

THE HARYANA DEVELOPMENT AND REGULATION OF
URBAN AREAS ACT, 1975

(HARYANA ACT NO. 8 OF 1975)

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THE HARYANA DEVELOPMENT AND REGULATION
OF URBAN AREAS ACT, 1975

(HARYANA ACT NO. 8 OF 1975)

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30th January, 1975 and was first published in the
Haryana Government Gazette (Extraordinary),
Legislative Supplement Part I of
30th January, 1975.]*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1975	8	The Haryana Development and Regulation of Urban Areas Act, 1975	Amended by Haryana Act 9 of 1977 ² Amended by Haryana Act 15 of 1984 ³ Amended by Haryana Act 30 of 1986 ⁴ Amended by Haryana Act 11 of 1989 ⁵ Amended by Haryana Act 17 of 1996 ⁶ Amended by Haryana Act 11 of 2003 ⁷ Amended by Haryana Act 5 of 2004 ⁸

AN
ACT

to regulate the use of land in order to prevent ill-planned and haphazard urbanization in or around towns in the State of Haryana.

1. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 13th January, 1975, pages 62-63.
2. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 23rd March, 1977, page 450.
3. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 27th March, 1984, page 555.
4. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 25th November, 1986, page 1314.
5. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 22nd August, 1989, page 1323.
6. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 18th November, 1996, page 2397.
7. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 10th March, 2003, page 900.
8. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary)*, dated the 9th February, 2004, page 301.

Be it enacted by the Legislature of the State of Haryana in the Twenty-fifth year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Haryana Development and Regulation of Urban Areas Act, 1975.

(2) It shall apply to all urban areas in the State of Haryana.

(3) It shall be deemed to have come into force on the 16th day of November, 1971, except section 10 which shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation in any manner whatsoever, wholly or in part, intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements :

¹[(aa) "agriculture" includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard ;]

(b) "building" means any shop, house, hut, out-house, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatsoever, and includes a wall ;

²[(c) "colony" means an area of land divided or proposed to be divided into plots or flats for residential, commercial, industrial, cyber city or cyber park purposes or for the construction of flats in the form of group housing or for the construction of integrated commercial complexes, but an area of land divided or proposed to be divided—

(i) for the purpose of agriculture ; or

1. Inserted by Haryana Act 11 of 1989.

2. Substituted by Haryana Act 11 of 2003.

- (ii) as a result of family partition, inheritance, succession or partition of joint holding not with the motive of earning profit ; or
- (iii) in furtherance of any scheme sanction under any other law; or
- (iv) by the owner of a factory for setting up of a housing colony for the labourers or the employees working in the factory; provided there is no profit motive ; or
- (v) when it does not exceed one thousand square metres or such less area as may be decided from time to time in an urban area to be notified by Government for the purposes of this sub-clause.

shall not be a colony ;]

- (d) "colonizer" means an individual, company or association or body of individuals, whether incorporated or not, owning ¹[] land for converting it into a colony and to whom a licence has been granted under this Act ;
- ²[(dd) "cyber city" means self contained intelligent city with high quality of infrastructure, attractive surrounding and high speed communication access to be developed for neculeating the Information Technology concept germination of medium and large software companies and Information Technology enabled services, wherein no manufaturing units shall be permitted ;
- (ddd) "cyber park" means an area developed exclusively for locating software development activities and Information Technology Enabled Services, wherein no manufacturing of any kind (including assembling activities) shall be permitted ;]
- (e) "development works" means internal and external development works ;

1. Omitted by Haryana Act 11 of 2003.

2. Inserted by *ibid*.

- ¹[(f) "Director" means the Director, Town and Country Planning, Haryana, and includes a person for the time being appointed by the Government, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Director under this Act and the rules made thereunder ;]
- (g) "external development works" include water supply, sewerage, drains, necessary provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and any other work which the Director may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area ;
- (gg) "flat" means a part of any property, intended to be used for residential purposes, including one or more rooms with enclosed spaces located on one or more floors, with direct exit to a public street or road or to a common area leading to such streets or road and includes any garage or room whether or not adjacent to the building in which such flat is located provided by the coloniser/ owner of such property for use by the owner of such flat for parking any vehicle or for residence of any person employed in such flat, as the case may be ;]
- (h) "Government" means the Government of the State of Haryana;
- ²[(hh) "group housing" means a buildings designed and developed in the form of flats for residential purpose or any ancillary or appurtenant building including community facilities, public amenities and public utility as may be prescribed;
- (hhh) "integrated commercial complex" means building containing apartments sharing common services and

