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TRUE LEARNING

UP LOCAL LAW NOTES | President's Act No. 11 of 1973

U.P. Urban Planning and Development Act, 1973

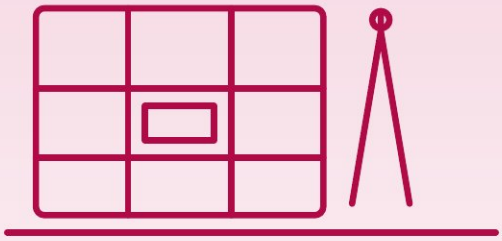
Part 2 · Enforcement, Charges & Control

Chapters VII–VIII · Sections 20–60

PART 2 OF 2

*You have 1 part. **Edzorb Premium+** unlocks all 2.*

Law checked to 16.11.2026 · incl. 2023 and 2025 amendments · For educational use



Inside this part

VII Fund, Budget, Audit · *S.20–24*

VIII Penalties, Encroachment, Demolition · *S.25–28-A*

VIII Compounding, Betterment, Charges · *S.29–39-C*

VIII State Control & Procedure · *S.40–60*

How each section works

*Notes with key words in **green** and facts **highlighted** → leading cases → practice MCQs with every option explained → mains frames.*



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CHAPTER VII **Finance, Accounts and Audit** S.20–24

SECTIONS

20–24

Money of the Authority

Audit

Examiner, Local Fund Accounts

Report

Laid before both Houses

2023

Special Amenities Fund — S.20-A

Fund, budget and audit

One fund, used only for the Act; borrowing needs State approval; accounts are audited every year.

Hook: Fund | borrow | audit | report.

1 Fund S.20

- S.20(1) → State grants and loans, borrowings, **fees, tolls and charges**, sale proceeds, rents and profits · S.20(2) → used **only** for the Act
- S.20(5) → may borrow (loans, **debentures**) from non-State sources on terms the **State approves** · S.20(6) → a **sinking fund** only to repay such loans
- **2023 change** → **S.20-A**: for a declared **special amenity** project (e.g. mass rapid transit, freeways, urban revitalisation), a **Special Amenities Development Fund** fed by the special amenity fee, overseen by a Board (Chairman, Vice-Chairman, implementing agency)

2 Budget, audit, report S.21–24

- S.21 → yearly **budget** · S.22 → audit by the **Examiner, Local Fund Accounts**, or (also) the **AG**, **CAG** or another auditor, at the Authority's cost
- S.23 → annual report **laid before both Houses** · S.24 → pension and provident funds (PF Act, 1925 may apply)

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CHAPTER VIII **Supplemental and Miscellaneous** S.25–60

SECTIONS
25–26
Entry and penalties

Entry
Sunrise to sunset, with notice

Unauthorised build

Rs 50,000	*fine*
Rs 2,500	*per day*

Misuse

Rs 25,000	*fine*
Rs 1,250	*per day*

Inspection and fines

The VC can send inspectors in; building against the plan or without permission is a fine-only offence.

Hook: Entry | S.26 fines.

3 Power of entry S.25

- VC may authorise entry to survey, inspect works, bore the subsoil, mark boundaries, or check whether land is being developed **against the plan or without S.14 permission**
- Provisos → only between **sunrise and sunset**, with **reasonable notice** to the occupier (or owner); women must be allowed to withdraw; regard for social and religious usages

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SECTIONS

25–26

Entry and penalties

Entry

Sunrise to sunset, with notice

Unauthorised build

Rs 50,000	*fine*
Rs 2,500	*per day*

Misuse

Rs 25,000	*fine*
Rs 1,250	*per day*

4 ⚠ Penalties S.26

Offence	Punishment
S.26(1): development against the master or zonal plan, without S.14 permission, or breaking its conditions	Fine up to **Rs 50,000**; continuing: up to **Rs 2,500 a day** after first conviction
S.26(2): use against S.16 or its terms	Fine up to **Rs 25,000**; continuing: up to **Rs 1,250 a day**
S.26(3): obstructing or molesting a person entering under S.25	Up to **6 months**, or fine up to **Rs 1,000**, or both

- S.26(1) applies whether the person acts "at his own instance or at the instance of any other person or any body (including a department of Government)"
- S.30 → offences by companies: persons in charge liable unless no knowledge or **due diligence**; directors and officers liable for consent, connivance or neglect · S.31 → fines go to the **Authority**

⚠ **Exam trap:** unauthorised construction under S.26(1) carries **fine only** — imprisonment appears in S.26(3), S.26-A and S.26-D.

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Encroachment and obstruction

SECTIONS
26-A–26-D
Encroachment on public land

Encroach

1 yr	SI
Rs 20,000	fine

Removal notice

Period of at least **15 days**

Claim

District Judge as Tribunal, **30 days**

Encroaching public land is a cognizable offence; a weaker-section encroacher from before the 1997 Amendment must first be offered rehabilitation.

Hook: Punish | remove | rehabilitate.

SI Offence S.26-A(1)–(3)

📖 Bare Act · S.26-A(1)–(2)

Encroachment on public land

(1) Whoever makes any encroachment on any land not being private property, whether such land belongs to or vests in the authority or not in a development area, except steps over drain in any public street, shall be punishable with ***simple imprisonment*** for a term which may extend to ***one year*** and with fine which may extend to ***twenty thousand rupees***.

(2) Any offence punishable under Sub-section (1) shall be ***cognizable***.

Exact words of the Act; checked against the text amended up to U.P. Act 1 of 2008 and the official India Code text; "..." marks omitted parts; amendment markers dropped.

- S.26-A(3) → ***obstruction*** of a street or public land by building material or anything else (beyond what stacking fees allow) → SI up to **1 month**, or fine up to **Rs 2,000**, or both

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SECTIONS

26-A–26-D

Encroachment on public land

Encroach

1 yr	SI
Rs 20,000	fine

Removal notice

Period of at least **15 days**

Claim

District Judge as Tribunal, **30 days**

6 Removal and rehabilitation S.26-A(4)–(13)

- S.26-A(4) → notice to show cause why the encroachment should not be removed within a period of **not less than 15 days**; removal order with **reasons in writing** · proviso → a **weaker-section** encroacher from on or before the commencement of the 1997 Amendment is not removed until **alternative land or accommodation** is offered
- Weaker section → family holds no property in any city or municipal area, lives mainly by **manual labour** or craft (includes rickshaw puller, scavenger), and is not assessed to income tax, trade tax or sales tax
- S.26-A(5)–(11) → seizure and **confiscation** of property found on the land, after notice, written representation and hearing · S.26-A(12)–(13) → appeal to the **District Judge** within **one month**; he may stay

7 Claim, removal without notice, negligent officers

S.26-B–26-D

- S.26-B → aggrieved by removal → claim compensation or restitution within **30 days** before the **District Judge as Tribunal**; the officer may be made **personally liable**; order executable as a decree; decision final

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SECTIONS
26-A–26-D
Encroachment on public land

Encroach

1 yr	SI
Rs 20,000	fine

Removal notice

Period of at least **15 days**

Claim

District Judge as Tribunal, **30 days**

- S.26-C → structures or articles placed on streets, drains or tanks against the Act may be removed **without notice** · S.26-D → an officer entrusted with preventing encroachment who wilfully neglects it → SI up to **1 month**, or fine up to **Rs 10,000**, or both

Demolition, stoppage and sealing

Unauthorised work can be demolished, stopped with police help, or sealed — each after its own safeguard.

Hook: Demolish | Stop | Seal.

