

Manipur Gazette



EXTRA ORDINARY

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GOVERNMENT OF MANIPUR  
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 29th August, 2005

No. 2/49/2004-Leg/L.—The following Act of the Legislature of Manipur which received assent of the Governor of Manipur on 26-8-2005 is hereby published in the Official Gazette.

THE MANIPUR MUNICIPALITIES (SECOND AMENDMENT) ACT, 2004  
(Manipur Act No. 14 of 2005)

AN

ACT to amend the Manipur Municipalities Act, 1994 (Act No. 43 of 1994) further to amend the Manipur Municipalities Act, 1994 (Act No. 43 of 1994)

BE it enacted by the Legislature of Manipur in the Fifty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) The Act may be called the Manipur Municipalities (Second Amendment) Act, 2004.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 2.—After sub-section (1) of section 2 of the Manipur Municipalities Act, 1994 (hereinafter referred to as principal Act), the following sub-section (1a) shall be inserted, namely:—

"(1a) 'Appellate Tribunal' means the Appellate Tribunal constituted under section 129 D;"

3. Amendment of section 129. For section 129 of the principal Act, the following section shall be substituted, namely:—

"129 (1) If the construction of a building is started or if a building is materially altered or erected.

- (a) without sanction as required by section 126 (1); or
- (b) without notice as required by section 124 (2); or
- (c) when sanction has been refused; or
- (d) in contravention of the terms of any sanction granted; or
- (e) when the sanction has lapsed; or
- (f) in contravention of any bye-laws made under clause (vi) of sub-section (1) of section 209.

the Council or Nagar Panchayat may make an order directing that such construction or erection or alteration of the building shall be demolished or altered by the person at whose instance the erection or alteration of the building was done, within a period of thirty days from the date of service of the order;

Provided that no order of demolition or alteration shall be made unless the person is given a reasonable opportunity of being heard for showing cause within a period of fifteen days why such order shall not be made.

(2) Any person aggrieved by an order of the Council or Nagar Panchayat, as the case may be, under sub-section (1) may prefer an appeal against the order for modifying or annulling the order to the Appellate Tribunal within the period specified in the order for the demolition or alteration of the building which it relates:

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

(3) When no appeal has been preferred against an order made by the Council or Nagar Panchayat under sub-section (1) or where an order made under sub-section (1) has been confirmed on appeal, the person against whom the order has been made shall comply with the order within the period specified therein or within the period fixed in the order passed on appeal. On failure of the person to comply with the order within such period, the Council or Nagar Panchayat may cause the demolition or alteration of the building to which the order relates to and the expenses of such demolition or alteration shall be recoverable from such person as an arrear of land revenue or tax.

(4) Subject to such order by the Appellate Tribunal on appeal under sub-section (3), every order made by the Council or Nagar Panchayat under this section shall be final."

4. Insertion of sections 129 A, 129 B, 129 C, 129 D and 129 E :—After section 129 of the principal Act, the following sections 129 A, 129 B, 129 C, 129 D and 129 E shall be inserted, namely :—

"129A. (1) Notwithstanding anything contained in any provision of this Act, it shall be lawful for the Council or Nagar Panchayat at any time, before or after making an order of demolition under relevant sections or of stoppage of the construction or erection of any building or execution of any work under relevant sections, to make an order directing the sealing of such construction or erection or work or of the premises in which such construction or erection or work is being carried on or has been completed 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 erection or work:

Provided that no order for such sealing or stopping under sub-section shall be made unless the person is given a reasonable opportunity of being heard for showing cause within a period of fifteen days why such order shall not be made.

(2) Where any construction or erection or work or any premises in which any construction or erection work is being carried on, has or have been sealed or stopped the Council or the Nagar Panchayat, as the case may be, may for the purpose of demolishing such construction or erection or work in accordance with the provisions of this Act, order such stoppage or seal to be removed.

(3) Any person aggrieved by an order under sub-section (1) may prefer an appeal to the Appellate Tribunal for modifying or annulling such order within the period specified in the order made under sub-section (1).

