

**GOVERNMENT OF MADHYA PRADESH
DEPARTMENT OF HOUSING & ENVIRONMENT
MANTRALAYA**

NOTICE

Whereas in view of growing urbanization in and around the towns in the State of Madhya Pradesh, the Government of Madhya Pradesh finds it expedient to frame rules to facilitate the land owner to surrender his land to competent authority in lieu of consideration in terms of floor area ratio so that the surrendered land may be used for the purposes earmarked in development plan e.g. public and semi-public recreational, roads etc.

Now, therefore, the following draft of rules which the State Government proposes to make in exercise of the powers conferred by section 85 read with sub-section (3) of section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) is hereby published as required by sub-section (1) of section 85 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on the expiry of thirty days from the date of publication of this notice in the Madhya Pradesh Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft of rules on or before the expiry of the period specified above will be considered by the State Government.

DRAFT OF RULES

1. Short title, extent and commencement.

(1) These rules may be called the Madhya Pradesh Transferable Development Rights Rules, 2010.

(2) It extends to all the planning area whose development plan are adopted under the Act.

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

2. Definitions. In these rules, unless the context otherwise requires,-

- (a) "Act" means the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No.23 of 1973) ;
- (b) "Competent authority" means:-
 - (i) the Chief Executive Officer of a Town and Country Development Authority constituted by or under the Act and where the Town and Country Development Authority does not exist the Chief Executive Officer of Zila Panchayat under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994); or
 - (ii) the Commissioner of a Municipal Corporation constituted by or under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Chief Municipal Officer of a Municipal Council or a Nagar Panchayat constituted by or under the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961);
- (c) "Development Rights Certificate" means a certificate of award issued by competent authority to owner of land in lieu of consideration of his land which is proposed for non-remunerative use in development plan;
- (d) "Floor Area Ratio" shall have the same meaning as assigned to it in clause (29) of rule 2 of the Madhya Pradesh Bhumi Vikas Rules, 1984;
- (e) "owner" means owner of a plot of land which is reserved for public purpose in Master Plan or Zonal Plan of a town;
- (f) "Transferable Development Rights" means an award specifying the built up area in lieu of amount as consideration to owner of the land which is proposed and reserved for non profitable land use such as public amenities or road widening or recreational purpose,

..3..

or other public purpose and which can be used by the owner of the land himself on other plot or can be sold to any other person.

3. Lands against which Transferable Development Rights can be issued.

(1) The owner of plot of land which is required for a public purpose in the Master Plan or Zonal Development Plan by way of reservation for open space zone, roads, school, health centre, vehicles parking or any public utility, shall be eligible for the award of Transferable Development Rights in the form of built up area or Floor Area Ratio. But these rights shall not be applicable on land or buildings having historical importance.

(2) Development Rights Certificate will be granted to an owner only for that land which is reserved for public purpose in Development Plan, on the submission of land use certificate. The land use zone of such land where Development Rights Certificate can be utilized as under:-

Zone in which designated / reserved plot is situated	Uses to be permitted in received areas
Public and semipublic road, recreational, public amenities etc.	Residential /Commercial

(3) Development Rights Certificates will be issued by the competent authority. The floor area ratio credit will be in the built-up area, the place and the zone in which the Development Rights Certificates are earned and the areas in which such credit may be utilized in newly developed areas will be clearly mentioned in Development Rights Certificate. It is also mandatory that receiving plot should be abutting 12 metres wide road.

4. Issuance of Development Rights Certificate.

- (1) Development Rights Certificates will be issued in favour of land owner only after surrendering the land in favour of Competent Authority. It is necessary to the land owner to level and fence the land with 1.5 m. barbed wire fence before surrendering.
- (2) The following details shall be compulsorily included in Development Rights Certificates:-
 - (i) construction area in square metre which shall be equivalent to the land area to be transferred to the competent authority;
 - (ii) mutation order number by which the land is transferred in favour of Competent Authority;
 - (iii) the area with name of village/ward where the Development Rights shall be used.

