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The Tamil Nadu Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1959

Act 26 of 1959

Keyword(s):

Park, Open Space, Play-field

Wondershare
PDFelement

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(*Preservation and Regulation*)

¹[TAMIL NADU] ACT No. 26 OF 1959.²

The ¹[TAMIL NADU] PARKS, PLAY-FIELDS AND
OPEN SPACES (PRESERVATION AND REGULA-
TION) ACT, 1959.

[*Received the assent of the Governor on the 19th February 1959 ; first published in the Fort St. George Gazette on the 2nd March 1959*].

An Act to provide for the preservation and regulation of parks, play-fields and open spaces in the ³[State of Tamil Nadu.]

WHEREAS it is expedient to provide for the preservation and regulation of parks, play-fields and open spaces in the ³[State of Tamil Nadu];

BE it enacted in the Tenth Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the ¹[Tamil Nadu] Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1959.

(2) It extends to the whole of the ³[State of Tamil Nadu].

(3) It shall come into force at once—

(i) in the City of Madras ; and

(ii) in every municipality in the State.

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 20th September 1958, Part IV-A, page 452.

This Act was extended to the added territories by section 3 of, and the First Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964) repealing the corresponding law in force in those territories.

³ This expression was substituted for the expression " State of Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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(4) The Government, may, from time to time, by notification, extend the provisions of this Act from such date as may be specified in the notification to any other local area in the State, and may cancel or modify any such notification.

2. In this Act, unless the context otherwise requires— **Definitions.**

(a) “executive authority” means the Commissioner, Chairman, President, executive officer or other functionary of the local authority concerned who is vested with general executive powers under any of the Acts mentioned in the Schedule ;

(b) “Government” means the State Government ;

(c) “open space” means any land whether enclosed or not, belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used for purposes of recreation, air or light ;

(d) “park” means a piece of land on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden with trees, plants or flower-beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light ;

(e) “play-field ” means a piece of land adapted for the purposes of play, game or sport and used by schools or colleges or clubs.

3. (1) The executive authority of every local authority shall, not later than six months from the date on which this Act comes into force in the area within the jurisdiction of the local authority, prepare and submit for the approval of the Government a correct and complete list with plans and maps of all the parks, play-fields and open spaces in the area aforesaid containing such particulars as may be prescribed.

Preparation and submission of list of parks, play-fields and open spaces by executive authorities.

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(2) The Government shall, as soon as may be, after the receipt of the list and other documents referred to in sub-section (1), publish the list in the prescribed manner and such publication shall state at what place and time the maps, plans and documents aforesaid will be available to the public for inspection.

Approval of list by Government. 4. (1) Any person interested, may submit his objections or suggestions in writing in respect of anything contained in, or relating to, the list, to the Government, within three months from the date of the publication under sub-section (2) of section 3.

(2) The Government may, after considering the objections and suggestions, if any, and making such inquiry as they think fit approve the list with or without modifications.

(3) The approval of the Government to a list under sub-section (2) shall be published in the prescribed manner and such publication shall contain the list and shall also state at what place and time particulars relating to the matters mentioned in the list will be available to the public for inspection.

Variation or revocation of list.

5. (1) The Government may at any time either *suo motu* or at the instance of the local authority concerned or of any person interested, vary or revoke a list published under section 4.

(2) Before making any such variation or revocation, the Government shall publish in the prescribed manner a draft of such variation or revocation together with a notice specifying a date on or after which such draft will be taken into consideration, and shall consider any objection or suggestion which may be received in respect of such draft from the local authority or any person interested before the date so specified.

(3) (a) The Government shall once in every five years review the approved lists of parks, play-fields and open spaces and shall cause revised lists to be prepared.

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(b) Whenever such a general revision of approved lists has been completed, the Government shall publish in the prescribed manner the revised lists and such publication shall state that objections and suggestions will be considered if they reach the Government within a period of one month from the date of such publication.

(4) The Government shall, after considering the objections and suggestions, if any, received within the period referred to in sub-section (3) publish the revised lists in the prescribed manner and the revision shall take effect on such publication.

