

GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT

Notification

No. 15646 / HUD-20.6.18
T.P.Dev - 22/18

Whereas in exercise of the powers conferred by section 124 of the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982), the 9 (nine) Development Authorities of the State i.e. Bhubaneswar Development Authority, Cuttack Development Authority, Berhampur Development Authority, Sambalpur Development Authority, Rourkela Development Authority, Puri-Konark Development Authority, Paradeep Development Authority, Kalinga Nagar Development Authority and Talcher-Angul-Meramandali Development Authority, with the approval of the State Government, have notified their Planning and Building Standards Regulations for regulating the development and building construction activities being undertaken within their respective jurisdictions.

And whereas, provisions have been made in all the above said Planning & Building Standards Regulations which empowers State Government to formulate a scheme for compounding the deviations related to unauthorized constructions.

And whereas, there was a felt need to give one time opportunity for regularising the unauthorized constructions within the frame work of standards prescribed for fire safety and structural stability, so as to bring all such development within regulatory frame work of development authorities and thereby reducing the risks arising out of unregulated development.

Now, therefore, in exercise of such provisions, the State Government do hereby make the following scheme namely:-

1. Short title, extent and commencement.— (1) This scheme may be called the Scheme for Regularization of Unauthorized Constructions, 2018.

(2) It extends to all development areas of the State declared as such under the provisions of sub-section (1) of section 3 of the Odisha Development Authorities Act, 1982.

(3) It shall come into force from the date of its publication in the Odisha Gazette.

2. Definitions.— (1) In the scheme, unless the context otherwise requires,—

(i) "Act" means the Odisha Development Authorities Act, 1982;(Odisha Act 14 of 1982);

(ii) "applicant" means any person who applies under this Scheme to get the unauthorized constructions regularized;

(iii) "approved plan" means building plan approved by the competent authority;

(iv) "clinical establishment" means clinical establishment as defined under clause (b) of section 2 of the Odisha Clinical Establishment (Control and Regulation) Act, 1991.

(v) "competent authority" means the Development Authority, Regional Improvement Trust and Special Planning Authority, Urban Local Bodies or other Government Agency which is or was empowered at the time of approve building plan under the provisions of the relevant Act, rules and regulations governing such Authority;

(vi) "Form" means Form appended to this Scheme;

(vii)"unauthorized constructions" means constructions undertaken in contravention of the approved plan or without any approval of the plan by the competent authority.

(2) Words and expressions used in this scheme but not defined shall have the same meaning as assigned to them in the Act or the rules and regulations made thereunder.

3. Applicability.— (1)The Scheme intends to give an opportunity to every person for regularizing unauthorized constructions undertaken within the Development area, prior to the date of the commencement of the Scheme, by way of compounding on payment of fee at the rate prescribed in this scheme.

(2)The Scheme is applicable only to such unauthorized constructions that are structurally safe and do not affect any public interest or safety or interfere with any public activity.

(3)The relaxation provided in the Notification of the Government of Odisha in the Housing and Urban Development Department No. 12226 dated the 30.05.2017 in respect of regularization of the sub-divided plots or lay-outs over which the unauthorized construction has been undertaken shall also be made applicable under this Scheme.

4. Application Procedure.— (1) Any person who intends to get the unauthorized constructions regularized under this Scheme shall apply to the concerned Development Authority in Form-A accompanied with the fees as prescribed in the Odisha Development Authorities (Common Application Form) Rules, 2016, within six months, unless extended otherwise by the State Government from the date on which this Scheme has come into force, with the following documents, namely:—

(a) four copies of building plans as per actual construction at site showing site plan, lay out plan, floor plan, four side elevations, drainage and sewerage disposal plan, etc. duly signed by the plot owner or Developer and the Architect or Technical person as per the provisions of the Planning and Building Standards Regulations of respective Development Authority;

(b) copy of ownership document of land;

(c) copy of approved plan and approval letter, if any;

(d) affidavit in Form-B regarding peaceful possession of the land and construction undertaken at site;

(e) photograph of the building from two angles duly signed by the applicant and attested by the concerned Architect or registered technical person with date;

(f) site inspection report duly signed with date by the applicant and the Architect registered with Council of Architecture, India or registered Technical Person under the Odisha Development Authority (Common Application Form) Rules, 2016;

(g) certificates or clearances or No Objection Certificates, as the case may be, relating to,—

(i) fire safety in cases where same is required as per the provisions of the Odisha Fire Prevention and Safety Rules, 2017, if any;

(ii) structural safety as per Planning and Building Standards Regulations of the respective Development Authority in Form-C;

(iii) peripheral infrastructure development in applicable cases from urban local body;

(h) No Objection Certificate in the form of affidavit from the concerned neighbour, if the person regularizes unauthorized constructions with nil setback on any side of the plot in Form-D: