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Development plan under the MRTTP Act

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1 MRTTP Act Sections 21–24: duty to prepare a development plan, declaration of intention, default and Town Planning Officer

Every Planning Authority must prepare a Development Plan (DP) for its area within a fixed time (s.21), starting with a resolution declaring its intention (s.23) and the appointment of a Town Planning Officer (s.24); if it fails, a State town planning officer does the work at its cost.

Core facts

- **Chapter III** of the MRTTP Act (ss.21–42) deals with the **Development plan**.
- **s.2(9) "Development plan"**: a plan for the development or re-development of the area **within the jurisdiction of a Planning Authority**, including its revision and proposals of a Special Planning Authority.
- **s.2(19) "Planning Authority"**: a **local authority**, and includes a **Special Planning Authority** (s.40) and the **Slum Rehabilitation Authority** for slum rehabilitation areas.
- **s.21(1)**: within **three years** of the Act's commencement, every Planning Authority must survey, prepare an **existing land-use map**, prepare a draft DP **in accordance with the Regional plan** (if any), publish a notice and submit the plan to the **State Government** for sanction.
- **Quarterly report**: the Planning Authority sends a **quarterly report** on progress to the **State Government** (s.21(1)).
- **s.21(2)**: a Planning Authority constituted **after** the Act must, within **three years** of its constitution, **declare its intention**, prepare the draft DP, publish a notice and submit it to the State Government.
- **s.21(3)**: the State Government may **extend** the period, by written order with reasons.
- **s.21(4) default**: if the s.23 declaration is not made, or the draft DP is not submitted in time, the concerned **Divisional Joint Director or Deputy Director of Town Planning and Valuation Department**, or an officer he nominates **not below Assistant Director of Town Planning**, declares the intention, surveys, prepares the DP and **recovers the cost from the Planning Authority's funds**.
- **s.23**: before the survey, the Planning Authority passes a **resolution declaring its intention** to prepare a DP and invites objections and suggestions for **not less than 60 days** from the Gazette notice.
- **s.24**: at the time of the declaration, the Planning Authority resolves to appoint a qualified **Town Planning Officer**, and appoints him **with prior sanction of the State Government**.

Explained

Sections 21 to 24

Section	Subject	Key point
21	Development plan: duty and time	3 years; quarterly report; default by State officer
22	Contents of DP	(next note)
22A	Modification of a substantial nature	(next note)
23	Declaration of intention	Resolution; boundary plan to Govt; objections ≥ 60 days
24	Town Planning Officer	Appointed at the declaration, with State sanction

Section 23 in steps

1. Planning Authority passes a **resolution** declaring its intention.
2. Sends the resolution and a plan showing **only the boundary** of the DP area to the State Government.
3. Publishes a notice in the **Official Gazette** and one or more **local newspapers**.
4. Invites suggestions or objections within **not less than 60 days**.
5. Keeps the boundary plan open for inspection at its head office (s.23(2)).

Town Planning Officer (s.24) is appointed to:

- carry out the **survey** of the area;
- prepare the **existing land-use map**;
- **formulate DP proposals** for submission to the Planning Authority.
- Implementing the DP is **not** his statutory role; it is the Planning Authority's duty (s.42).

Default provisions

- **s.21(4)**: if the draft DP is not submitted in time, the State officer prepares it, publishes notice and submits it, with all the powers of the Planning Authority, at the authority's cost.
- **s.21(4A)** (Mah. 10 of 2011): if the time fixed under ss.**25, 26 and 30** lapses, the Planning Authority is **deemed to have failed**, and the remaining work up to submission under s.30 passes to the same State officer (ss.23 and 28 were dropped from this list in 2014; the 2011 text listed ss.23, 25, 26, 28 and 30).
 - **Provisos** (Mah. 5 of 2014): the officer must finish within the period the **Director of Town Planning** fixes by order, which **cannot exceed the original period** in the relevant section.

Common traps

✗ "The quarterly progress report goes to the Director of Town Planning." ✓ To the **State Government** (s.21(1)).

✗ "A new Planning Authority has two years to act under s.21." ✓ **Three years** from its constitution.

✗ "On default, the Collector prepares the DP." ✓ The **Divisional Joint Director or Deputy Director of Town Planning** or his nominee (not below Assistant Director), at the **Planning Authority's cost**.

✗ "Deemed failure under s.21(4A) applies to the deadlines of ss.23 and 28." ✓ Only ss.**25, 26 and 30** (as amended in 2014).

✗ "Objections on the declaration of intention: 30 days." ✓ **Not less than 60 days** (s.23); 30 days is the general period for the **draft DP** (s.26).

✗ "The TPO implements the DP." ✓ He surveys, prepares the ELU map and **formulates proposals**; implementation is the Planning Authority's duty (s.42).

✗ "The Planning Authority appoints the TPO on its own." ✓ With **previous sanction of the State Government** (s.24).

Quick revision

- Chapter III = ss.21–42 (Development plan).
- s.21: 3 years; in accordance with RP; quarterly report to State Govt.
- s.21(3): State Govt may extend, with reasons.
- s.21(4): default → Divisional Jt/Dy Director TP ($\geq$ Asst Director), cost from PA funds.
- s.21(4A): deemed failure if the s.25, 26 or 30 deadline lapses; officer finishes within the DTP's period.
- s.23: resolution + boundary plan to Govt; Gazette + local paper; objections $\geq$ 60 days.
- s.24: TPO appointed at declaration, with State sanction.
- TPO: survey, ELU map, DP proposals.
- s.43: permission needed after the s.23 declaration.