

No SV 654
Poona, 11th June 1937

S.L.R.S.C.

Reference : Your No. C.T.S. 215, dated 28.10.1936

Subject : Correction of survey records as per Town Planning Schemes.

The questions raised in the above quoted reference are

- (1) Whether TP records can be considered as land records, and
- (2) if so, how they are to be maintained

As regards the 1st point, it should be noted that the area under a TP Scheme may comprise of agricultural lands which are likely to be used for building purposes even if they are outside city survey limits, as well as lands which are already built up and included in a city survey and that the object of applying a TP Scheme to that area is, as may be seen from the preamble to the Bombay Town Planning Act, 1915, the expediency that the development of certain areas should be regulated with the general object of securing proper sanitary conditions, amenity and convenience to the persons living in such areas and in neighbouring areas. The operation of the Bombay Land Revenue Code continues over this area as it is not suspended under section 3-(J) of the Bombay Town Planning Act, vide also Note 1 to Form D of the Bombay Town Planning Act at page 10 of the Rules there under the Jurisdiction of the Revenue authorities is thus not quashed by the introduction of a town planning scheme in that area as in the case of Cantonment areas. The power of the local Authority having jurisdiction over a Town Planning scheme is inter by sections 42 and 43 of the Bombay Town Planning Act to the enforcement of the scheme e.g., to seeing that the layout of plots, construction of roads or of buildings is according to sanctioned plans and summarily evicting any person not entitled to occupy a particular area under the final scheme and to removing any building etc., which contravenes the scheme. When the Town planning plots have to be maintained as TP plots and as SNos and hence it is that after a copy of the scheme as sanctioned by Government is received by the Superintendent of Land Records under Rule 20 of the Rules under the Bombay Town Planning Act in order to correct the survey records the survey records are corrected accordingly by The Director of Land Records has ordered in his No SV 134, dated 19.8.1918, that the TP plan should be used as a village map for all purposes for that area and that it should be incorporated as a Record of Rights map and therein these TP plot Nos are also termed as TP SNos. Further, in order to make the TP map a legal map of the area, the SLR has to issue an order under the Land Revenue Code directing the TP maps or plans to take the place of any previous map or tippans of the area (vide DLR's No SV 269, dated 20-2-20/3-3-20).

The effect of the Director of Land Records' order quoted above is to maintain the identity of the TP Plots in tact for the purposes of the Bombay Town Planning Act and also to confirm on them the status of survey numbers for the purpose required for revenue purposes under Bombay Land Revenue Code. TP records, be considered as Land Records under Section 3-(26) of the Land Revenue Code and the orders issued by the Senior SLR in his No SV 645, dated 4.10.1935, should, therefore be considered as cancelled.

As regards the 2nd point, e.g. the maintenance of the TP records by the Land Records Department the orders issued by the Director of Land Records and Senior SLR for the time to time are quite clear and present no difficulty as regards the agricultural land in a TP area, the procedure, however, that should be followed for the maintenance of the TP area falling in a city surveyed area may be summarised as under

(1) The CTS office should be supplied with the copies of the final TP plan no. 4, which is on a scale of 200' to the inch, the transverse patrak and detailed sheets on a scale of 50 or 40' to the inch. These should be obtained from the Consulting Surveyor, Poona

(2) The MS should first of all be directed to demarcate the theodolite frame of the TP area if this is not already done by the Town Planning Department and show the theodolite lines on the sheets used for review and connect the new frame work with the old frame work of the remaining city survey area

(3) If the transverse patrak and the detailed sheets on 50' or 40' scale are not prepared by the consulting surveyor (as in Bhamburda Town Planning Scheme NO 1) The MS should prepare the transverse patrak or the necessary papers and map the area on the same scale as is used for that city survey in accordance with the demarcation made on the spot by the Town Planning Department and get the map printed for review and other purposes

(4) Copies of the theodolite transverse books showing the lines from the adjoining building should be prepared in duplicate together with a duplicate copy of the transverse map for the TP area for records in the District survey office to avoid against their loss by fire

(5) If there are TP maps on a scale of 40' to 50' to the inch they should be used for the maintenance after showing thereon the theodolite stations. If they are not shown by the Town Planning Department, in place of the previous city survey maps. If the area is already under the city survey, the final TP Map should be superimposed on one copy of the city survey maps by showing the TP plots boundaries as finally sanctioned by red ink so that it can always be seen what portion of the old CTS Nos are included in the new TP plot.

(6) The continuance of the old city survey numbering or the giving of a separate CTS numbering to the TP Plots as suggested in senior SLRSC's No DSO 87, dated 10-5-1933, would create confusion, further, the structural or legal entity of the old CTS No is broken and the size or the dimensions of the plot as well as the title and tenure are governed by the TP Act and in place of the old CTS and a certificate of tenure and title is issued to the holder of each final plot in form D printed on page 10 of the Rules under the Bomba Town Planning Act. The Property Register should, therefore, be written by the final plot Nos and should show the area of the final TP Plot and of what old CTS Nos it is formed. Each TP Plot will thereafter be a property for CTS Purposes and for future maintenance

If the above instructions and any other already issued which are not inconsistent with the above, are followed strictly, no difficulty will be felt in the maintenance of the TP Scheme

Sd/-xxx

Ag Director of Land Records

Copy forwarded w/c to SLRNC with reference to his No TPS 25, dated 3-3-1937, for information and guidance

Copy to all DIs in the Presidency & all CTS officers in the Presidency (with copies for MSs)
