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# मध्यप्रदेश राजपत्र

## ( असाधारण )

### प्राधिकार से प्रकाशित

क्रमांक 508]

भोपाल, शुक्रवार, दिनांक 9 दिसम्बर 2016—अग्रहायण 18, शक 1938

#### विधि और विधायी कार्य विभाग

भोपाल, दिनांक 9 दिसम्बर 2016

क्र. 19385-295-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगर तथा ग्राम निवेश (संशोधन तथा विधिमाम्यकरण) विधेयक, 2016 (क्रमांक 25 सन् 2016) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL

No. 25 OF 2016

THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH (SANSHODHAN TATHA  
VIDHIMANYAKARAN) VIDHEYAK, 2016.

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## MADHYA PRADESH BILL

No. 25 OF 2016

## THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH (SANSHODHAN TATHA VIDHIMANYAKARAN) VIDHEYAK, 2016.

A Bill further to amend the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and its validation with retrospective effect.

Be it enacted by the Madhya Pradesh Legislature in the sixty-seventh year of the Republic of India as follows :—

**Short title and commencement.**

1. (1) This Act may be called the Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan Tatha Vidhimanyakaran) Adhiniyam, 2016.

(2) It shall be deemed to have come into force from 26th April, 1973.

**Amendment of Section 2.**

2. In Section 2 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, of 1973 (No. 23 of 1973) (hereinafter referred to as the principal Act),

(i) for clause (g), the following clause shall be substituted, namely:—

“(g) “development plan” means a plan prepared and brought into operation under Sections 18 and 19;”;

(ii) after clause (o), the following clause shall be inserted, namely:—

“(o-1) “plot” means any piece of land having a definite shape and size, and duly approved by the Director;”.

**Amendment of Section 20.**

3. Section 20 of the Principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered the following new sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in this Act, where a zonal plan is not prepared under sub-section (1), the powers and functions provided under chapter VII may be exercised and performed for the town development schemes already notified and implemented or being implemented, or to be notified and implemented in accordance with the development plan.”.

**Amendment of Section 50.**

4. In Section 50 of the principal Act,—

(i) in sub-section (4), the words “and after considering the report of the committee constituted under sub-section (5)” shall be omitted;

(ii) sub-sections (5) and (6) shall be deleted.

**Amendment of Section 56.**

5. In section 56 of the principal Act, in the existing proviso, for full stop, colon shall be substituted and thereafter the following Proviso shall be inserted, namely:—

“Provided further that any proceedings undertaken at any point of time for compulsory acquisition of land or any award passed in any land acquisition proceeding undertaken as per the provisions of this section, it shall be deemed to be proceedings undertaken under this Act or award Passed under this Act.”.

6. Notwithstanding anything contained in any judgement, decree or order of a court, all things done, proceedings and actions taken and orders passed by the competent authority under the relevant provisions of the principal Act as amended by this Amendment Act shall be and shall be deemed always to have been validly done, taken or passed as if the said competent authority were validly empowered under the relevant amended provisions before such things were done, proceedings and actions were taken and orders were passed and the validity of such thing, proceeding, action or order shall not be called into question in any court of law or before any authority whatsoever merely on the ground that such things were done, proceedings and actions were taken and orders were passed without the enabling provisions in this behalf in the principal Act.

Validation.

7. (1) The Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan Tatha Vidhimanyakaran) Adhyadesh, 2016 (No. 3 of 2016) is hereby repealed.

Repeal and Saving.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

#### STATEMENT OF OBJECTS AND REASONS

The Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 provides for preparation and implementation of Regional Plans, Development Plans and, Zoning Plans. A Town and Country Development Authority is established under Section 38 of the Act for implementation of the provisions of the Development Plan. Sub-Section (2) of Section 38 said of the Act vests the duty to prepare one or more Town Development Schemes for the implementation of the proposals of the Development Plan in the Town and Country Development Authority, while Section 20 of the Act authorises the local authority to prepare the Zoning Plans. Section 38 and 50 of the Act do not contain any precondition of an approved Zoning Plan, before taking up any Town Development Scheme and Section 50 provides that the Town and Country Development Authority may at any time, declare its intention to prepare one or more Town Development Scheme. To clarify the inter-relationship between Zoning Plans and Town Development Schemes and to ensure smooth implementation of Town Development Schemes under implementation or to be notified in future, and to bring about clarity in the matters where compulsory land acquisition has been undertaken, suitable amendments are being proposed.

2. Necessary amendment is proposed in Section 2 for clarifying the definition of development plan in the Act. Definition of plot has been included in Section 2, thereby clarifying land, plot and reconstituted plot.

3. The schemes of Town and Country Development Authority having vast area and a lengthy procedure of acquisition, amendment in Section 56 is proposed so as to consider the procedure conducted for the purpose of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973.

4. As the matter was urgent and the Madhya Pradesh Legislative Assembly was not in session, the Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan Tatha Vidhimanyakaran) Ordinance' 2016 (No. 3 of 2016) was promulgated for the purpose. It is now proposed to replace the said ordinance by an Act of the State Legislature without any modification.

5. Hence this Bill.

Bhopal :  
Dated the 28th November, 2016

MAYA SINGH  
Member-in-Charge.