

# The West Bengal *Panchayat* (*Gram Panchayat Administration*) Rules, 2004

## CHAPTER-IV

### Control of building operations

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**17. Application in Form 4.** - (1) Subject to the provisions of rule 20, any person intending to erect a new structure or a new building or to make any addition to an existing structure or building in any area within the jurisdiction of a *Gram*, shall, for obtaining prior permission in writing of the concerned *Gram Panchayat*, make an application, in duplicate, in Form 4 to the *Gram Panchayat*. The Secretary or any other employee of the *Gram Panchayat* authorised by the *Pradhan* in this behalf, shall receive the application, in duplicate; retain one copy of it and return the other copy noting thereon the date of receipt under his signature and the seal of the *Gram Panchayat*.

(2) An application in Form 4 shall be submitted along with a plan in duplicate, of the proposed structure or building, a site plan in duplicate, copy of records of right, and copy of such other records showing title and interest of the applicant in respect of the land as may be necessary.

(3) Copies of Form 4 shall be supplied on demand by the *Gram Panchayat* to any intending applicant at a non-profit making price to be fixed by the committee referred to in sub-rule (1) of rule 10 of the West Bengal *Panchayat* (*Gram Panchayat* Miscellaneous Accounts and Audit) Rules, 1990; the Secretary shall maintain the accounts of the stock of Form 4.

(4) Notwithstanding anything contained in sub-rule (3) any person may submit his application in Form 4 under sub-rule (1) in manuscript, typewritten or otherwise mechanically prepared copy of the Form.

**18. Payment of fees.** - (1) No application under this rule shall be considered by a *Gram Panchayat* unless such application is accompanied by a receipt of the fees paid by the applicant

at such rate as may be applicable under rule 34. The Secretary or any other employee of the *Gram Panchayat*, authorised by the *Pradhan* in this behalf, shall receive the fee tendered in cash and shall immediately grant a formal receipt therefor.

(2) The fee referred to in sub-rule (1) shall not be refunded to the applicant under any circumstance.

**19. Exemption from permission.** – (1) No permission of the *Gram Panchayat* shall be necessary for erection of any thatched structure, tin shed, or tile shed, without brick wall, covering an area not exceeding eighteen square metres, and such structure or shed does not cover more than three-fourth of the total area of the land including the land appurtenant thereto.

(2) Permission of the *Gram Panchayat* shall not be necessary for repair of an existing structure or building unless,

- (i) any structural change is involved, or
- (ii) such repair brings any change in the existing covered area, or
- (iii) such repair includes any addition of a projection from the existing structure or building ground level or upper level.

(3) Permission of a *Gram Panchayat* shall not be necessary for erection of a boundary wall unless it is made of brick or cement and the bounded area is not kept as vacant land but it is used or likely to be used as stack yard or for any commercial or institutional purpose either on open space or by erecting temporary shed.

**20. Construction proposal to pre-suppose civic amenities.** - (1) With effect from such date and with respect to such *Gram* or *Grams* as may be specified by the State Government by notification, a plan for new structure or building within the jurisdiction of a *Gram Panchayat* shall have reasonable provision for,

- (a) adequate drainage facility by means of access and passage leading to existing public drains or drainage channels or by means of soak-pit having adequate capacity,
- (b) sanitary facilities including garbage disposal facility, and
- (c) access road or passage to the plot as referred to in rule 21.

(2) If a *Gram Panchayat* is of opinion that for the purpose of proper sanitation in a locality, any premises should have its drainage facility through a private drain owned by another plot-holder, the *Gram Panchayat* may, by a written notice to the owner of the plot - holder as also the users of such private drain, require

- (i) the owner of the plot-holder to connect his house drain with such private drain, and
- (ii) the owner of such private drain to permit such connection with the private drain.