1. Substituted by Haryana Act 11 of 2003 and further substituted by Haryana Act 5 of 2004.

2. Inserted by Haryana Act 11 of 2003.

facilities and having their undivided share in the land and meant to be used for office or for practising of any profession or for carrying on any occupation, trade, business or such other type of independent use as may be prescribed ;]

- (i) "internal development works" mean—
- (i) metalling of roads and paving of footpaths;
 - (ii) turfing and plantation with trees of openspaces;
 - (iii) street lighting ;
 - (iv) adequate and wholesome water-supply ;
 - (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal ; and
 - (vi) any other work that the Director may think necessary in the interest of proper development of a colony ;
- ¹[(j) "local authority", means a Municipal Committee or municipal Council or Municipal Corporation;]
- (k) "owner" includes a person in whose favour a lease of land in an urban area for a period of not less than ninety-nine years has been granted ;
- (1) "person" includes an association or body of individuals whether incorporated or not ;
- ²[(m) "plot/flat holder" means a person in whose favour a plot/flat in a colony has been transferred or agreed to be transferred by the coloniser ;]
- (n) "prescribed" means prescribed by rules made under this Act ;
- ³[(nn) "property dealer" means any person/agent who runs the business of purchase or sale of plots, flats or apartments

1. Substituted by Haryana Act 17 of 1996.

2. Substituted by Haryana Act 11 of 2003.

3. Inserted by *ibid.*

in integrated commercial complex or issues advertisement for sale thereof on behalf of owners and;]

- (o) 'urban area' means any area of land within the limits of a municipal area or notified area or the Faridabad Complex or situate within five kilometers of the limits thereof, or any other area where, in the opinion of the Government, there is a potential for building activities and the Government by means of a notification declares.

Application for licence.

3. ¹[(1) Any owner desiring to convert his land into a colony shall, unless exempted under section 9, make an application to the Director, for the grant of a license to develop a colony in the prescribed form and pay for it such fee and conversion charges as may be prescribed. The application shall be accompanied by an income-tax clearance certificate :

Provided that if the conversion charges have already been paid under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), no such charges shall be payable under this section.]

(2) On receipt of the application under sub-section (1), the Director shall, among other things, enquire into the following matters, namely :—

- (a) title to the land ;
- (b) extent and situation of the land ;
- (c) capacity to develop a colony ;
- (d) the layout of a colony ;
- (e) plan regarding the development works to be executed in a colony ; and
- (f) conformity of the development schemes of the colony land to those of the neighbouring areas.

(3) After the enquiry under sub-section (2), the Director, by an order in writing, shall—

- (a) grant a licence in the prescribed form, after the applicant has furnished to the Director a bank guarantee equal to twenty-five per centum of the ¹[estimated cost of development works in case of area of land divided go proposed to be divided into plots or flats for residential, commercial or industrial purposes and a bank guarantee

1. Substituted by Haryana Act 11 of 2003.

equal to thirty-seven and a half per centum of the estimated cost of development works in case of cyber city or cyber park purposes.] as certified by the Director and has undertaken—

- (i) to enter into an agreement in the prescribed form for carrying out and completion of development works in accordance with the licence granted ;
- ¹[(ii) to pay proportionate development charges in the external development works as defined in clause(g) of section 2 are to be carried out by the government or any other local authority. The proportion in which and the time within which, such payment is to be made shall be determined by the Director ;]
- (iii) the responsibility for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government of the local authority, as the case may be ;
- (iv) to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, or to transfer to the Government at any time, if so desired by the Government, free of cost the land set apart for schools, hospitals, community centres and community buildings, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may deem fit ;
- (v) to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due

1. Substituted by Haryana Act 11 of 2003.

compliance of the execution of the layout and development works in accordance with the licence granted :

Provided that the Director, having regard to the amenities which exist or are proposed to be provided in the locality, is of the opinion that it is not necessary or possible to provide one or more such amenities, may exempt the licensee from providing such amenities either wholly or in part ;

(b) refuse to grant a licence, by means of a speaking order, after affording the applicant an opportunity of being heard.