8 Demolition S.27

📖 **Bare Act** · S.27(1) *Order of demolition*

> … may make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than ***fifteen days*** and more than ***forty days*** from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that person …

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SECTIONS
27–28-A
Demolish · stop · seal

Removal period
15–40 *days*

Appeal
Chairman, 30 *days*

Stop-order breach
Rs 200 *a day*

> 📖 **Bare Act** · S.27(1) *Order of demolition (continued)*
>
> *Provided that no such order shall be made unless the owner or the person concerned has been given a* ***reasonable opportunity to show cause*** *why the order should not be made.*
>
> Exact words of the Act; checked against the text amended up to U.P. Act 1 of 2008 and the official India Code text; "..." marks omitted parts; amendment markers dropped.

- Who orders → the **VC** or an officer he empowers; on default, the Authority demolishes and recovers the cost as **arrears of land revenue**; no civil suit for that cost
- S.27(2)–(4) → appeal to the **Chairman** within **30 days**; he may **stay**; his decision is **final** and not questioned in any Court · S.27(5) → in addition to other laws

9 Stopping work S.28

- S.28(1) → VC or empowered officer may order the development **discontinued** from service of the order · (2) if not obeyed, any **police officer** may be required to remove the builder and workmen · (3) a police officer or employee may be deputed to **watch** the site
- S.28(4) → disobeying the stop order → fine up to **Rs 200 for every day** · S.28(5) → **no compensation** for removal under S.27 or stoppage under S.28

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10 Sealing S.28-A

SECTIONS
27–28-A
Demolish · stop · seal

Removal period
15–40 *days*

Appeal
Chairman, 30 *days*

Stop-order breach
Rs 200 *a day*

- S.28-A(1) → VC or empowered officer may order ***sealing***, before or after a removal or stoppage order · (2) the seal may be removed by order, to remove or stop the development

"

> 📖 **Bare Act** · S.28-A(3)
>
> *No one else may break the seal*
>
> (3) No person shall remove such seal except under an order made under Sub-section (2) by the Vice-Chairman, or the officer empowered by him in this behalf.
>
> Exact words of the Act; checked against the text amended up to U.P. Act 1 of 2008 and the official India Code text; "..." marks omitted parts; amendment markers dropped.

- S.28-A(4)–(5) → appeal to the ***Chairman*** within **30 *days***; decision final

M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu ★ Landmark · 1999
(1999) 6 SCC 464 · Supreme Court
Held: an underground shopping complex under Lucknow's Jhandewala Park, built under a void agreement with the Nagar Mahapalika, was ordered to be largely ***demolished*** (one block kept as parking) and the park restored; a public park is held in ***public trust***. (The Court also found no LDA sanction under S.14 of this Act, so the construction was per se illegal.)
Use for: Open spaces · unauthorised construction

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Compounding, amenities, handover

SECTIONS

29, 32–34

Compounding and amenities

Compounding

VC or authorised officer

When

Before or after prosecution

Cess

On all owners, by area

Most violations can be compounded for a fee; missing amenities can be built and charged to the owners.

Hook: S.32 | S.33 | S.34.

11 Composition of offences S.32

- S.32(1) → any offence under the Act may be compounded, **before or after** proceedings start, by the **VC** (or an officer he authorises), on terms including a **composition fee** · S.32(2) → offender discharged; no further proceedings for that offence
- Bye-laws give the guiding principles for compounding — S.57(bb) (Compounding Bye-laws, 2009)

12 Amenities at the owner's cost S.33

- S.33(1)–(3) → amenity not provided or sanctioned development not done → after show cause, order to do it; on default the Authority does it and recovers cost with interest as **arrears of land revenue**; no civil suit
- S.33(4)–(6) → on a written representation by owners of the required share of the land, the Authority provides the amenity and levies a **cess** on all owners in proportion to area; coloniser or society that promised it gets notice and is ultimately liable

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SECTIONS

29, 32–34

Compounding and amenities

Compounding

VC or authorised officer

When

Before or after prosecution

Cess

On all owners, by area

- S.33(4-A) → until the local authority takes over, the Authority may charge owners for maintaining amenities, at rates the State fixes

13 ⇄ Handover and wider powers S.29, 34

- S.29 → once a plan operates, the Authority or VC may be given the **powers of the local authority** or its chief executive, by notification · S.34 → Authority may require the local authority to **take over maintenance** of amenities on agreed terms, or terms settled by the State

Paying for development

Those whose property gains from development pay a share; the State adds stamp duty; the Authority may charge tolls.