(3) When a connection is made under sub-rule (2) maintenance, repair and clearing of the private drain from the point of such connection upto the public drain shall be the joint responsibility of the owners of such premises and the users of the private drain. If any dispute arises between the owners and the users in the discharge of the joint responsibilities, it shall be referred to the *Pradhan*, and his decision in such dispute shall be final and binding on the owners.

Explanation. - For the purposes of this rule, "public drain" means a drain maintained by the Central Government, the State Government or any local authority where the owner or the occupier of a building or land may cause his drains to empty.

**21. Approach road or passage for building.** – (1) With effect from such date, and with respect to such *Gram* or *Grams*, as may be specified by the State Government by notification, every structure or building shall have an approach road or passage from a public road and the minimum width of such passage or road shall be one and eight-tenth metres.

(2) If an existing passage or road over which the public have a right of way, is less than one and eight-tenth metres wide, the plot-holders on either side of such passage or road shall keep a front set-back in such manner as to allow a front set-back of nine-tenth metre on either side of the road after leaving in the middle a clear passage of one and eight-tenth metres and a rear set back of one and eight-tenth meter:

Provided that if a *Gram Panchayat* is of the opinion that an existing building or part thereof should be set-back to allow a regular passage or road of not less than one eight-tenth metres in pursuance of any development plan, the *Gram Panchayat*, after giving the owner of such building an opportunity of being heard, may refer a proposal through the *Panchayat Samiti* to the Land Acquisition Collector for acquisition of the land in question:

Provided that when the plot holders on either side of an approach passage or road allow front set-back in such manner that on leaving a front set-back of nine-tenth metre in front of each house along the passage, a continuous width of five metres for the passage or road is obtained, such passage or road may be taken over and maintained by the *Gram Panchayat*.

(3) Whenever there is a service road or approach passage available, no direct access from a building shall be permitted to a public road.

Explanation. - For the purposes of this rule, 'public road' means a National Highway referred to in the National Highway Act, 1956 (48 of 1956) or a Highway within the meaning of the West Bengal Highway Act, 1964 (West Ben. Act XXVIII of 1964) or a road maintained by the *Zilla Parishad* or any other road normally used for vehicular traffic.

**22. Restriction on construction over tank and water body.** – (1) A *Gram Panchayat* shall not give permission to any erection or construction by filling up any tank, pond, or other water body, marshy land or abandoned brickfield or sand quarry, coal mine, mineral quarry or any other water area and shall take such steps as may be considered appropriate -

- (a) for use of public water body, or
- (b) for drainage facility in the locality, or
- (c) for fire fighting purposes, or
- (d) from environmental and ecological point of view, or
- (e) for promotion of pisciculture, or
- (f) for any other use of public interest, or
- (g) for recreation purpose, or
- (h) for ethnic purpose, or
- (i) for production of micro and macro organism, or
- (j) for production of aquatic flora and fauna:

Provided that in pursuance of any direction or order issued by any Court or a competent authority, a *Gram Panchayat* may, for reasons to be recorded in a resolution adopted in this behalf, give permission, under special circumstances for any such erection or construction.

(2) In case of illegal filling of any tank, pond or other water body, marshy land or abandoned brick field or sand quarry, coal mine, mineral quarry or any other water area, the *Gram Panchayat* shall immediately report the matter to the Block Development Officer and *ex-*

*officio* Executive Officer of the *Panchayat Samiti* and the Police Station for taking appropriate action.

**23. Maximum coverage of residential building.** - The maximum building coverage of an individual plot shall be two-third of the total area for a residential building. One-third of the total plot area that shall be kept vacant shall include front, side and rear setback spaces. The *Gram Panchayat* shall refuse all such applications for permission of any addition to an existing structure or building if the existing coverage added with the proposed addition exceeds two-third of the total plot area.

