



# Regularization of Unauthorized Development (Amendment) Bill, 2022

## Why in News?

- On July 11, 2022, the Governor of Chhattisgarh, Ms. Anusuiya Uikey signed the Chhattisgarh Regularization of Unauthorized Development Act, 2022 Bill presented for amendment in the Chhattisgarh Regularization of Unauthorized Development Act, 2002.

## Key Points

- As per the Bill, the Chhattisgarh Regularization of Unauthorized Development Act, 2002 (No. 21. 2002) of clause (five) of sub-section (2) of section 4 of the original Act, in sub-section (1) of section 6 of the original Act, sub-section (1) of section 7 of the original Act, section of the original Act Sub-section (2) of 9 and sub-section (3) of Section 9 of the original Act have been amended.
- The Bill replaces clause (five) of sub-section (2) of Section 4 of the original Act of the Chhattisgarh Unauthorized Development Regularization act, 2002 as officer-in-charge of the district/Joint Director/Deputy Director/Assistant Director of the Department of Urban and Village Investment.
- Clause (4)(a) of the Act provides for imposition of additional penalty of 5% of the collector's guideline rate currently in force for land in that area for change of use of land other than the prescribed purpose.
- The Act provides that if unauthorized development has been done on a plot/site reserved for the prescribed parking, regularization will be allowed only after the additional amount earmarked for lack of parking has been paid by the applicant.
- The Act states that such unauthorized development/construction, which came into existence before 1st January, 2011, whose building permission/development permit is sanctioned, or such unauthorized building for which property tax is being paid at the rate fixed by the government in the local body concerned, in such buildings, if the Chhattisgarh Land Development Rules, If parking is not available as per the development plan of 1984 or the city concerned, then on payment of additional penalty for parking as follows, regularization of the building may be carried out as follows:
  - Fifty thousand rupees for each car space in case of 25% reduction in parking,
  - One lakh rupees for each car space above 25% and up to 50%,
  - Rs 2 lakh for each car space above 50% and up to 100%,
- Similarly, on payment of additional penalty amount for parking in such buildings which came into existence on or after January 1, 2011, the regularization of the building can be done in such a way that if there is a reduction of 25% in parking space, 50 thousand rupees for each car space, 25 A provision of one lakh rupees has been made for each car space above and up to 50 percent.
- Clause (iv) states that compoundable parking shall be calculated in such a way that the minimum area available for parking in residential area up to 500 square meters will be zero on per car space (ECS) basis, whereas the area above 500 square meters will be zero. The minimum area available for parking shall be 50% on Per Car Space (ECS) basis. The minimum area available for parking in non-residential areas will be zero on per car space (ECS) basis, whereas in case of more than 500 areas, the minimum area available for parking will be 50 percent on per car space (ECS) basis.
- The provision says that (c) In each case of unauthorized development of such non-profit making social institutions which have not been set up for the purpose of profit making, penalty shall be payable at the rate of 50% of the estimated amount.

- As per the provision laid down in Rule 39 of the Chhattisgarh Land Development Rules, 1984, due to non-availability of width of the route, regularization may be carried out in case any public interest is not affected in the activities existing at the site.
- Further, clause (3) of sub-section (1) of section 7 of the original Act has been omitted. In sub-section (2) of Section 9 of the original Act, in place of the words 'in the period of pendency of the appeal, the appellant shall deposit the amount of monthly rent of unauthorized development, as may be prescribed by the authority, regularly', in place of the words " The amount of monthly fare of unauthorized development by the appellant, which shall be payable for a period not exceeding one year, as may be prescribed by the Authority, shall be deposited regularly during the pendency of the appeal. This provision has been replaced by 'Will be effective on all pending and new cases'.
- In section 9 of the principal Act, for the proviso to sub-section (3), the following shall be substituted "Provided that during the pendency of the appeal, the appellant shall pay the amount of monthly rent for unauthorized development as may be determined by the authority under this Act." shall make deposits regularly for a period not exceeding one year, if prescribed. It will be effective on all pending and new cases.

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