Hook: Betterment | stamp duty | tolls | licences.

14 Betterment charge S.35–38

- S.35(1) → property value rises because of the Authority's scheme → **betterment charge** on the owner or person interested · no charge on **Government land**, but Government land given on **lease or licence** is liable
- S.35(2) → inside the developed township or colony: **equal to one-third** of the increase · outside it: **not exceeding one-third** · value measured as if the land were clear of buildings

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SECTIONS

35–39-C

Charges and duties

Betterment

⅓ *of increase*

Stamp duty

+2% *up to* 5%

Toll

Rs 1,000
max per visitor

S.36(1) → VC declares the scheme deemed complete; notice to the owner

↓

S.36(2) → assessment after hearing; owner accepts or dissents within **3 months**

↓

S.36(3)–(4) → accepted → final · dissent or silence → **Chairman** decides; not questioned in any Court

↓

S.38 → paid in instalments under bye-laws; arrears as land revenue

- S.37 → except as in S.41, the Chairman's appeal decisions and the VC's orders under **S.15 or S.27** are **final**

15 Conversion and use charges S.38-A–38-B

- S.38-A(1) → land use changed by a **S.13 amendment** → **land use conversion charge**, recovered **before** final notification · S.38-A(2) → **city development charge** on a licensed private developer
- **2023 change** → second proviso to S.38-A(1) (no charge where use changed by the plan coming into operation) **omitted**; new **S.38-B**: **urban use charge** where use is upgraded by a master plan revision (S.8(4)) or zonal plan — but **not** when a master plan is prepared for the first time

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SECTIONS

35–39-C

Charges and duties

Betterment

⅓ *of increase*

Stamp duty

+2% *up to 5%*

Toll

Rs 1,000
max per visitor

16 Stamp duty, toll, licences S.39–39-C

- S.39 → stamp duty on transfer deeds of property in a development area raised by **2%**, which the State may raise up to **5%**; proceeds paid to the Authority alone, or shared with Avas Vikas Parishad and the local body, as the State notifies (1977: **50 : 50** Avas Vikas and the Authority)
- S.39-A → toll on visitors to notified places of resort, up to **Rs 1,000** per visitor · S.39-B, 39-C → **licence** to private developers to assemble and develop land, with a licence fee

Recovery, State control and the rest

Dues are recovered like land revenue; the State can direct and revise; prosecution needs the VC's sanction.

Hook: S.40 | S.41 | S.48–49 | S.54.

17 Recovery and State control S.40–42

- S.40 → dues recovered as ***arrears of land revenue*** on a certificate to the Collector, or by attachment and sale under the Municipal Corporation Act; not two modes at once
- S.41 → Authority, Chairman and VC bound by ***State directions***; disputes → State decides finally · S.41(3) → State may call for records of the Authority or Chairman and ***revise*** any order, after hearing anyone prejudiced · S.41(4) → State orders ***final***

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SECTIONS

40–60

Control and procedure

Prosecution

Sanction of **VC**

Court

Not below ***Magistrate first class***

Open-space land

10 *yrs* *not acquired*
6 *mths* *after notice*

- S.42 → returns, reports and inspection by the State; entry only between sunrise and sunset with notice

18 Courts and protection S.43–53

Bare Act · S.48–49 *Court and sanction*

No Court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

No prosecution for any offence punishable under this Act shall be instituted except with the **previous sanction of the Vice-Chairman** of the Authority or any officer authorised by him in that behalf.