**24. Construction of residential building.** - (1) Subject to such order as may be issued by the State Government in this behalf, any structure or a building within the jurisdiction of a *Gram Panchayat* shall be erected or constructed with a set-back of at least nine-tenth metre from each side of the plot. In doing so, there shall be a minimum perpendicular distance of one and eight-tenth metres from the side of any proposed new building to the side of an existing building.

(2) Subject to the maximum height of fifteen metres, the height of a new or existing structure shall be one and half times the width of the approach road added with the width of the front set back of that building. But no setback in the building shall be allowed.

(3) The area of a habitable room shall be not less than six square metres with a minimum width of two and one-fifth metres.

(4) The area of a kitchen shall be not less than three-square metres with a minimum width of one and half metres.

(5) The area of an independent water-closet or any independent bathroom shall be not less than eight-tenth square metre with a minimum width of seventeen-twentieth metre; if a water-closet is combined with bathroom, its floor area shall not be less than one and a half square metre with a minimum width of nine-tenth metre.

(6) The height of all habitable and multipurpose rooms shall not be less than two and six-tenth metres from the surface of the floor to the lowest point of the ceiling; the height of the kitchen, water-closet, bathroom, corridor or passage shall not be less than two and one-tenth metres from the surface of the floor to the lowest point of the ceiling.

Explanation. - In this rule, "habitable room" means a room meant for human habitation other than a kitchen, bath, water closet or storeroom.

**25. Prohibition of dry latrine.** - A *Gram Panchayat* shall not accord permission for erection or construction of a dry latrine either in an existing building or as a part of a new construction.

**26. Classification of land for construction.** - If any structure or building is proposed to be erected or constructed on any land recorded otherwise than as homestead land, the *Gram Panchayat* shall withhold permission for such erection or construction until the applicant produces an order allowing change of classification of the said land by the Collector or any other competent authority having jurisdiction under any law for the time being in force.

**27. Manner of processing of an application.** - (1) On presentation of an application under sub-rule (1) of rule 17, the *Pradhan* or the *Upa-Pradhan* or any other member authorised by the *Gram Panchayat* in this behalf, shall examine the right, title and interest of the applicant in respect of the land on which the structure or the building is proposed to be erected along with

the building plan and the site plan, and, after such enquiry as may be considered necessary, shall within a period of thirty days from the date of receipt of the application, place it before the *Gram Panchayat* for granting or, as the case may be, refusing permission for the erection or construction applied for.

(2) A *Gram Panchayat* shall, when granting permission under sub-rule (1) specify a reasonable period within which the structure or the building is to be completed and if the erection or construction is not completed within the period so specified, it shall not be continued thereafter without allowing an extension of such period. The *Gram Panchayat* may, if it considers necessary, in view of the changed circumstances, require a modification of the building plan for reasons to be recorded in writing in case of delay in completion of the work.

(3) When a *Gram Panchayat* refuses permission under sub-rule (1),

- (i) the applicant shall be given an opportunity of being heard;
- (ii) the grounds for refusal shall be recorded in writing and communicated to the applicant;
- (iii) the applicant may be allowed to submit modified proposal removing the grounds for refusal in a fresh application form or in a plain paper, as may be appropriate, with two copies of the modified building plan and other records as may be relevant, within a period of one year from the date of communication of such refusal; such proposal shall not be taken as a new proposal and the applicant shall not be required to deposit any fee as referred to in rule 34.

(4) As soon as may be, after the *Gram Panchayat* grants or refuses permission under sub-rule (1), the *Pradhan* or the *Upa-Pradhan* or the person authorised in this behalf shall communicate in writing to the applicant of the permission granted for the construction sought for or the refusal in this behalf, as the case may be. In case of permission, one approved copy of the building plan and of the site plan shall be returned to the applicant, and the date within which the erection or construction is to be completed, shall be communicated. The applicant shall be informed of the grounds of refusal and further actions that may be taken by him in this regard.

(5) Subject to the provisions of rule 28 and rule 29, communication to the applicant under sub-rule (2) shall be made by the *Gram Panchayat* within a period of sixty days from the date of receipt of the application under sub-rule (1) of rule 17.