6. No park, play-field or open space specified in the list published under section 4 or 5 shall, except with the previous sanction of the Government, be used for any purpose other than the purpose or purposes for which it was used on the date of the coming into force of this Act under sub-section (3) of section 1 or on the date with effect from which this Act is extended to the local area concerned under sub-section (4) of section 1, as the case may be.

7. The local authority shall maintain in a clean and proper condition all parks, play-fields and open spaces belonging to or vested in it and included in the list published under section 4 or 5.

8. No person shall, except with the previous sanction of the Government, construct any building or put up any structure likely to affect the utility of the park, play-field or open space or make any encroachment in or over any park, play-field or open space specified in the list published under section 4 or 5.

9. (1) In the case of parks and play-fields not vested in the local authority but included in the list published under section 4 or 5, the executive authority may, by notice, require the owner or the person or authority in occupation of such park or play-field—

(i) to maintain such park or play-field in a clean and proper condition, or

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(ii) to remove or alter any projection, encroachment or obstruction in or over any such park or play-field or to execute such repairs to any building in such park or play-field as the executive authority may consider necessary, within a date specified in the notice.

(2) If the owner or the person or authority in occupation fails to comply with the notice under sub-section (1), the executive authority shall himself arrange to--

(i) maintain such park or play-field in a clean and proper condition, or

(ii) remove or alter the projection, encroachment or obstruction, or

(iii) execute such repairs as he may consider necessary and the cost of such maintenance, removal, alteration or repairs shall be recoverable from the owner or the person or authority in occupation in such manner as may be prescribed.

(3) Any dispute as to the amount of the cost shall be decided by the Government and their decision shall be final.

(4) The executive authority may, instead of or in addition to taking action as indicated in sub-section (2) proceed to acquire the land under the Land Acquisition Act, 1894 (Central Act I of 1894), for the purpose of effective management of the land as a park or play-field.

(5) Any owner or any person or authority in occupation of a play-field desiring to convert the play-field to any use other than as a play-field may give notice to the person or authority managing the affairs of any educational institution or other duly constituted public body which uses the play-field or to the local authority within whose jurisdiction the play-field is situated to purchase his or its rights in the play-field. If such person, authority, public body or local authority does not agree to purchase his or its rights, he or it may after the expiry of a reasonable period which shall be not less than six months put it to such use as he or it desires.

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(2) For the purposes of this section, the Government shall have the same powers of calling for records, of causing inspection to be made, and of enforcing their orders of appointing persons to enforce them as they have under sections 40 to 43 (both inclusive) of the *Madras City Municipal Act, 1919 (¹[Tamil Nadu] Act IV of 1919) or sections 34 and 39 of the ¹[Tamil Nadu] District Municipalities Act, 1920 (¹[Tamil Nadu] Act V of 1920.)

Power to
make rules.

14. (1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of parks, play-fields and open spaces;

(b) restricting or prohibiting the admission of animals or any class of animals to any park, play-field or open space ;

(c) removing from any park, play-field or open space any person who is therein in contravention of any order or direction of the executive authority or any person authorized under section 11 ;

(d) the time within which the annual return under section 10 shall be submitted to the Government ;

(e) the procedure to be followed under section 9 (5) ;

(f) all matters expressly required or allowed by this Act to be prescribed.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* Now the Madras City Municipal Corporation Act, 1919.

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(3) All rules made, all notifications issued and all lists of parks, play-fields and open spaces published under this Act shall, as soon as possible after they are made or published, as the case may be, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE SCHEDULE.

[See section 2 (a)].

1. The *Madras City Municipal Act, 1919 (¹[Tamil Nadu] Act IV of 1919).
2. The ¹[Tamil Nadu] District Municipalities Act, 1920 (¹[Tamil Nadu] Act V of 1920.)
3. The ¹[Tamil Nadu] District Boards Act, 1920 (¹[Tamil Nadu] Act XIV of 1920)
4. The ¹[Tamil Nadu] Village Panchayats Act, 1950 ([Tamil Nadu] Act X of 1950)
5. The ¹[Tamil Nadu] Panchayats Act, 1958 (¹[Tamil Nadu] Act XXXV of 1958).
6. The Travancore District Municipalities Act, 1116 (Travancore Act XXIII of 1116).
7. The Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950).

¹These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* Now the Madras City Municipal Corporation Act, 1919.