Exact words of the Act; checked against the text amended up to U.P. Act 1 of 2008 and the official India Code text; "..." marks omitted parts; amendment markers dropped.

- S.43–46 → service of notices; public notice signed by the **Secretary** · S.47 → members, officers and staff are **public servants** (IPC S.21; now BNS S.2(28)) · S.50 → good-faith protection · S.51 → delegation (not the power to make rules, regulations or bye-laws)
- S.52 → Act does not apply to internal repairs not affecting the exterior, utility repairs, **Central Government operational construction**, farm buildings (not dwellings), agricultural wells and kuchcha farm roads · S.53 → State may **exempt** any land or building by notification

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SECTIONS

40–60

Control and procedure

Prosecution

Sanction of ***VC***

Court

Not below ***Magistrate first class***

Open-space land

10 yrs	not acquired
6 mths	after notice

19 Unacquired reserved land S.54

- S.54(1) → land reserved as **open space**, unbuilt, or for compulsory acquisition, and not acquired within **10 years** of the plan (or amendment) → owner may serve notice on the State to acquire it

> 📖 **Bare Act** · S.54(2) *Reservation lapses*
>
> (2) If the State Government fails to acquire such land within a period of **six months** from the date of receipt of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.
>
> Exact words of the Act; checked against the text amended up to U.P. Act 1 of 2008 and the official India Code text; "..." marks omitted parts; amendment markers dropped.

- S.55–57 → **rules** (State; laid before the Legislature 30 days), **regulations** and **bye-laws** (Authority, with State approval) · S.58 → **dissolution**: property, nazul land and liabilities go to the State · S.59 → overlapping municipal and building laws suspended in development areas · S.60 → Ordinance of 1973 repealed

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Practice · Enforcement, Charges & Control

Q1. Medium **A demolition order under S.27 must give the owner a period for removal of:**

A. Not less than 15 and not more than 40 days

B. Exactly 30 days

C. Not less than 7 days

D. Not more than 15 days

Ans: A

A ✓ **S.27(1)** → not less than **15** and not more than **40** days from delivery of the order with reasons

B ✗ 30 days is the ***appeal*** period to the Chairman under S.27(2)

C ✗ 7 days is not used in S.27

D ✗ 15 days is the ***minimum***, and also the minimum removal period in an S.26-A(4) encroachment notice

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Q2. Medium **The punishment for encroaching on public land in a development area is:**

A. *Fine up to Rs 50,000 only*

B. *Rigorous imprisonment up to 3 years*

C. *Simple imprisonment up to 1 year and fine up to Rs 20,000; cognizable*

D. *Fine up to Rs 2,000 only*

Ans: C

A ✗ *Rs 50,000 is the fine for unauthorised **development** under S.26(1)*

B ✗ *The Act provides **simple** imprisonment, and only up to one year*

C ✓ ***S.26-A(1)–(2)** → SI up to **1 year** and fine up to **Rs 20,000**; the offence is **cognizable***

D ✗ *Rs 2,000 is the fine limit for **obstruction** under S.26-A(3)*

Q3. Medium **Prosecution for an offence under the Act needs the sanction of:**

A. *The State Government*

B. *The Chairman*

C. *The District Magistrate*

D. *The Vice-Chairman or an officer he authorises*

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Q3 continued

Ans: D

A ✗ *The State's sanction is not required under this Act (contrast S.35-A of the Ceiling Act)*

B ✗ *The Chairman hears appeals; he does not sanction prosecutions*

C ✗ *The DM, as such, has no sanctioning role here (only if authorised to act as VC)*

D ✓ ***S.49*** *→ sanction of the* ***VC*** *or an officer authorised by him; trial by a court not below Magistrate first class (S.48)*

Q4. Tough **A colony developed by the Authority raises the value of P's plot inside it by Rs 9 lakh. The betterment charge is:**

A *Up to Rs 3 lakh, at the Authority's discretion*

B *Rs 3 lakh*

C *Rs 4.5 lakh*

D *Nil, because betterment is charged only on Government land*

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PRACTICE

Part 2

How to use

Cover the answers.
Attempt each question.
Then check why each wrong option is wrong.