**28. Construction within the Kolkata metropolitan area.** – (1) Notwithstanding anything contained in these rules, any application made under sub-rule (1) of rule 17 pertaining to the Kolkata metropolitan area as defined in the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) shall be subject to the provisions of any rule made, or any order or direction of a competent authority issued, under the West Bengal Town and Country (Planning and Development) Act, 1979.

(2) An application under sub-rule (1) shall, within a period of thirty days from the date of receipt of the application, be forwarded by the *Gram Panchayat* with its comments to the *Zilla Parishad* having jurisdiction and the *Zilla Parishad*, on receipt of such application and comments of the *Gram Panchayat*, shall, on a reference of the matter to the Kolkata Metropolitan Development Authority, if necessary, return the application and other documents within a period of thirty days from the date of such receipt, with its approval or comments as the case may be, to the *Gram Panchayat* for action under sub-rule (4) of rule 27.

**29. Restriction for construction in the vicinity of airport or prohibited area.** - No person shall erect near or in the vicinity of any airport or of a prohibited area, notified as such by a

competent authority under any law for the time being force, any structure or building, tending to hazard aviation or security, as the case may be. The *Gram Panchayat*, on receipt of such application under sub-rule (1) of rule 17, shall cause an examination and enquiry under sub-rule (1) of rule 27, and forward the application within thirty days from the date of its receipt to the *Zilla Parishad* with comments; the *Zilla Parishad* on receipt of the application and the comments of the *Gram Panchayat*, shall –

- (a) approve the proposal and the plan with or without any modification, or
- (b) refuse the proposal and the plan, and return the application and other papers within thirty days from the date of its receipt by the *Zilla Parishad* to the *Gram Panchayat* for appropriate action within ninety days from the date of receipt of the application.

**30. Right of applicant if the permission or refusal is not communicated within time- limit.**

- If permission or refusal under sub-rule (5) of rule 27, 28 or 29 as the case may be, is not communicated by the *Gram Panchayat* within the prescribed time limit it shall be presumed that the *Gram Panchayat* has accorded such permission and it shall be lawful for the applicant to erect any structure or building conforming to the building plan and the site plan furnished by him along with the application.

**31. Permission for construction of building for commercial or institutional purposes.** – (1) The *Gram Panchayat* shall not accord permission for erection of a structure or construction of a building for commercial or institutional purposes or for establishing a factory or workshop or warehouse or godown, –

- (a) in a predominantly residential area, or
- (b) on a road or an approach passage having a width measuring less than five metres.

(2) There shall be a front setback of not less than one and one-fifth metre for a structure or building referred to in sub-rule (1).

(3) The maximum building coverage of a structure or building referred to in sub-rule (1) shall be three-fifth of the total plot area.

(4) In the case of a proposed building on a total land measuring between four thousand square metres, and twenty-five thousand square metres, the *Gram Panchayat* shall be handed over management and control of not less than one sixteenth of the total land accommodating public facilities like power sub-station, public transport terminal, garbage vat and such other facilities; for plots measuring more than twenty five thousand square metres, the *Gram Panchayat* shall be handed over one-tenth of the total land for such purposes.

(5) Subject to the provision of this rule, erection or construction of a building for commercial or institutional purposes, shall be governed by the rules applicable for construction of a building for residential purposes.

**32. Grounds for withholding or refusing permission.** - (1) A *Gram Panchayat* may withhold or refuse permission under sub-rule (1) of rule 27, if,

- (a) the site plan, building plan, elevation, section or specification contravenes any provision of the Act or any rule framed thereunder or any other law for the time being in force;
- (b) the application for permission does not contain required particulars or has not been prepared in the manner laid down in these rules;
- (c) any information or document required by the *Gram Panchayat* under the Act or the rules thereunder has not been duly furnished;
- (d) the proposed structure or building shall or is likely to, disturb environmental sanitation of

the locality;

(e) the proposed structure or building is an encroachment on the Government land or any land vested with the *Gram Panchayat* or any other local authority.

