

ROUTE TO TRANSPARENCY



SIMPLIFICATION OF NON AGRICULTURE PERMISSION BY THE STATE GOVERNMENT HAS BEEN WELCOMED BY DEVELOPERS



As per the Gujarat Town Planning & Urban Development Act, 1976 (Clause 122), the state government has power to control and make final modification and the decision by the state government is final acting under it. Recently, the revenue department of the state government passed a resolution regarding conversion of agriculture land into non-agriculture purpose for easy, transparent and related quicker availability of urban land for housing and infrastructure in urban areas of Gujarat.

As per the resolution, the

Clause 65 of The Gujarat Town Planning & Urban Development Act, 1976, talks about two town planning methods: the government sanctioned preliminary TP schemes and final TP schemes under the new resolution, passed by Revenue Department.

As per the Annexure-1 of the resolution, a district collector will pass notification under clause 65 (2) of land revenue code for declaring non-agriculture (NA) land. After notification from district collector, all the land falls under government-sanctioned preliminary town planning scheme and government-sanctioned final town planning scheme are considered to be non-agriculture land. At the time of taking development permission from the competent

authority, the applicant/owner has to file an affidavit (as mentioned in annexure-3 of resolution) declaring it was an old tenure land, land is not subjected to premium, applicant is a legitimate owner, no government land is part of that particular land, no government dues are pending, it is not lease hold land or under control of charity commissioner and Wakft Board and the land is not for public purpose. The competent authority based on the affidavit will send an application to district collector to verify the facts and provide NOC. For such an NOC, the prescribed time limit is 30 days from the date of application received. District collector will issue the official order for non-agriculture permission under sanction 65 of Land Revenue Code separately. After getting the NOC from district collector, the competent authority will issue the development permission to applicant/owner.

This procedure is mandatory and every land owner has to follow it before beginning actual development on land.

In the case of breach of this provision, the land will automatically lose its NA status and it will be declared as government land. The draft TP schemes and area outside planning authority limits have to follow the regular procedure for the non-agriculture permission.

Overall, this is a welcome move. It will make the process faster and simpler. For land buyers/developers, the process is simpler, less time consuming and transparent. It will surely attract state investors to invest in to urban areas of Gujarat. Ultimately, it will boost development activity of housing and infrastructure, trade and commerce which is the need of the hour!

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