Q4 continued

Ans: B

A ✗ "Not exceeding one-third" applies to property **outside** the developed township or colony

B ✓ **S.35(2)(i)** → inside the colony: **equal to one-third** of the increase = **Rs 3 lakh**

C ✗ One-half is not a rate under S.35

D ✗ The reverse: Government land is **exempt** unless leased or licensed (provisos to S.35(1))

Q5. Tough **Land shown as a park in a master plan in force since 2010 has never been acquired. The owner serves notice on the State in 2024. If the State does nothing for six months:**

A. The owner may build only with the State's permission

B. The reservation continues until the next master plan

C. The plan applies as if the land were not reserved

D. The owner gets compensation but the reservation stays

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Q5 continued

Ans: C

A ✗ *Permission is still needed under S.14, but the **reservation** itself ends*

B ✗ *S.54 does not wait for a new plan; the reservation lapses after six months*

C ✓ ***S.54(1)–(2)** → 10 years unacquired + notice + **6 months** → plan has effect as if the land were **not reserved***

D ✗ *S.54 gives no compensation route; it frees the land from the reservation*

Q6. Medium **An offence under the Act may be compounded by the VC:**

A *Only before prosecution begins*

B *Either before or after proceedings are instituted*

C *Only with the court's permission*

D *Only for offences under S.26(2)*

Ans: B

A ✗ *S.32(1) allows compounding both before **and** after proceedings*

B ✓ ***S.32(1)** → "either before or after the institution of proceedings"; offender is then discharged (S.32(2))*

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Q6 continued

C ✗ *No court permission is required under S.32*

D ✗ ***Any** offence under the Act may be compounded*

Q7. Medium **The extra stamp duty on transfers of property in a development area is:**

A 5%, *reducible to 2%*

B 1%, *fixed*

C 2%, *which the State may raise up to 5%*

D 2%, *payable to the Municipal Corporation only*

Ans: C

A ✗ *The base is 2%; 5% is the **ceiling** the State may notify*

B ✗ *The Act does not use 1%*

C ✓ ***S.39(1)** → increase of **2%**; proviso lets the State enhance it up to **5%***

D ✗ *S.39(2) → paid to the Authority alone, or shared with Avas Vikas Parishad and the local body, as the State decides; the 1977 notification split it 50 : 50 between Avas Vikas and the Authority*

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Q8. Tough **A rickshaw puller, owning no property, has encroached public land since 1995. The Authority wants him removed. It must:**

A. *Remove him at once without notice under S.26-C*

B. *Prosecute him first and remove only on conviction*

C. *Give 15 days' notice and remove him, offering nothing*

D. *Give notice and offer alternative land or accommodation before removal*

Ans: D

A ✗ *S.26-C covers **things** (stalls, structures) on streets, not removal of a person's encroachment over public land with rehabilitation rights*

B ✗ *Removal under S.26-A(4) does not depend on conviction*

C ✗ *Notice is required, but the proviso adds a **rehabilitation** condition for weaker sections*

D ✓ ***S.26-A(4) proviso** → weaker-section encroachment on or before the commencement of the 1997 Amendment is not removed until **alternative land or accommodation** is offered*

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PRACTICE

Part 2

How to use

Cover the answers. Attempt each question. Then check why each wrong option is wrong.

Q9. Tough **Consider these statements:**

1. *No compensation is payable for damage from demolition under S.27 or stoppage under S.28.*
2. *Disobeying a stop-work order is punishable with fine up to Rs 200 for each day.*
3. *A claim for compensation for removal of an encroachment lies before the Civil Judge within 90 days.*

Which are correct?