(2) When a *Gram Panchayat* takes a decision under sub-rule (1), the procedure laid down in sub-rules (3), (4) and (5) of rule 27 shall, in so far as they are applicable, be followed.

**33. Inspection of structure or building under construction.** - (1) The *Pradhan* or the *Upa-Pradhan* or any other person authorised by the *Pradhan* in this behalf, may, at any time and without notice, inspect any structure or building in respect of which permission under sub-rule (1) of rule 27 has been given, while the work is in progress.

(2) If, on making an inspection under sub-rule (1), the *Pradhan* or any other person as aforesaid is satisfied that the structure or building is being erected, -

(a) otherwise than in accordance with the building plan as approved, or

(b) in such way as to contravene any of the provisions of the Act or these rules, the *Pradhan* may, after giving the owner of such structure or building an opportunity of being heard, make an order directing the owner to make such alterations within such time as may be specified in the order, with the object of bringing the structure or building in conformity with the approved plan.

(3) Without prejudice to the provisions of section 23 or any other law for the time being in force, the *Pradhan*, in all cases where the erection or construction of any structure or building or any other work connected therewith has been commenced or is being carried on unlawfully, may, seek the assistance of the police or with the assistance of any employee of the *Gram Panchayat*, if necessary, take such steps as he may deem fit to stop the continuance of such unlawful erection or construction. The expenditure incurred for deployment of police or employee of the *Gram Panchayat* to keep a watch on the premises, shall be realized from the person undertaking the unlawful erection or construction through the Public Demand Recovery Act.

**34. Rate of fee for application.** - Any person who makes an application under sub-rule (1) of rule 17, shall pay or cause to be paid a fee in cash to the *Gram Panchayat* as provided in the Table under these rules.

**35. Construction of park and garden.** - With effect from such date and with respect to such *Gram* or *Grams* as may be specified by notification, a *Gram Panchayat* shall endeavour to construct at least one park and garden in a vested land in every constituency of the *Gram Panchayat* and, for the said purpose, the *Gram Panchayat* shall submit proposal to the competent authority for earmarking a particular vested land.

**36. Construction of public drain.** - With effect from such date and with respect to such *Gram* or *Grams* as may be specified by notification, a *Gram Panchayat* shall endeavour to construct and maintain, where it considers necessary, a system of drainage within its predominantly residential area and sufficient outfall in or outside such residential area and, for this purpose, the *Gram Panchayat* may make use of any vacant land either under its management or as a result of set-back of any structure or building:

Provided that the *Gram Panchayat* shall not build any super-structure on any vacant land as a result of set-back of any structure or building:

Provided further that for building a system of drainage, a *Gram Panchayat* shall ensure unhindered use of any approach passage or road.

**37. Collection and disposal of solid waste.** - (1) With effect from such date and with respect to such Gram or Grams as may be specified by notification, a *Gram Panchayat* shall endeavour to build and maintain, where it considers necessary, a system of collection, removal and disposal of solid wastes from residential, commercial or institutional buildings.

(2) The *Gram Panchayat* may provide or appoint in convenient situations, including the situation arising out of any vacant land as a result of set-back of any structure or building, public receptacles, depots or places for the temporary deposit of-

- (a) rubbish,
- (b) offensive matters,
- (c) domestic and trade refuse,
- (d) Carcasses of dead animals, and
- (e) Excrementitious and polluted matters.

(3) It shall be the duty of the owners or the occupiers, as the case may be, of all premises to cause all matters referred to in clauses (a) to (e) of sub-rule (2) to be collected from their respective premises and to be deposited in public receptacles, depots or places, provided or appointed under sub-rule (2), at such time and in such manner as the *Pradhan* may, on giving adequate publicity, specify.

