Plot No.52|A|11, shall be reduced to 6 mt. wide road and the lands so released shall be merged in the Final Plot No.89 as shown in appended Map No.1.

(4) As per the proposal of the Preliminary Scheme, In lieu of Original Plot No.20, Final Plot No. 17 and 163 are allotted (As mentioned at Sr.No.23 of Redistribution Statement, Page 83). From this proposal F.P.No.17 which was allotted, has been deleted and instead of this Final Plot No.17, Final Plot No.18 has been allotted similarly. Final Plot No.18 (District Centre) which has been allotted to Appropriate Authority.(i.e. Surat Municipal Corporation) has been deleted and instead of Final Plot No.18, Final Plot No.17 has been allotted to Surat Municipal Corporation as shown in appendix Map No.2.

This modification is subject to the implementation of EWS Housing Scheme under ULC as contended/represented by the petitioner Shri Hasmukhbhai T. Patel. Under no circumstances other use would be permitted. In case of non-compliance by petitioner/applicant the said Town Planning Scheme shall be varied and regular deduction shall be made from the land of petitioner.

(5) The redistribution Statement of the Preliminary Scheme is modified as per Item No.3 and 4 of the Schedule.

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


: V. B. DAVE:

Officer on Special Duty & Joint Secretary to
the Govt. of Gujarat,
Urban Development and Urban Housing Department.

Copy forwarded with compliments to:-

- The Commissioner, Surat Municipal Corporation, Surat.
- The Chief Town Planner, Gujarat State, Gandhinagar (5 copies).
- The Collector, Surat, Dist-Surat.
- The District Development Officer, Surat.
- The Mamlatdar, Surat Dist-Surat.
- ~~-The Manager, Govt. Central Press, Gandhinagar-With a request to publish the aforesaid Notification.~~
- The Chief Executive Officer, Surat Urban Development Authority, Surat.

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- The Manager, Govt. Central Press, Gandhinagar-
With a request to publish the aforesaid Notification
in Part IV B of the Gujarat Government Extra Ordinary
Gazette of 1-6-99 and forward its ten printed
copies to this department.
- The Director of Information, Gandhinagar-With a request to
issue a suitable press note and send a copy of said
press note to this department.
- The Legislative and Parliamentary Affairs Department,
Sachivalaya, Gandhinagar-With a request to send
Gujarati Version of the Notification directly to the
Manager, Government Central Press, Gandhinagar
- The Revenue Department, Sachivalaya, Gandhinagar.
- P.S. to Hon'ble Minister of State(UD) Sachivalaya, Gandhinagar.
- The Select file.
- The Personal file.