(4) The licence so granted shall be valid for a period of two years, and will be renewable from time to time for a period of one year, on payment of prescribed fee :

¹[Provided that in the licensed colony permitted as a special project by the Government, the license shall be valid for a maximum period of five years and shall be renewable for a period as decided by the Government.]

(5) A separate licence shall be required for each colony.

Establishment
of Fund.

²**3A.** (1) Any colonizer whom a license has been given under this Act shall deposit as service charges a sum ³[at such rate as may be prescribed by the Government from time to time, per square metre of the gross area and of the covered area of all the floors in case of flats proposed to be developed by him into a colony] in two equal instalments. The first instalment shall be deposited within 60 days from the date of the grant of the license and the second instalment to be deposited within six months from the date of grant of the license.

(2) The Haryana Urban Development Authority ⁴[local authorities, firms, undertakings of Government and other authorities involved in land development] shall also be liable to deposit the service

1. Inserted by Haryana Act 15 of 1984.

2. Substituted by Haryana Act 17 of 1996.

3. Inserted by Haryana Act 17 of 1996.

4. Added by Haryana Act 11 of 2003.

charges and shall be deemed to be ¹[colonizers] for this purpose only. The date of first inviting applications for sale of plots in any colony by it shall be deemed to be the date of granting of license under this Act for the purpose of deposit of service charges.

(3) The service charges shall be deposited by the colonizer with such officer or person as may be appointed by the Government in this behalf.

(4) The colonizer shall in turn be entitled to pass on the service charges paid by him to the plot holder.

(5) The amount of service charges if not paid within the prescribed period shall be recoverable as arrears of land revenue.

(6) The amount of service charges so deposited by the colonizer shall constitute a fund called the Haryana Urban Development Fund (hereinafter referred to as the Fund) which shall vest in the State Government.

(7) The Fund shall be administered by such officers of the State Government as may be appointed by it for this purpose.

(8) The amount of services charges deposited by the colonizers and grants from the Government or the local authority shall be credited to the Fund.

(9) The Fund shall be utilized by the State Government for the benefit of the ²[urban development and for creation and improvement of urban infrastructure in the State of Haryana]. The Fund may also be utilized to meet the cost of administering the Fund.

(10) The Government shall publish annually in the Official Gazette the report of the activities financed from the fund and the statement of accounts.]

²**3B.** No person shall erect or re-erect buildings in a colony save in accordance with the approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director.]

Erection or re-erection of buildings in a licensed colony.

1. Substituted by Haryana Act 17 of 1996.

2. Inserted by Haryana Act 11 of 2003.

Maintenance of registers.

4. The Director shall maintain such registers as may be prescribed showing sufficient particulars of all cases in which licence is granted or refused by him and the said registers shall be available for inspection without charges by all interested persons and such persons shall be entitled to have extract therefrom.

Cost of development works.

5. (1) The colonizer shall ¹[deposit thirty per centum] of the amount realised, from time to time, by him, from the plot-holders within a period of ten days of its realisation in a separate account to be maintained in a scheduled bank. This amount shall only be utilised by him towards meeting the cost of internal development works in the colony. After the internal development works of the colony has been completed to the satisfaction of the Director, the coloniser shall be at liberty to withdraw the balance amount. The ¹[remaining seventy per centum] of the said amount shall be deemed to have been retained by the coloniser, *inter-alia*, to meet the cost of land and external development works.

(2) The colonizer shall maintain accounts of the amount kept in the scheduled bank, in such manner as may be prescribed :

²[Provided that where the license under section 3 is granted for setting up a colony for cyber city or cyber park purposes, the provisions of sub-sections (1) and (2) shall not be applicable.]

Auditing of accounts.

6. (1) The Director, or any other officer authorised by him in this behalf, shall be competent to inspect the accounts maintained by the colonizer who shall produce before him all the relevant records required for this purpose.