(4) The *Gram Panchayat* shall make adequate provision for preventing receptacles, depots or places from becoming sources of nuisance.

(5) All matters deposited in public receptacles, depots or places as aforesaid and all solid wastes collected, shall be the property of the *Gram Panchayat*.

**38. Appeal against the decision of the *Gram Panchayat*.** - (1) If, on receipt of an application under sub-rule (1) of rule 17, which has not been referred to the *Zilla Parishad* under rule 28 or 29 as the case may be, a *Gram Panchayat* refuses to grant permission to the erection of any structure or building, an aggrieved person may prefer an appeal to the Block Development Officer and *ex-officio* Executive Officer of the *Panchayat Samiti* within ninety days from the date of communication of such order of refusal. The Block Development Officer and *ex-officio* Executive Officer of the *Panchayat Samiti* or any other officer not below the rank of Secretary of Panchayat Samiti, on being authorised, shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final.

(2) If, on receipt of an application under sub-rule (1) of rule 17, which has been referred to the *Zilla Parishad* under rule 28 or 29 as the case may be, a *Gram Panchayat* or a *Zilla Parishad* as the case may be refuses to grant permission for the erection or construction of any structure or building, an aggrieved person may prefer an appeal to the Divisional Commissioner having jurisdiction within ninety days from the date of communication of the refusal to grant such permission. The Divisional Commissioner shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final:

Provided that if the *Gram Panchayat* fails to communicate its decision, whether in the affirmative or in the negative, within sixty days from the date of receiving the application, the applicant may prefer an appeal before the Block Development Officer and *ex-officio* Executive Officer of the *Panchayat Samiti*:

Provided further that while taking action under rule 28 or 29 as the case may be, the *Gram Panchayat* shall do so under intimation to the applicant.



**FORM 4**

[See rule 17]

**Form of application for permission to erect structure or building or to make an addition or alteration to an existing structure or building in a Gram**

(To be submitted in duplicate)

..... Gram Panchayat

To:

The Pradhan

..... Gram Panchayat

I hereby apply for permission to erect a new structure/building/to make addition/alteration to an existing structure/building as mentioned in column 1 of the table below on a land covered by C.S./R.S. plot Nos ..... of mouza ..... of jurisdiction list No. .... of Police Station ..... the boundaries of which are shown below, on payment of the fee of Rs..... as deposited by me as indicated in column 2 of the said table.

Nature of structure/building

Fee to be paid (in rupee)

1. Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 18 square metres but not more than 40 square metres 30.00
2. Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 40 square metres 60.00
3. Boundary wall made of brick or cement concrete if the bounded area is not kept as vacant plot but is used or likely to be used as stack yard or for any commercial or institutional purpose, either on open or by erecting temporary shed when the bounded area is –
  - (i) not more than 40 square metres 30.00
  - (ii) more than 40 square metres 50.00
4. Any brick-walled one storeyed structure or building covering an area of not more than 40 square metres 100.00
5. Any brick-walled one-storeyed building or structure covering an area of more than 40 square metres 150.00
6. (i) Any brick-walled two-storeyed structure or building covering an area of not more than 40 square metres on the ground floor 250.00

- |     |      |   |         |
|-----|------|---|---------|
|     | (ii) | Additional fee for each floor above first floor   | 60.00   |
| 7.  | (i)  | Any brick-walled two-storeyed structure or building covering an area of more than 40 square metres on the ground floor                      | 400.00  |
|     | (ii) | Additional fee for each floor above first floor   | 150.00  |
| 8.  | (i)  | Any one-storeyed workshop or structure or building covering an area of not more than 100 square metres                                      | 500.00  |
|     | (ii) | Additional fee for each floor above the ground floor  | 150.00  |
| 9.  | (i)  | Any workshop, shed or one-storeyed structure or building for commercial or business purpose covering an area of more than 100 Square metres | 1000.00 |
|     | (ii) | Additional fee for each floor above the ground floor  | 300.00  |
| 10. |      | Any remodelling of existing structure or building, increasing the existing area of the structure or building –                              |         |
|     | (i)  | by one-fifth of the existing covered area   | 100.00  |

