

**Part — I**

**HARYANA GOVERNMENT  
LAW AND LEGISLATIVE DEPARTMENT**

**Notification**

The 15th December, 2008

**No. Leg.43/2008.**—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 22nd September, 2008, and is hereby published for general information :—

**HARYANA ACT NO. 41 OF 2008  
THE HARYANA URBAN DEVELOPMENT AUTHORITY  
(AMENDMENT) ACT, 2008**

**AN**

**ACT**

*further to amend the Haryana Urban Development Authority Act, 1977*

Be it enacted by the Legislature of the State of Haryana in the Fifty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Haryana Urban Development Authority (Amendment) Act, 2008.

Short title.

2. In sub-section (1) of section 17 of the Haryana Urban Development Authority Act, 1977 (hereinafter called the principal Act), for the words “not exceed”, the words “be equal to” shall be substituted.

Amendment of section 17 of Haryana Act 13 of 1977.

3. After sub-section (4) of section 18 of the principal Act, the following sub-sections shall be added at the end, namely :—

Amendment of section 18 of Haryana Act 13 of 1977.

“(5) The Estate Officer, or officer authorized by him may,—

- (i) confiscate any articles or material found in the premises or public place, rehri parked at any public place, any articles or materials in the corridors of the shops, pavements, parking areas, parks, open spaces, road berms or any other public places;
- (ii) grant permission in writing, on such conditions as may be approved by him for the safety or convenience of persons passing by, or dwelling or working in the neighbourhood, and withdraw the permission, to any person to—
  - (a) take up or alter the pavement or other materials for the fences of posts of any public street;
  - (b) deposit or cause to be deposited building materials, goods for sale, or other articles on any public street;
  - (c) make any hole or excavation on, in or under any street, or remove materials from beneath any street, so as to cause risk of subsidence; or
  - (d) erect or set up any fence, post, stall or scaffolding in any public street,

and may charge fees according to a scale to be approved by him for such permission.

- (6) Whoever does any of the acts mentioned in sub-section (5) without the written permission of the Estate Officer or any officer authorized by him, shall be punishable with a fine which shall not be less than two hundred rupees and more than two thousand rupees and the Estate Officer or the officer authorized by him may,—
- (i) after reasonable opportunity has been given to the owner to remove his material and he was failed to do so, remove or cause to be removed by the police, or any other agency, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise and any such fence, pot, stall, or scaffolding;
  - (ii) take measure to restore the public places to the conditions it was in before any such alteration, excavation, encroachment or damage.
- (7) If the material specified in clause (i) of sub-section (6) has not been claimed by the owner within a fortnight of its having been deposited for safe custody by the Estate Officer, or if the owner fails to pay the actual cost of removal or deposit in safe custody, the Estate Officer may have the material sold by auction at the risk of the owner, and the balance of the proceeds of such sale shall after deduction of the expenditure incurred by the Estate Officer be paid to the owner, or if the owner cannot be found, or refuses to accept payment, the balance shall be kept in deposit by the Estate Officer until claimed by the person entitled thereto, and if no claim is made within two years, the Estate Officer, may credit the amount to the fund of Authority.

**Explanation.**—For the purposes of this section ‘movable encroachment’ includes a seat or settee, and ‘movable overhanging structure’ includes an awning of any materials.”

M. S. SULLAR,  
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Law and Legislative Department.