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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 28th May, 1984/Jyaistha 7, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 27th May 1984, and is hereby published for general information:—

THE DELHI DEVELOPMENT (AMENDMENT) ACT, 1984

No. 38 OF 1984

[*27th May*, 1984.]

An Act further to amend the Delhi Development Act, 1957.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Delhi Development (Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

61 of 1957.

Amendment of section 5.

2. In section 5 of the Delhi Development Act, 1957 (hereinafter referred to as the principal Act), in sub-section (2), for clause (*e*), the following clauses shall be substituted, namely:—

"(*e*) two persons representing the Delhi Electric Supply Committee and the Delhi Water Supply and Sewage Disposal Committee of the said Corporation of whom—

(*i*) one shall be elected by the members of the Delhi Electric Supply Committee from among themselves; and

(*ii*) one shall be elected by the members of the Delhi Water Supply and Sewage Disposal Committee from among themselves;

(*ee*) one representative of the Delhi Transport Corporation to be nominated by the Central Government;".

Amendment of section 29.

3. In section 29 of the principal Act, in sub-section (*1*), for the words "shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence", the following shall be substituted, namely:—

"shall be punishable,—

(*a*) with rigorous imprisonment which may extend to three years, if such development relates to utilising, selling or otherwise dealing with any land with a view to the setting up of a colony without a lay out plan; and

(*b*) with simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, in any case, other than those referred to in clause (*a*)".

Amendment of section 30.

4. In section 30 of the principal Act,—

(*a*) sub-section (*2*) shall be omitted;

(*b*) in sub-section (*3*), for the words, brackets and figure "the chairman or the Central Government on the appeal and subject only to such decision the order under sub-section (*1*) or, as the case may be,", the words "the Central Government on the appeal and subject only to such decision" shall be substituted.

Amendment of section 31.

5. In section 31 of the principal Act,—

(*a*) in sub-section (*2*), after the words "place of development", the words "or to seize any construction material, tool, machinery, scaffolding or other things used in such development" shall be inserted;

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) Any of the things caused to be seized by the Authority or the officer of the Authority or the competent authority, as the case may be, under sub-section (*2*) shall unless the owner thereof turns up to take back such things and pays to the Authority, the officer of the Auhority or the competent authority, as the case may be, the charges for the removal or storage of such things, be disposed of by it or him by public auction or in such other manner and within such time as the Authority, the officer of the Authority or the competent authority thinks fit.

(*2B*) The charges for the removal and storage of the things sold under section (*2A*) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the fund of the Authority or the competent authority, as the case may be.";

(*c*) sub-section (*7*) shall be omitted.

6. After section 31 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 31A , 31B, 31C, 31D and 31E.

'31A. (*1*) It shall be lawful for the Authority or the competent authority, as the case may be, at any time, before or after making an order for the removal or discontinuance of any development under section 30 or section 31, to make an order directing the sealing of such development in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such development. Power to seal unauthorised development.

(*2*) Where any development has been sealed, the Authority or the competent authority, as the case may be, may, for the purpose of removing or discontinuing such development order the seal to be removed.

(*3*) No person shall remove such seal except—

(*a*) under an order made by the Authority or the competent authority under sub-section (*2*); or

(*b*) under an order of the Appellate Tribunal or the Administrator of the Union territory of Delhi, made in an appeal under this Act.

31B. The Appellate Tribunal or Appellate Tribunals constituted under section 347A of the Delhi Municipal Corporation Act, 1957, shall be deemed to be the Appellate Tribunal or Appellate Tribunals for deciding appeals under section 31C, and the provisions of section 347A and section 347C of the Delhi Municipal Corporation Act, 1957, and the rules made thereunder, shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of that Act. Appelate Tribunal.

66 of 1957.

31C. (*1*) Any person aggrieved by any of the following orders made under this Act, may prefer an appeal to the Appellate Tribunal, namely:— Appeals.

(*a*) an order of the Authority granting or refusing to grant permission for development under sub-section (*3*) of section 13;

(*b*) an order of the Authority or the local authority disposing of any land under section 21;

(c) an order of the Authority in the course of dealing with any nazal land developed by it under section 22;

(*d*) an order of an officer of the Authority or the competent authority made under sub-section (*1*) of section 30, for the removal of any development;

(*e*) an order of the Authority or an officer of the Authority, or the competent authority made under sub-section (*1*) of section 31, for discontinuing any development;

(*f*) an order of the Authority or the competent authority made under section 31A, directing the sealing of any development.

