

The Gujarat Town Planning and Urban Development Act 1976.

[REDACTED]

WHEREAS under Government Notification, Panchayats and Health Department No. GH/pl258/TPS/4267/571/p dated the 10th May, 1968 the Government of Gujarat had, in exercise of the powers conferred by sub-section (2) of Section 28 of the Bombay Town Planning Act, 1954 (Bom. XXVII of 1955) hereinafter referred to as "the Old Act" sanctioned draft Town Planning scheme, Surat No. 8 (Umarwada) (hereinafter referred to as "the said draft scheme") submitted to it by the Collector of Surat;

AND WHEREAS in exercise of the powers conferred by section 31 of the old Act the Government of Gujarat had appointed the Town Planning Officer for the said draft scheme;

AND WHEREAS on the application of Local Authority i.e. Surat Municipal Corporation the Town Planning officer so appointed prepared a Preliminary scheme Surat No. VIII (Umarwada) having regard to the Provisions of Section 45 of the Old Act;

AND WHEREAS in Pursuance of the Provisions of sub-section (1) of Section 46 of the Old Act, the said Corporation made an application on 27th June 1969 to the Government of Gujarat through the said Town Planning officer, to vest in it the lands, described in the Schedule annexed to the Government Notification Panchayats and Health Department No. GH/P/1678/TPS/4269/5329/5329/p dated 4th August 1969 and shown in Plan of the said Preliminary scheme for the purposes of undertaking works specified in section 46 of the Old Act, and referred to said Schedule.

AND WHEREAS in exercise of the powers conferred by sub-section (2) of Section 46 of the Old Act the Government directed the Town Planning officer vide the aforesaid Government Notification dated 4th August, 1969, to take the possession of the lands

described in the said scheme appended to the said notification dated 4-8-1969, and further directed the said Corporation to complete the execution of the works relating to roads and to the open-space mentioned in items No. (a) and (b) of the aforesaid Schedule and to execute the works relating to market mentioned in item No. (c) of the aforesaid Schedule; AND WHEREAS the Town Planning Officer took the possession of certain lands as per the aforesaid direction of the Government and handed over the same to the Local Authority;

AND WHEREAS the Town Planning officer submitted to the Government of Gujarat the Town Planning Scheme scheme Surat No. 8 (Umarwada) (hereinafter referred to as the "said final scheme") as required under sub-section (2) of section 43 of the Old act,

AND WHEREAS in Civil Miscellaneous Petition No. 29195 of 1983 in Civil Application No. 124 of 1977 in the Supreme Court filed by

Shri Prakesh Amichand Shah, the Supreme Court passed the order dated 20th February, 1984 "the interim order of stay dated 25th May, 1977 will be vacated but the sanction if any, given to the Town Planning scheme No. 8 (Umarwada) shall be subject to the result of the appeal and that it will also be stated so in the notification, if any, which may be issued by the State Government and further that the status-quo as on the day of order will continue in regard to possession of the land in question";

AND WHEREAS in the aforesaid Civil Application No. 1244 of 1977 in the Supreme Court filed by Shri Prakash Amichand Shah, the Supreme Court has passed the order dated 29th December, 1985 that "the Appeal is hereby dismissed and that status-quo in regard to possession of land in question as ordered by that Court on 20th February, 1984 in C.M.P. No. 29195 of 1983 be had is hereby vacated";

AND WHEREAS in relation to Special Civil Application No. 1344 of 1974 in the Gujarat High Court filed by the Surat Parsi Panchayat, a Public Trust Registered under the Bombay Public Trust Act through its President

~~Shri Manek Jamshedji Rattan shay Chyera and~~
ors, the Gujarat High court has passed the following
order dated 10th/11th March, 1980;

" For the reasons stated in the accompanying Judgement
the Court allows the petition, partly quashes and sets a
side the decision of the Board of Appeal that it has no
Jurisdiction to decide the question of apportionment
of Contribution between the Petitioner on one hand and
its servral lessers on the other hand in respect of
servral final plots which here referred to in the Judg-
-ment and sends back to the appeals with which the
final plots are concerned, to the Board of Appeal with a
direction that the Board of Appeal shall, on merits, after
giving a reasonable opportunity to the petitioners and its
lessees of being heard, decide in what Proportion
contribution is Payable by the Petitioner on the one
hand and its lessees on the other hand in respect
thereof

The Court further directs the Town Planning Officer to
decide after giving the petitioner reasonable opprtunit,
of being heard, its application for exemption in respect
of final plot No.76 made by it under Section 32(1)(vii)
of the Bombay Town Planning Act, 1954.

