

Banglore Development Authority Act, 1976

Section 32 - Forming of New Extensions or Layouts or Making New Private Streets

(1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or layout for the purpose of constructing buildings thereon without the express sanction in writing of the Authority and except in accordance with such conditions as the Authority may specify:

Provided that where any such extension or layout lies within the local limits of the Corporation, the Authority shall not sanction the formation of such extension or layout without the concurrence of the Corporation :

Provided further that where the Corporation and the Authority do not agree on the formation of or the conditions relating to the extension or layout, the matter shall be referred to the Government, whose decision thereon shall be final.

(2) Any person intending to form an extension or layout or to make a new private street, shall send to the 1 [Commissioner] a written application with plans and sections showing the following particulars:-

(a) the laying out of the sites of the area upon streets, lands or open spaces ;

(b) the intended level, direction and width of the street ;

(c) the street alignment and the building line and the proposed sites abutting the streets;

(d) the arrangement to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Authority.

(4) Within six months after the receipt of any application under sub-section (2), the Authority shall either sanction the forming of the extension or layout or making of street on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(5) The Authority may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Authority, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains and open spaces laid out by him to the Authority permanently without claiming any compensation therefor.

2 [(5A) Notwithstanding anything contained in this Act, the Authority may require the applicant to deposit before sanctioning the application such further sums in addition to the sums referred to in the sub-section (5) to meet such portion of the expenditure as the Authority may determine towards the execution of any scheme or work for augmenting water supply, electricity, roads, transportation and such other amenities within the Bangalore Metropolitan area.]

(6) Such sanction may be refused,-

(i) if the proposed street would conflict with any arrangements which have been made or which in the opinion of the Authority is likely to be made for carrying out any general scheme of street improvement or other schemes of development or expansion by the Authority; or

(ii) if the proposed street doesnot conform to the provisions of the Act, rules and bye-laws referred to insub-section (3), or

(iii) if the proposed street isnot designed so as to connect at one end with a street which is already open ;or

1 [(iii-a) if the proposedextension or lay out is on the land which is proposed to be acquired for thepurpose of the development scheme under this Act, and in respect of which anotification under sub-section (3) of section 17 is already published; or]

(iv) if the layout in theopinion of the Authority cannot be fitted with any existing or proposedexpansion or development schemes of the Authority.

(7) No person shall form alayout or make any new private street without the sanction of or otherwise thanin conformity with the conditions imposed by the Authority. If the Authorityrequires further information from the applicant no steps shall be taken by himto form the layout or make the street until orders have been passed by theAuthority after the receipt of such information:

Provided that the passing ofsuch orders shall not, in any case, be delayed for more than six months afterthe Authority has received all the information which it considers necessary toenable it to deal finally with the said application.

(8) If the Authority does notrefuse sanction within six months from the date of the application undersub-section (2) or from the date of receipt of all information asked for undersub-section (7), such sanction shall be deemed to have been granted and theapplicant may proceed to form the extension or layout or to make the street,but not so as to contravene any of the provisions of this Act and the rules orbye-laws made under it.

(9) Any person who forms orattempts to form any extension or layout in contravention of the provisions ofsub-section (1) or makes any street without or otherwise than in conformitywith the orders of the Authority under this section, shall be liable, onconviction, to a fine which may extend to ten thousand rupees.

1. Substituted by Act 18 of 1981w.e.f. 30.12.1980 .

2. Inserted by Act 17 of 1994w.e.f. 26.6.1987 .