(2) The coloniser shall get his accounts audited, after the close of every financial year, by a chartered accountant and shall produce a statement of accounts, duly certified and signed by such chartered accountant, in the manner prescribed .

Prohibition to advertise and transfer plots.

7. Save as provided in section 9, ³[no person including a property dealer shall],—

(i) without obtaining a licence under section 3, transfer or agree to transfer in any manner plots in a colony or make an advertisement or receive any amount in respect thereof ;

(ii) erect or re-erect any building in any colony in respect of which a licence under section 3 has not been granted ;

1. Substituted by Haryana Act 11 of 2003.

2. Added by *ibid*.

3. Inserted by *ibid*.

¹[(iii) erect or re-erect any building other than for purposes of agriculture on the land sub-divided for agricultures as defined in clause (aa) of section 2 of this Act.]

¹[7A. Notwithstanding any thing contained in any other law for the time being in force, where any document is required to be registered under the provisions of section 17 of the Indian Registration Act, 1908, purporting to transfer by way of sale or lease any vacant land having an area of less than one hectare in an urban area as may be notified specifically by the Government from time to time for the purposes of this section, no Registration Officer appointed under the above said Act shall register any such document unless the transferor produces before such Registration Officer a no objection certificate issued by the Director or an officer authorised by him in writing in this behalf, to the effect that the said transfer does not contravene any of the provisions of this Act and its rules and such no objection certificate shall be issued within ninety days of the date of receipt of the application for the same :

Registration of certain documents.

Provided that—

- (a) if the area of vacant land, which is proposed to be transferred does not exceed one thousand square meters, the above said no objection certificate shall be issued within thirty days of the date of receipt of application by the Director, where—
 - (i) the land is situated in a colony for which a licence has been issued under section 3 of this Act, or
 - (ii) the transfer proposed is as a result of family partition, inheritance, succession or partition of joint holdings not with the motive of earning profit, or
 - (iii) the transfer is in furtherance of any scheme sanctioned under any law ;
- (b) if the above said application for grant of no objection certificate submitted to the Director or an officer authorised by him in writing in the behalf is not disposed off through an order in writing within the prescribed period of ninety days or thirty days as

1. Inserted by Haryana Act 11 of 2003.

described in this section, the no objection certificate shall be deemed to have been granted ;

(c) all applications for grant of no objection certificates shall be accompanied by the following documents :—

(i) title of land,

(ii) draft copy of registration deed ;

(iii) an affidavit to the effect that the site is covered under this section, if the area of the land does not exceed one thousand square meters.]

Cancellation of licence.

8. (1) A license granted under this Act, shall be liable to be cancelled by the Director if the colonizer contravenes any of the conditions of the licence or the provisions of the Act or the rules made thereunder; provided that before such cancellation the colonizer shall be given an opportunity of being heard.

¹[(2) After cancellation of the licence, the Director may himself, carry out or cause to be carried out, the development works in the colony and recover such charges as the Director may have to incur on the said development works from the colonizer and the plot-holders in the manner prescribed as arrears of land revenue.

(3) The liability of the colonizer for payment of such charges shall not exceed the amount the colonizer has actually recovered from the plot-holders less the amount actually spent on such development works, and that of the plot-holders shall not exceed the amount which they would have to pay to the colonizer towards the expenses of the said development works under the terms of the agreement of sale or transfer entered into between them :

Provided that the Director may, recover from the plot-holders with their consent, an amount in excess of what may be admissible under the aforesaid terms of agreement of sale or transfer.

(4) Notwithstanding anything contained in this Act, after the colony has been fully developed under sub-section (2), the Director may, with a view to enabling the colonizer, to transfer the possession of and

1. Substituted by Haryana Act 30 of 1986.

the title to the land to the plot-holders within a specified time, authorise the colonizer by an order, to receive the balance amount, if any, due from the plot-holders, after adjustment of the amount which may have been recovered by the Director towards the cost of the development works and also transfer the possession of or the title to the land to the plot-holders within aforesaid time. If the colonizer fails to do so, the Director shall on behalf of the colonizer transfer the possession of and the title to the land to the plot-holders on receipt of the amount which was due from them.

