

CRITERIA OF USING A PIECE OF LAND AS A BUILDING SITE

- 1) No piece of land shall be used as a site for the erection ,re-erection ,addition to , or alteration of , any building except in accordance with the provisions of the act and these rules .
- 2) If any questioned arises as to what ,for the purposes of the Act , shall be deemed to be the site for erection ,re-erection ,addition to , or alteration of , any building , the Municipalm Authority shall determine the same and his decision shall be the final .
- 3) No piece of land shall be used as building site in the Municipality unless the Board of Councilor Is satisfied that ,
 - a) Land recorded is in conformity with proposed construction .
 - b) The level of the land is not lower than the level of the crown of the nearest public street .
 - c) The land is capable of being well-drained by means of drainage facilities leading to existing public drains or drainage channels .
 - d) The soil of the building site is likely to sustain the construction of a building thereon .
 - e) Where the site is within 5.00 meters of any side of a tank ,the owner will take such measures as shall prevent any risk of drainage from such building passing into the tank .
- 4) No piece of land in the municipal area , located in a sinking zone or central business area , as determined by the Board of Councilors , shall be used as a building site without prior approval of the State Government :

Provided that for construction of any building on any piece of land in the municipal areas of the hill areas , prior testing of soil by a Government recognized testing organization , in respect of land shall be made .

- 5) No piece of land where a closed , sick or other industry was located or is in operation ,shall be used as a site for construction of any building ,other than an industrial building , without the prior approval of the competent authority appointed under clause (d) of section 2 of the Urban Land (Ceiling and Registration) act, 1976(33 of 1976) .
- 6) The site shall abut on a street or projected street and there shall be access from any such street by any passage appertaining to such site .
- 7) If in the opinion of the Municipal Authority it would be unsafe to construct a building on any piece of land , the Municipal Authority may prohibit any construction thereto .

**APPLICATION FOR APPROVAL OF BUILDING SITE AND FOR PERMISSION TO CONSTRUCT OR
RE-CONSTRUCT BUILDINGS OTHER THAN HUTS**

- 1) Before submission of the building plan ,approval of the building site has to be obtained from the municipal authority .

The applicant may simultaneously submit the site plan and the building plan to the municipality for approval at his own risk and the cost .But the Municipality shall consider the building plan submitted for approval only after the site plan is approved .In the case site plan is not approved , the submitted building plan shall also be treated as not approved .

- 2) Every applicant ,under sub-rule (1) submitted in Form A ,Shall state, inter alia, the proposed used of the land as per use group or occupancy .
- 3) Every application , under sub-rule (1),shall be accompanied by a site plan in triplicate and a fee as may be determined by the Municipality subject to the following :-

- (i) For site plan up to 200sq meters of area : Rs.200/- (Rs. Two hundred Only)
- (ii) For every additional 100 sq . meters of areas or part thereof beyond the first 200sq meter : Rs.100/- (Rs One hundred Only)

Provided maximum fees not exceeding five times the minimum fees as specified , may be determined by the Board of Councillors .

DEVIATION DURING CONSTRUCTION

No deviation for the Sanctioned Plan Shall be made during erection or execution of any work .If any deviation for the Sanctioned Plan shall be made during erection or execution of any work, it is considered as an unauthorized construction .

DURATION AND EXPIARY OF SANCTIONED BUILDING PLAN

A sanctioned to erect a building accorded under these rules shall be valid for three years from the date on which it is sanctioned and may renewed thereafter for further period of two years on Payment.A building plan may be revalidated for a further period of 5 years only in case of building has been partly Completed and occupancy certificate in terms of rule(34)of W.B Municipal(Building) rules ,2007 has been issued as well as on production of the previous sanctioned/revalidated building plan, the completion certificate .

FEEES FOR SANCTION OF BUILDING PLANS

The Board of Councillors shall levy a fee for sanction of Building Plan at such rates , specified as following on the basis of sanctioned total covered area in all floors : -

- (i) For building work up to 30sq .meters of total covered area in all floors Rs.500/-
(Rupees five hundred only)
- (ii) For every additional 10sq. meters of covered area or part thereof beyond the first 30Sq .meters Rs.75 /- (Rupees Seventy Five Only)

However maximum fees not exceeding 5 times the minimum specified fees may be determined by the Board of Councillors at a meeting .

The rates as aforesaid shall be the basis of rates and shall be applicable to Residential Buildings for own use .

Provided that for sanction of building plans for thatched buildings to be constructed with mud ,mortar and brick in Slum areas a fee at the flat rate of Rs.200/-(Rs. Two hundred only) shall be levied .

DEMOLITION OF UNAUTHORIZED CONSTRUCTION :

The Board of Councillors may order for demolition or alteration of any building ,if it is satisfied that the erection of any building –

- (i) Has commenced without obtaining or permission under the law .or
- (ii) Is being carried on or has been completed otherwise than in accordance with the particulars on which such sanctioned or permission or order is based or after such sanction or permission has been lawfully withdrawn,or
- (iii) Is being carried on or has been completely in breach of any provision of the Act or these rules or of any condition ,modification ,direction or requisition lawfully given or made under the Act or under these rules .

If any material alteration of or addition to ,any building has been commenced or is being carried on or has been completed in breach of any provision of the Act or these rules or if any alterations required by any notice issued under these rules have not been duly made , the Board of councilors may, make an order directing that such erection ,alteration or addition ,as the case may be ,or so such thereof as has been executed unlawfully or if any structure specified in the application or plan or specification as a structure to be demolished or altered before the erection of the new building ,has not been demolished or altered ,or if any material alterations or additions shall –

- (a) Be demolished by the owner thereof or altered by him to the satisfaction of the competent authority ,as the case may require ,or
- (b) Be demolish or altered by the competent authority at the expense of the said owner ,
- (c) All demolished material shall be removed by the Municipality at the cost of the owner or to the satisfaction of the Municipality within a maximum period of 30days from the date of demolition .

Provided that prior to carrying out any demolition of any building or part thereof as described in the notice , the owner of the building shall be given a notice stipulating therein the date time to appear himself or through his authorization representation before the Board of Councillors ,who will hear the circumstances under which such deviation unauthorized construction work has been carried out and after hearing record the order of the Board of Councillors and the said order shall be communicated to the owner officially .