A 1 and 3

B 2 only

C 1 and 2

D 1, 2 and 3

Ans: C

A ✗ *Statement 3 is wrong*

B ✗ *Statement 1 is also correct*

C ✓ *1 → **S.28(5)**: no compensation for removal or stoppage · 2 → **S.28(4)**: up to Rs 200 a day for disobeying a stop order*

D ✗ *Statement 3 is wrong: the S.26-B claim goes to the **District Judge** as Tribunal within 30 days, not a Civil Judge in 90 days*

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MAINS

Part 2

How to use

Write the frame from memory in 2 minutes. Then check.

Mains · Enforcement, Charges & Control

M1. Direct Discuss the powers of a Development Authority against unauthorised construction and encroachment under the U.P. Urban Planning and Development Act, 1973. What safeguards does the Act give the person affected?

15 marks

ANSWER FRAME

Introduction

- *Plans mean little without enforcement; Chapter VIII gives civil, criminal and summary powers*

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MAINS

Part 2

How to use

Write the frame from memory in 2 minutes. Then check.

M1 continued

Body

- ***Criminal***: S.26 fines (Rs 50,000 + Rs 2,500/day); S.26-A SI 1 year, cognizable; S.26-D negligent officers; S.48–49 Magistrate first class, VC's sanction
- ***Summary***: S.27 demolition (15–40 days, reasons, show cause); S.28 stop work, police, Rs 200/day; S.28-A sealing; S.26-A(4) removal, S.26-C without notice
- ***Safeguards***: show cause; appeals to Chairman (30 days); S.26-A(12) District Judge; S.26-B Tribunal, officer personally liable; weaker-section rehabilitation; S.41(3) State revision
- ***Settlement***: S.32 compounding; ***M.I. Builders*** (1999) 6 SCC 464 — open spaces held in public trust

Conclusion

- A graded toolkit, from compounding to demolition, balanced by hearing and appeal

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Part 2

How to use

Write the frame from memory in 2 minutes. Then check.

M2. Problem **A builds a third floor without permission. The VC orders demolition within 10 days, without hearing A. A also wants to know whether he can sue for compensation if the floor is pulled down. Advise A.**

10 marks

ANSWER FRAME

Issue

- *Validity of the order; remedies; compensation*

Rule

- **S.27(1)**: *show-cause opportunity; removal period 15–40 days; reasons delivered*
- **S.27(2)–(4)**: *appeal to Chairman in 30 days, stay, finality ·* **S.28(5)**: *no compensation ·* **S.32**: *compounding*

Apply

- *No hearing and a 10-day period → order violates S.27(1); appeal and seek stay*
- *No compensation claim if lawfully demolished; A may seek compounding if bye-laws allow*

Conclusion

- *Order liable to be set aside; fresh order must follow S.27*

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MAINS

Part 2

How to use

Write the frame from memory in 2 minutes. Then check.

Part 2 in 60 seconds

- S.20 fund; borrowing needs State approval; sinking fund · S.20-A Special Amenities Fund (2023) · S.22 audit by Examiner, Local Fund Accounts · S.23 report before both Houses
- S.26: Rs 50,000 + Rs 2,500/day · misuse Rs 25,000 + Rs 1,250/day · S.26-A: SI 1 year + Rs 20,000, cognizable; weaker-section rehabilitation; S.26-B Tribunal = District Judge
- S.27 demolition: 15–40 days, show cause, appeal to Chairman in 30 days · S.28 stop, Rs 200/day, no compensation · S.28-A seal
- S.32 compounding by VC · S.35 betterment ⅓ · S.38-A conversion charge · S.38-B urban use charge (2023) · S.39 stamp duty +2% (to 5%)
- S.41 State control and revision · S.48 Magistrate first class · S.49 VC's sanction · S.52 exemptions · S.54 lapse after 10 years + 6 months

Reference: U.P. Urban Planning and Development Act, 1973, ss. 20–60, as amended; 2023 and 2025 changes noted

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