(5) After meeting the expenses on development works under sub-section (2), the balance amount shall be payable to the colonizer.]

9. (1) The Director shall grant exemption to a person from obtaining the licence if he is satisfied that—

Exemption from obtaining licence in certain cases.

(a) the land—

(i) had been divided into plots and more than twenty per centum of the plots according to layout plan ;

(ii) is in a compact block ; and

(iii) is not situated within the controlled area ; or

(b) (i) the land does not exceed 4,000 square metres and is situated within the limits of a municipal area, a notified area or the Faridabad complex ;

(ii) the amenities similar to the one existing in the locality exist or such person undertakes to provide such amenities ; and

(iii) the size of the plots divided or proposed to be divided is in conformity with the general layout of the plots in the locality :

Provided that the Director may, by an order in writing giving reasons, refuse to grant the exemption if he, after hearing the applicant, is of the opinion that the application has been made with a view to evade the provisions of this Act.

(2) The application for obtaining exemption shall be in such form and manner as may be prescribed.

(3) If, within a period of three months of the date when an application under sub-section (2) has been made to the Director, no order in writing has been passed by the Director, the exemption shall be deemed to have been granted.

Explanation.— The expression "controlled area" shall have the meaning assigned to it in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, ¹[1963, and the Faridabad Complex (Regulation and Development) Act, 1971.]

Penalties.

²[10. (1) Any person who contravenes any of the provisions of this Act or the rules made thereunder or any of the conditions of a licence granted under section 3 shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine :

Provided that where any of the provisions of section 9 are contravened the punishment of imprisonment shall not exceed six months.

³[(2) Without prejudice to the provisions of sub-section (1) the Director or any other officer authorized in writing by him in this behalf may, by notice, served by post and if a person avoids service, or is not available for service of notice, or refuses to accept service, then by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed, call upon any person who has committed a breach of the provisions referred to in the said sub-section to stop further construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed and if such person fails to show cause to the satisfaction of the Director or such authorized officer within a period of seven days, the Director or such authorized officer may pass an order requiring him to restore such land or building to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, within a further period of seven days.

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1. Substituted by Haryana Act 9 of 1977.
 2. Substituted by Haryana Act 11 of 1989.
 3. Substituted by Haryana Act 11 of 2003.

(3) If the order made under sub-section (2) is not carried out within the specified period, the Director, or any other officer authorized in writing by him in this behalf may, himself at the expiry of the specified period, take such measures, as may appear necessary to give effect to the order and the cost of such measure shall, if effect to the order and the cost of such measure shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue :

Provided that even before the expiry of the period mentioned in the order under sub-section (2), if the Director or such authorized officer is satisfied that instead of stopping the construction, the person continues with the contravention, the Director or such authorized officer may himself take such measures, as may appear necessary, to give effect to the order and the cost of such measures shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue.]

¹[11. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorised in writing by him in this behalf.

Prosecution.

11.A. It shall be the duty of every police officer—

Duty of police officers.

- (i) to communicate without delay to the Director or any other officer authorised in writing by him in this behalf, any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder ; and
- (ii) to assist the Director or any other officer authorised in writing by him in this behalf, in the lawful exercise of any power vested in the Director or any other officer authorised in writing by him in this behalf under this Act or any rule or regulation made thereunder.

11-B. (1) A police officer not below the rank of sub-inspector, shall arrest any person who commits in his view any offence against this Act or any rule made thereunder, if the name and address of such person, be unknown to him and if such person, on demand declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

Power to arrest.

1. Substituted by Haryana Act 11 of 1989.

(2) The person so arrested shall, without unavoidable delay, be produced before the Magistrate authorised to try the offence for which the arrest has been made and no person, so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned Magistrate.]

Offences by companies.

12. (1) Where an offence under this Act has been committed by a company, the company as well as every person incharge of, or responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, a director, Manager, secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be proceeded against and punished accordingly.

Explanation— For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director" in relation to a firm means a partner in the firm.

Composition of offences.

13. (1) The Director may, either before or after the institution of the proceedings for prosecution, compound any offence punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be released and no further proceedings shall be taken against him in respect of the offence compounded.