5. Development Rights Certificate will be transferable.

- (1) Development Rights Certificate holder can transfer the Development Rights Certificate in full or in part, if he desires to do so for which he shall submit the Development Rights Certificate for endorsement to Competent Authority with request for transfer the right to other person. Without endorsement of the Development Rights Certificate, the rights shall remain for the utilization to whom it is legally issued.
- (2) The Development Rights Certificate shall only be issued by the Competent Authority and these powers cannot be delegated to any other officer.
- (3) Development Rights Certificate shall be issued in Form I on non-judicial stamp of prescribed value.

..5..

- (4) Competent Authority shall maintain a Development Rights Certificates register with records of all the transactions.

6. Utilization of Development Right Certificate.

- (1) The use of Development Rights Certificate shall remain restricted on the plot/land where building construction is prohibited in Development Plan.
- (2) The additional Floor Area Ratio on any plot may be utilized up to the extent of 0.4 in addition to permissible Floor Area Ratio.
- (3) Development Rights Certificate can be utilized on one or more than one plot. Either it is vacant or have building already constructed over it, but the floor area cannot be utilized more than as specified in sub-rule (2) on any plot.
- (4) Any applicant who desires to utilize Development Rights Certificate has to submit the application for development along with Development Rights Certificate to competent authority
- (5) Competent Authority will endorse the area of development rights on development permission in words and figures clearly. It is also necessary to endorse the area of development rights used by applicant on original Development Rights Certificates after due verification.
- (6) The endorsement would be necessary on original Development Rights Certificate in case of transfer of Development Rights partially and fully.

7. Land ownership after transfer.

The land against which Development Rights Certificates is issued will be muted in favour of the Competent Authority free from all encumbrances.

8. General terms and conditions for issue of Development Right Certificate.

- (1) The Development Rights Certificate will be issued only in the name of owner of the land. If the property stands in the name of partnership firm, Development Rights Certificate shall be issued in the name of present partners and not in the name of partnership firm.

..6..

- (2) The transfer/ utilization of Development Rights Certificate in favour of Non-resident Indians and foreign Nationals will be subject to rules and regulations of the Reserve Bank of India.
- (3) The specimen signature/thumb impression along with photograph on application for grant of Development Rights Certificates shall have to be attested by an Executive Magistrate or Public Notary under his official seal.
- (4) In respect of property hold jointly by several persons the competent authority shall issue only one certificate and deliver the Development Rights Certificate to one of the several joint holders as may be decided by joint holders and make such an application duly signed by all and the same shall be treated as sufficient delivery to all such holders.
- (5) Development Rights Certificate shall be issued under the seal and signature of competent authority.
- (6) The competent authority may reject the application for grant of Development Rights Certificate in the following circumstances:-
 - (a) If any dues are payable by the owner of the property, to the State Government/Local body/Development Authority prior to date of handing over physical possession of the property to the competent authority, then the competent authority can withhold issue of Development Rights Certificates unless all the dues are paid by the owner(s);
 - (b) If the property so handed over to the competent authority and Development Rights Certificate is requested by fraudulent means, then the competent authority may reject the claim of Development Rights Certificate.
- (7) The utilization of Development Rights Certificates shall be in multiples of 50 square metre only except the last remainder. Any request of the transferor or transferee for utilization of Development Rights Certificate other than in multiples of 50 square metre shall not be considered by the competent authority.

By the order and in the name of
Governor of Madhya Pradesh

(VARSHA NAOLEKAR)
Deputy Secretary
Government of Madhya Pradesh
Housing & Environment Department

..7..
FORM I

DEVELOPMENT RIGHTS CERTIFICATE

No.

Date:

Certified that the person(s) whose name(s) is/are in the certificate is / are the registered holder(s) of the Development Right Certificate issued subject to the provisions of the Madhya Pradesh Transferable Development Rights Rules, 2010.

1. Location and details of the land surrendered
(Village/ward/ Khasara No..... survey
No.....)
2. Area of the land in square metre
3. Land handed over to the Competent
Authority vide possession received No. &
date.
4. No.& date of the order issued by the
Government in case of surplus vacant land
5. Zone of the land surrendered
6. Reservation of land surrendered (land use)
7. The area where the Development Rights
Certificates can be utilized

Name

Father's/Husband Name

Address

Floor Area Ratio credit of built up area
in square metre (in words & figures)