(ii) by more than one-fifth of the existing covered area 200.00

Boundaries –

East –

West –

North –

South –

2. I hereby declare that I have unencumbered right, title and interest in the land on which the structure/building is proposed to be constructed/on which the existing building/structure stands to which additions/alterations are proposed to be made. I am enclosing copies of documents in support of the claim.

3. I hereby undertake to raise the walls of the proposed structure/building at a distance of at least nine-tenth metre from all sides of boundaries.

4. I am enclosing two copies of site plan and building plan for the proposed construction.

5. I further undertake hereby to make construction strictly following the building plan submitted with such modifications as may be directed by the Gram Panchayat.

6. I also hereby declare that I am not erecting any structure/building within Calcutta metropolitan area or near or in the vicinity of any aerodrome tending to hazard or near any other prohibited area.

Or

I also hereby declare that the structure/building I am proposing to erect lies within Calcutta metropolitan area or near or in the vicinity of an aerodrome or a prohibited area and the proposed construction/building plan has been prepared keeping this point under consideration.

7. I also hereby undertake that I shall not start the construction work before receipt of permission of the Gram Panchayat with the approved copy of the building plan or before the expiry of the statutory period of according such approval.

8. I also hereby undertake to make payment of further fee as may be directed by the Gram Panchayat in accordance with the rule and procedures.

(Strike out the words not applicable)

Signature .....

**(See rule 35)**  
**Fees**

<b>Nature of structure or building</b>	<b>Fees to be paid</b> (in rupee)
(a) Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 18 square metres but not more than 40 square metres.	30.00
(b) Thatched, tin, tile or asbestos shed without brick wall covering area of more than 40 square metres	60.00
(c) Boundary wall made of brick or cement concrete if the bounded area is not kept as vacant plot but is used or likely to be used as stack yard or for any commercial or institutional purpose, either on open space or by erecting temporary shed, when the bounded area is-	
(i) not more than 40 square metres	30.00
(ii) more than 40 square metres	50.00
(d) Any brick-walled one storeyed structure or building covering an area of not more than 40 square metres	100.00
(e) Any brick-walled one storeyed building or structure covering an area of more than 40 square metres	150.00
(f) i) Any brick-walled two storeyed structure or building covering an area of not more than 40 square metres on the ground floor	250.00
ii) Additional fee for each floor above first floor	60.00
(g) i) Any brick-walled two storeyed structure or building covering an area of more than 40 square metres on the ground floor	400.00
ii) Additional fee for each floor above first floor	150.00
(h) (i) Any one-storeyed workshop or structure or building covering an area of not more than 100 sq.mts.	500.00
ii) Additional fee for each floor above the ground floor	150.00
(i) (i) Any workshop, shed or one storeyed structure or building for commercial or business purpose covering an area of more than 100 square metres	1000.00
(ii) Additional fee for each floor above the ground floor	300.00
(j) Any remodeling of existing structure or building, increasing the existing area of the structure or building-	
i) by one-fifth of the existing covered area	100.00
ii) by more than one-fifth of the existing covered area	200.00

**Amendments made in regard to Control of building operations vide No.  
4163/PN/O/I/3R-7/04 dated the 9<sup>th</sup> August, 2006**

(5) in rule 19, to sub-rule (1) *add* the following proviso: -

“Provided that no permission of the *Gram Panchayat* shall be required for construction of houses under poverty alleviation programme.”;