129B. Subject to the provisions of section 129 C of this Act, no building which was constructed with permission of the Council or Nagar Panchayat, as the case may be, before coming into operation of above section 129 or 129 A, shall be ordered to be demolished or altered if the state of the building including its height is fit for human habitation and also not in dangerous state or structurally sound and strong except minor alteration or orientation of the building respecting doors, windows, opening, balcony, terrace, etc. as per specification prescribed by rules and bye-law.

The owner or occupier shall carry out such minor alteration or orientation of the building within three months from the date of receipt of notice with specification from the Council or Nagar Panchayat as the case may be.

Explanation :- the word "minor alteration or orientation of the building" shall include water-course system, lighting, fire-fighting system, sanitation/latrino system, ventilation and natural light system and such other preventive measure against disaster.

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129C. (1) Notwithstanding anything contained in this Act, if any building or a portion thereof in any locality is, in the opinion of the State Government for security reasons or protection of the locality to be recorded, dangerous or causing inconvenience to the resident or to other persons including owner or occupier of the such building who have legal access thereto or to the neighbourhood thereof, the State Government may direct the Municipality to make appropriate order for removal or alteration of the building or a portion thereof in the public interest. The Council or Nagar Panchayat as the case may be, in addition to any action that may be taken under this Act as required by the State Government, shall, subject to reasonable compensation in appropriate case to be paid as may, prescribe, by a notice in writing with a statement of reasons thereof, require the owner of such building within a period of not less than one month to be specified from the date of service of notice to remove or alter balcony or projection of structure or hanging veranda including whatsoever of any nature or to take such steps for alteration of the building or a portion thereof as shall appear to the Council or Nagar Panchayat as the case may be, necessary in order to prevent such danger or inconvenience arising therefrom:

Provided that no order of demolition or alteration shall be made unless the person is given a reasonable opportunity of being heard for showing cause within a period of fifteen days why such order shall not be made.

(2) The Council or Nagar Panchayat, as the case may be, may before the period of any such notice has expired, take such temporary measures as it thinks fit to prevent the danger or inconvenience arising therefrom; and any expenses incurred by the Council or Nagar Panchayat in taking such temporary measures shall be recoverable from the owner of the building adjusted out of the compensation to be paid as the case may be.

(3) In case of default by the Council or Nagar Panchayat as the case may be, to take action within such period specified by the State Government, in its direction issued under sub-section (1) of section 129 A, the Deputy Commissioner subject to such order of Appellate Tribunal on appeal if any, may make an order for removal or alteration of the building or a portion thereof immediately in the manner provided in sub-section (1).

(4) Any person aggrieved by an order under this section may prefer an appeal to the Appellate Tribunal for modifying or annulling such an order within the period specified in the order.

129 D. Constitution of Appellate Tribunal etc:- (1) The State Government shall, by notification in the official Gazette, constitute an Appellate Tribunal consisting of one person who is or has been a District Judge or Additional District Judge, to be appointed by the State Government, for deciding appeals preferred under sections 129(2), 129A(3) and 129C(4).

(2) The Appellate Tribunal may entertain an appeal after expiry of such period specified in the order if it is satisfied that there was sufficient cause for not filing it within that period.

(3) The Appellate Tribunal may after giving opportunity of being heard to the parties, pass orders thereof as it thinks fit confirming or modifying or annulling the order appealed against.

(4) The Appellate Tribunal shall not make an interim order against the Council or the Nagar Panchayat or its officer or the Deputy Commissioner as the case may be unless an opportunity is given to the Council or the Nagar Panchayat or its officer or the Deputy Commissioner to be heard in the matter.

129 E. The State Government may designate one or more Superintending Engineer of Public Works Department, Manipur for determination of the value of the building or the portion of the building to be demolished or altered or damage caused to such building in the course of implementation of the order made by the Council or Nagar Panchayat, as the case may be."

A. SUKUMAR SINGH,  
Secretary (Law), Govt. of Manipur.