(*2*) An appeal under this section shall be filed within thirty days from the date of the order appealed against:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(*3*) An appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed by rules.

Appeals against orders of Appellate Tribunal.

31D. (*1*) An appeal shall lie to the Administrator of the Union territory of Delhi against an order of the Appellate Tribunal, confirming, modifying or annulling an order of the Authority, officer of the Authority, local authority or competent authority, as the case may be, under this Act.

(*2*) The provisions of sub-sections (*2*) and (*3*) of section 31C and the provisions of section 347C of the Delhi Municipal Corporation Act, 1957, and the rules made thereunder, shall, so far as may be, apply to the filing and disposal of an appeal under this section as they apply to the filing and disposal of an appeal under the said section 31C. 66 of 1957.

(*3*) An order of the Administrator on an appeal under this section, and subject only to such order, an order of the Appellate Tribunal under section 31C and subject to such orders of the Administrator or an Appellate Tribunal, an order of the Authority, officer of the Authority, local authority or competent authority referred to in sub-section (*1*) of that section shall be final.

Explanation.—In sections 30, 31, 31A and 31D, "competent authority" in relation to a local authority means any authority or officer of that local authority empowered or authorised to order demolition or stoppage of buildings or works, in accordance with the provisions made by or under the law governing such local authority.

Bar of jurisdiction of courts.

31E. (*1*) After the commencement of section 6 of the Delhi Development (Amendment) Act, 1984, no court shall entertain any suit, application or other proceedings in respect of any order appealable under section 31C, and no such order shall be called in question otherwise than by preferring an appeal under that section.

(*2*) Notwithstanding anything contained in sub-section (*1*), every suit, application or other proceeding pending in any court immediately before the commencement of section 6 of the Delhi Development (Amendment) Act, 1984, in respect of any order, appealable under section 31C shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force.'.

Insertion of new section 34 A.

7. After section 34 of the principal Act, the following section shall be inserted, namely:—

Certain offences to be cognizable.

"34A. The Code of Criminal Procedure, 1973, shall apply to an offence under sub-section (*1*) of section 29 as if it were a cognizable offence,— 2 of 1974.

(*i*) for the purposes of investigation of such offence, and

(*ii*) for the purposes of all matters other than—

(*1*) matters referred to in section 42 of that Code, and

(2) arrest of a person except on the complaint of, or upon information received from:—

(a) such officer of the Authority not below the rank of a Director as may be appointed by the Administrator of the Union territory of Delhi, if the offence is committed in relation to a development area;

(b) such officer of the Municipal Corporation of Delhi not below the rank of a Deputy Commissioner as may be appointed by the Administrator of the Union territory of Delhi, if the offence is committed in relation to any area within the local limits of that Corporation; or

(c) the Secretary, New Delhi Municipal Committee, if the offence is committed in relation to any area within local limits of that Committee:

Provided that no offence which relates to any deviation from the permission, approval or sanction given under section 12 and which could be compounded under the provisions of this Act, shall be cognizable.".

Amendment of section 48.

8. In section 48 of the principal Act, for the words "magistrate of the first class", the words "Metropolitan Magistrate" shall be substituted.

Amendment of section 50.

9. In section 50 of the principal Act, for the portion beginning with the word and figures "section 32" and ending with the words "first class" the words and figures "section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any court of a Metropolitan Magistrate" shall be substituted.

2 of 1974.

Amendment of section 52

10. In section 52 of the principal Act, in sub-section (3), after the words "under this Act", the words, " except the power to hear appeals," shall be inserted.

Amendment of section 56.

11. In sub-section (2) of section 56 of the principal Act, after clause (*jjj*), the following clauses shall be inserted, namely:—

"(*ja*) the manner in which the scaling of any development under sub-section (*1*) of section 31A shall be made;

(*jb*) the form in which an appeal shall be made to the Appellate Tribunal under sub-section (3) of section 31C and the fees that shall accompany such appeal;".

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

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