

Copy of Memo No.CA-I(CA-57)85/1718, dated 17.1.85 addressed to the Director, Local Govt. Punjab, Chandigarh from the Govt. of Punjab, Directorate of Housing & Urban Development, Chd.

Subject: Implementation of the Punjab Scheduled Roads & Controlled Areas Restrictions of unregulated Development Act,1963.

This Department of Housing & Urban Development is the Administrative Department for the Implementation of the provisions of Punjab Scheduled Roads and Controlled Areas Restrictions of un-regulated Development Act,1963, This Act was extended to the State of Punjab on 30th Nov.1963 with the main objective to prevent haphazard and substandard Development alongside the Scheduled Roads, Bye-pass and in the Controlled Areas declared in the State and further to see that Development of the Urban Areas carried out in a planned and systematic way. Under this Act no construction of any kind can take place in the Controlled Areas declared as such under the provisions of this Act and also within 30 metres in the case of Scheduled Roads, 100 metres in the case of bypass from the P.W.D. boundary without the permission of the Director. All the Deputy Commissioner, Sub-Divisional Officers(C) and various officers of the Town Planning Department as well as your Department have been delegated the powers of the powers of the 'Director' under the said Act, but it has been observed that the object of the Act is not being achieved to the desired extent.

2. Uptill recently there was doubt as to whether the provisions of this Act were applicable in the Controlled Areas or parts thereof which subsequently were included. The Legislative Department and given advise that a Controlled limits of a Municipal Commissioners ceases to be a Controlled Areas as a result of its inclusion within the Municipal limits and the above said Act, 1963 does not operate therein. To clear this doubt the development was approached by this Department to amend the Punjab Scheduled Roads and Controlled Area Restrictions of unregulated Development Act,1963 suitably. But recently, we have come across a ruling of the Hon'ble Punjab & Haryana High Court at Chandigarh given in Civil Writ Petition No.3778 of 1976- Mahant Ram & Others Vs. State of Punjab and Others. The Hon'ble High Court of Punjab and Haryana has ruled that the area which has once been declared Controlled Area does not ceases to be so, just because it is subsequently included within the Municipal Limits. This ruling clinches the who whole issue and the apprehensions created buy the erroneous opinion tendered by the Legislative Deptt. stand completely dispelled. A copy of the judgment is sent herewith for your information and necessary action.
1. In the circumstances you are requested to, ale home the provisions of law to all the Municipal Committees/Corporations. As you know various officers of your Department have been delegated the powers the Director under the above said Act, so that implementation of the provisions of the said Act within the Municipal Limits is fully ensured. You are therefore further requested to emphasize upon the said officers to take speedy and effective steps, in regard to the removal of unauthorised constructions and encroachments within the Municipal Limits, in order that the object of the Act is fully achieved. This directorate may also be informed about the progress made in this respect by the officers of your Department, every month.
2. Hope it will receive your full kind attention.

Sd/-

Director.

Endst.No.CA-I(CA-57)85/1719-25

Dated 17.1.1985.

1. Chief Town Planner, Punjab,

2. All Senior Town Planner & Divisional Town Planner.
3. All D.C.'s & All S.D.O's(Civil) in the State.
4. Chief Engineer,PWD(B&R),Patiala.
5. All Legal Assistants(Field)