Indemnity.

14. (1) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

15. No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

Bar of jurisdiction of civil court.

16. Notwithstanding anything contained in this Act, any permission already granted to set up a colony under the Punjab Scheduled Roads and Controlled Areas Restricon of Unregulated Development Act, 1963, and the rules made thereunder, shall remain valid and be governed by the terms and conditions contained therein. No person shall be required to obtain a licence if he had obtained permission under the said Act and the same still subsists.

Effect of other laws.

17. Any person who has sold or tranferred or has agreed to sell or transfer any plot for any purpose in colony, in an area in which the Punjab Scheduled Roads and Controlled Areas Restriction of Unergualated Development Act, 1963, was applicable, and has not obtained permission as required by the said Act, but has realised any money before the commencement of this Act from the plot-holders, shall obtain a licence under the provisions of this Act within a period of three months from the date publication of this Act in the Official Gazette of the State or such further period as may be allowed by the Director.

Restrictions in controlled area.

18. Nothing in this Act shall affect the power of the Government, Improvement Truts, Housing Board, Haryana, ¹[any local authority or other authority constituted under any law for the time being in force by the State Government for carrying out development of urban area.] to develop land or impose restrictions upon the use and development of any area under any other law for the time being in force, ²[but such power except the power exercisable by the Government, shall be exercised on payment of such sum as may be decided by the Government from time to time.]

Savings.

³**19.** Any person aggrieved by any order of the Director or any officer appointed by the Government, by notification in the Official

Appeal.

1. Substituted by Haryana Act 9 of 1977.

2. Added by Haryana Act 17 of 1996.

3. Substituted by Haryana Act 11 of 2003 and further substituted by Haryana Act 5 of 2004.

Gazette, to exercise and perform all or any of the powers and functions of the Director may, within a period of thirty days of the date of communication of the order to him, prefer an appeal to the Secretary to Government, Haryana, Town and Country Planning Department, in such form and manner as may be prescribed :

Provided that the appeal may be entertained after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.]

Revision.

20. The Government may call for the record of any case pending before, or disposed of by, any subordinate authority, for the purpose of satisfying itself as to the legality or propriety of any proceedings or of any order made there in and may pass such order in relation thereto as it may think fit.

Review.

21. The Director may, either of his own motion or on an application of any party interested, review, and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office :

Provided that—

- (a) When the Director proposes to review any order passed by his predecessor in office, he shall first obtain the sanction of the Government ;
- (b) no application for review of an order shall be entertained unless it is made within a period of ninety days from the date of passing of the order, or unless the applicant satisfies the Director that he had sufficient cause for not making the application within that period ;
- (c) no order shall be modified or reversed unless the parties concerned have been afforded a reasonable opportunity of being heard ;
- (d) no order against which an appeal has been preferred shall be reviewed.

Delegation.

22. The Government may, by notification, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions as may be specified therein, be exercisable also by an officer subordinate to it.

23. If the Government is of the opinion that the operation of any of the provisions of this Act causes undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by a general or special order exempt any class of persons or areas from all or any of the provisions of this Act. Power to exempt.

24. (1) The Government may, by notification, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) fee, form and manner of making an application for obtaining licence under sub-section (1) of section 3 ;
- (b) form of licence and agreement under sub-section (3) of section 3 ;
- (c) fee for grant or renewal of licence under sub-section (4) of section 3 ;
- (d) form of registers to be maintained under section 4 ;
- (e) form of accounts to be maintained under sub-section (2) of section 5 ;
- (f) manner of getting the accounts audited under sub-section (2) of section 6 ;
- (g) manner in which preference is to be given to the plot-holders under sub-section (3) of section 8 ;
- (h) form and manner of making application under sub-section (2) of section 9 ;
- ¹(i) any other matter in connection with preparation, submission and approval of plans.]

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature while it is in session for a period of not less than fourteen days, which may be comprised in one session or two successive sessions, and if, before the expiry of the session in which they are so laid or the session

1. Added by Haryana Act 11 of 2003.

immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Repeal.

25. The Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971 (Haryana Act 39 of 1971), is hereby repealed.