

"CIRCULAR"

It appears that after the conversion of land is permitted by the Deputy Commissioners, The Town Municipal Councils/City Municipal Councils have been consulting the Department of Town Planning for clearance of the layouts and licences. The need for consulting the Department of Town Planning has been examined with ref to the relevant laws and the position is indicated hereunder for information and guidance of all the Municipalities.,

2. Chapter VIII of the KM. Act 1964 deals with the powers of the Municipal Councils to formulate and implement improvement schemes subject to the conditions and restrictions specified therein and constitution of improvement boards Section 170 of the act confers powers on the Municipal Councils inter alia to sanction or refuse to sanction private layouts new public streets etc., However, the Municipal Councils cannot exercise the powers under Chapter VIII of the Act, if improvement boards are constituted in respect of their towns/cities since by section 68 of the Karnataka improvement boards Act. 1976 application of chapter VIII of the KM. Act 1964 is excluded to such towns/cities.,

3. Further, the Karnataka Town and Country Planning Act, 1961 is in force throughout the State. This law provides for constitution of the planning authority for a local planning area. Sub-section (7) of section 2 of the KTCP. Act. 1961 defines planning authority in terms of this definition in the case of a local planning area other than the area comprising the Bangalore City, the Planning Authority is the one which has been constituted by an order of the Government. If no planning authority is constituted in respect of any local planning area then the improvement board, if any constituted under any law for the time being in force having jurisdiction over such local planning area is the planning authority and if no improvement board is constituted in respect of any local planning area then the Municipal Council itself is the planning authority.

4. Hence, in respect of urban areas for which no planning authorities are constituted and no improvement boards are created under the relevant provisions of the laws, the Local authorities i.e., CM/DC as far as this office is concerned are competent to give necessary clearance under section 14 of the Karnataka Town and Country Planning Act 1961 with due regard to the CM/DC, if any, and or building byelaws in force in the concerned urban areas.,

sd/- Director,
Department of Municipal Administration
Bangalore.,

No. M.A. 227/86-87

Hassan dated 13-3-87

Copy of the above Circular is forwarded to the Assistant Commissioner, Hassan and Sakleshpur and all the Tahsilars in the district for information.

To
The Assistant Commissioners
All Tahsilars.,

Handwritten notes and signatures:
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