(6) in rule 27, -

(a) after sub-rule (1), *insert* the following sub-rule:-

“(1A) A *Gram Panchayat* shall not accord permission to the construction of a new structure or building or to make addition or alteration to an existing structure or building having a plinth area of more than 150 square meters with brick or concrete footing or a height of more than 6.5 meter without vetting of the building plan and the site plan by the *Panchayat Samiti* or the *Zilla Parishad* having jurisdiction:

Provided that an application for construction of a new structure or building or making an addition or alteration of the existing structure or building having a plinth area of more than 150 square meters but less than 300 square meters with brick or concrete footing or a height not more than 6.5 meter shall be sent with all documents to the *Panchayat Samiti* and for construction beyond that plinth area or height or both, the application shall be sent to the *Zilla Parishad* by the *Gram Panchayat* for vetting:

Provided further that the applications, which are required to be vetted by the *Panchayat Samiti* or the *Zilla Parishad*, shall be sent by the *Gram Panchayat* within a period of thirty days from the date of such receipt to the *Panchayat Samiti* or *Zilla Parishad* as the case may be and shall be returned by the appropriate body with its vetting or objections as the case may be, to the *Gram Panchayat* within a period of thirty days from the date of its receipt for further action under sub-rule (2).

*Explanation.* – For the purpose of this rule a structure or building includes a tower, godown and underground floor or storage.”;

(b) for sub-rule (5), *substitute* the following sub-rule:-

“(5) Subject to the provision of rule 28 and rule 29, the *Gram Panchayat* shall communicate, under sub-rule (2), to the applicant within a period of sixty days from the date of receipt of the application under sub-rule (1) of rule 17 and the *Gram Panchayat* shall also maintain a register for this purpose in Form 12.”;

(7) for rule 28, *substitute* the following rule: -

**“28. Construction of building or structure in *Panchayat* area under Development Authority.** - Notwithstanding anything contained in these rules, any application made under sub-rule (1) of rule 17 pertaining to the area falling under any Development Plan published in terms of section 114A of the Act or under any Development Authority as defined in the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) shall be subject to the provisions of any rule made or any order or direction of a competent authority issued under any of the aforesaid Act, as may be applicable in this behalf:



Provided that an application, alongwith building plan, site plan and other documents relating to construction of a new structure or building or making any addition or alteration of the existing structure or building in *Panchayat* area falling under any Development Authority shall be made in Form 4A to the *Panchayat Samiti* having jurisdiction for granting permission for such construction by the *Panchayat Samiti* or any authority, person or persons as may be empowered by the *Panchayat Samiti* in this behalf:

Provided further that an application for construction of a new structure or building or for making an addition to or alteration of the existing structure or building having a plinth area of more than 300 square meters with brick or concrete footing or a height of more than 6.5 meter shall be sent to the *Zilla Parishad* for vetting:

Provided also that the applications, which are required to be vetted by the *Zilla Parishad* shall be sent by the *Panchayat Samiti* within a period of thirty days from the date of such receipt of the application to the *Zilla Parishad* which shall return such application either with its vetting or objections as the case may be, to the *Panchayat Samiti* within a period of thirty days from the date of its receipt for granting or refusing permission, as the case may be, for construction or addition or alteration as applied for.”;

(8) in rule 33, in sub-rule (3), for the words “construction through the Public Demands Recovery Act” *substitute* the words, brackets and figures “construction through the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913).”;

(9) for rule 34, *substitute* the following rule: -

**“34. Rate of fee for application.** – (1) Any person who makes an application under sub-rule (1) of rule 17 shall pay or cause to be paid a fee in cash to the *Gram Panchayat* as provided in the Table –I.

(2) In case of processing an application under sub-rule (1A) of rule 27, the sum deposited by the applicant as fee shall be apportioned between the *Gram Panchayat* and *Panchayat Samiti* or *Zilla Parishad*, as the case may be, in the ratio of thirty to seventy.”;

(10) in rule 37, in sub-rule (2), in clause (d), for the words “carcasses of dead animals”, *substitute* the word “carcasses”;