The Court also unpholds the order made by the Town
Planning officer or the order recorded by the, Board of
appeal, as the case may be, except in respect of these
two matters referred to in the Judgement.

The Court accordingly makes the Rule absolute partly
with no order as to costs"

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

- a) sanctions the said final scheme subject to the
aforesaid order of the Gujarat High Court in rela-
-tion to S.C.A. No. 1344 of 1974 and subject to the
modifications enumerated in the Schedule appended

hereto.

- b) states that the said final scheme is open for inspection by the public at the office of the Su-
Municipal Corporation, Surat during office hours
day except Sundays and holidays; and
- c) Fixes the 17th-February, 1987 as the date for the
cases of clause (b) of sub-section (2) of the said
65;

Schedule

in the scheme documents, in Form B i.e. Register
and valuation statement the following modifica-
shall be made.

Sr. No. in Form B	Original Plot number	Modification
(i) 5(2)	4 B	In column No. 13 of Form B figure "5.3" shall be substituted by "5.3/14"
(ii) 80	20	In column No. 5 of Form B original plot area "13 sq. mts" shall be substituted by "20 sq. mts"
(iii) 96(14)	26/14	In column No. 4 of Form B the figure "25/15" shall be substituted by "26/14"
(iv) 96(15)		In column No. 4 of Form B the original plot No. "25/15" shall be substituted by original plot No. "26/15"
(v) 96(18)	26/18	In column No. 8 of the Form B the Final plot area figure "60 Sq. mts" shall be substituted by "88 Sq. mts"
(vi) 96(29)	98/B	In column No. 3(a) of the Form B S.No. "89/B" shall be substituted by S.No. "89/B"
(vii) 116	29	In column No. 3(a) of the Form B S.No. "23" shall be substituted by S.No. "29"
(viii) 137(14)	22/A	In column No. 9(a) of the Form B S.No. "22/A" shall be substituted by S.No. "22/A" and in column No. 7 of the Form B Final Plot No. "22" shall be substituted by Final Plot No. "22"

(ix) 117(2)

48/2

In column No.16
(a) of the Form B
figure of "Rs.2525"
shall be substituted
by figure of "Rs.8525".

2. In Form 'B' i.e. Redistribution and Valuation Statement at Sr.No.77(i) the Particulars in column No.2 i.e. "Name of owner shall be substituted read as" the Bombay Gujarat Art Silk Vepari Mahajan Co-operative shops and Wave Housing Society Limited" and the remarks in column No.16 shall be treated as deleted.

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

sd/-

(J.H. Tamakuwala)

Officer on Special Duty to Government
Urban Development and Urban Housing
Department.

Copy forwarded with compliments to :-

- The Municipal Commissioner, Surat Municipal Corporation,
Surat.
The Chief Executive Officer, Surat Urban Development
Authority Surat.
The Collector, Surat
The District Development Officer, Surat
The Mamlatdar, Surat Dist Surat
The Chief Town Planner, Gujarat State, Ahmedabad.

(With scheme papers, receipt of which may please be acknowledged) He is requested to please take necessary action as per Rule No.31 of the Gujarat Town Planning and Urban Development Rules, 1979.

The Director of Information, Gandhinagar-with request to issue suitable press note.

The Manager, Government Central Press, Gandhinagar-with a request to publish the accompanying notification in Part IV B of the Gujarat Government extra ordinary gazette positively on 16 th January, 1987 and forward its ten printed copies to this department.

The Revenue Department, Sachivalaya Gandhinagar

The Select file

The Resonal file.