

THE MIZORAM URBAN & REGIONAL DEVELOPMENT (SECOND AMENDMENT) ACT, 2004

BILL No. 5 of 2004  
ACT NO. 5 of 2004  
PASSED ON 13.07.2004

An ACT  
to amend the Mizoram Urban & Regional Development Act, 1990 and other connected  
therewith :

Be it enacted by the Legislative Assembly of Mizoram in the Fifty Fifth Year of the  
Republic of India, as follows :-

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| Short title, extent<br>and commencement | 1. | (1) This Act may be called the Mizoram Urban & Regional Development (Second Amendment) Act, 2004.<br><br>(2) It shall extend to the whole State of Mizoram, except the Autonomous Districts of Lai, Mara and Chakma as constituted under sub-paragraph (1) of paragraph 1 of the Sixth Schedule to the Constitution of India.<br><br>(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas or regions.  |
| Amendment of<br>section 10              | 2. | In the Mizoram Urban & Regional Development Act, 1990 (hereinafter referred to as the principal Act) in section 10, for the words "draft Development Plan," the words "draft Existing Landuse Map," shall be substituted.  |
| Amendment of<br>section 29              | 3. | In the principal Act, in sub-section (I) of section 29, for the words "an officer not below the rank of Secretary," the words "Deputy Commissioner of the concerned district," shall be substituted.   |
| Amendment of<br>section 34              | 4. | In the principal Act, in clause (d) of section 34, for the words "six months," and "two thousand rupees," the words "three years," and "five thousand rupees," shall be substituted respectively.  |
| Amendment of<br>section 35              | 5. | (a) In the principal Act, in sub-section (7) of section 35, for the words "six months," and "two thousand rupees," the words "three years," and "five thousand rupees," shall be substituted respectively.<br><br>(b) After sub-section (7), the following sub-sections shall be inserted as sub-sections (8), (9), (10), (11) and (12), namely:-<br><br>"(8) Where any person has carried out any development or construction unauthorisedly as contemplated under sections 34 and 35, the Chief Town & Country Planner may, by order in writing direct such person to remove any structure or building or work erected, or to discontinue the use of land or development made unauthorisedly as aforesaid, within 30 days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Chief Town & Country Planner may submit complaint and request to the Deputy Commissioner of the concerned district to have such structure or building or work summarily removed, or such use or development summarily discontinued without any notice as directed in the order; and any development or construction unauthorisedly made again, shall be summarily removed or discontinued summarily without making any order as aforesaid. |

(9) The decision of the Chief Town & Country Planner on the question of what is unauthorised development or building nature for the purposes of this Act shall be final.

(10) Any expenses incurred by the Chief Town & Country Planner under section 34 or section 35 shall be a sum due to the Chief Town & Country Planner under this Act and it shall be recovered or met from the person in default or the owner of the land, building or land concerned.

(11) Any sum or fines due to the Chief Town & Country Planner under this Act or any rule or any regulation made thereunder, which is not paid on demand on the day on which it becomes due or on , the day fi xed by the Chief Town & Country Planner, a complaint shall be filed to the Deputy Commissioner who shall take action to realise the due or fines in favour of public demands under the Mizoram Public Demands Recoveries Act, 2001.

(12) No compensation shall be claimed by any defaulter for any damage which he may sustain in consequence of the removal of any structure or building or development, or the discontinuance of the use of land or development under section 34 or section 35 of this Act."