

AS PASSED BY GJ
ON
Bill No. 16 of 2023

**THE GUJARAT REGULARISATION OF UNAUTHORISED
DEVELOPMENT (AMENDMENT) BILL, 2023.**

GUJARAT BILL NO. 2 OF 2023.

A B I L L

*further to amend the Gujarat Regularisation of Unauthorised
Development Act, 2022.*

It is hereby enacted in the Seventy-fourth Year of the Republic
of India as follows:-

- 1.** This Act may be called the Gujarat Regularisation of **Short title.**
Unauthorised Development (Amendment) Act, 2023.

**Amendment in
section 5 of Guj.
1 of 2023.**

2. In the Gujarat Regularisation of Unauthorised Development Act, 2022, in section 5, after sub-section (2), the following sub-section shall be inserted, namely:-

Guj. 1 of 2023.

“(2A) Notwithstanding anything contained in sub-section (2), the State Government may extend, by notification in the *Official Gazette*, the period for making an application for regularisation of any unauthorised development, in such circumstances and on such terms and conditions as may be specified in the said notification.”.

STATEMENT OF OBJECTS AND REASONS

The State of Gujarat has enacted the Gujarat Regularisation of Unauthorised Development Act, 2022 to regularise the unauthorised development in the Municipal Corporation areas, Nagarpalika areas and development areas in the State.

Sub-section (2) of section 5 of the said Act provides that any applicant, desiring to get the unauthorised development regularized, may make an application to the Designated Authority for regularisation of such unauthorised development within a period of four months from the commencement of this Act. Now, the said Act has been brought into force on the 17th October, 2022 by promulgating an Ordinance *i.e.* the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 (Gujarat Ordinance No. 3 of 2022). Hence, the said period of four months has expired on the 16th February, 2023. In view of that, the Designated Authority are unable to receive new applications for regularisation of any unauthorised development.

After promulgation of the said Ordinance, Model Code of Conduct was brought into force for the purpose of State Legislative Assembly election. Hence, very few applications to regularize the unauthorized developments were received during that period.

And therefore, the State Government finds it insufficient time to carry out the object of the said Act and considers it necessary to extend the said period of four month for making an application to regularize an authorized development. A suitable amendment is proposed in section 5 of the said Act. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

RUSHIKESH PATEL,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respects:-

Clause 2.- New sub-section (2A) of section 5, proposed to be inserted by this clause empowers the State Government to extend, by notification in the *Official Gazette*, the period for making an application for regularisation of any unauthorised development; it also empowers the State Government to specify in the said notification, the circumstances in which and the terms and conditions subject to which the period for making an application to regularize an unauthorised development shall be extended.

The delegation of power as aforesaid is necessary and is of a normal character.

Dated the 20th February, 2023.

RUSHIKESH PATEL.

*ANNEXURE***EXTRACT FROM THE GUJARAT REGULARISATION OF
UNAUTHORISED DEVELOPMENT ACT, 2022.****(Guj. 1 of 2023)**

5. (1)	XXX	XXX	XXX	Application for regularisation of unauthorised development.
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(2) Any applicant who has been served with the notice under the relevant laws as provided in sub-section (1), or not, may make an application in such form and in such manner as may be prescribed to the Designated Authority for regularisation of any unauthorised development within a period of four months from the commencement of this Act. Making an application shall be an obligation on part of owner/occupier:

Provided that in case where more than one owners or occupiers are availing the facility of unauthorised development in part or whole, all such owners or occupiers shall make an application jointly to the Designated Authority;

Provided further that the Designated Authority may after making such inquiry as it thinks fit, if satisfied, allow the lesser number of owners or occupiers to make an application.

(3)	XXX	XXX	XXX
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GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 2 OF 2023.

A BILL

*further to amend the Gujarat Regularisation of
Unauthorised Development Act, 2022.*

[SHRI RUSHIKESH PATEL,

MINISTER FOR HEALTH]

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**D.M.Patel,
Secretary,
Gujarat Legislative Assembly.**