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CHENNAI METROPOLITAN DEVELOPMENT
AUTHORITY (ADMINISTRATION DIVISION)
CHENNAI-600 008.

Office Order No.12/2011

Dated: 16.09.2011

Sub: CMDA – APU – Planning Permission Application
Scrutiny for right to make proposed development and
sub-division aspects – Certain Guidelines issued.

Applicant's right over the site applied for planning permission to make the proposed development, and the site approval details (i.e. approved site or unauthorised sub-division) are important and basic aspects to be examined before examining further about the proposed development / construction / layout, as the site extent and dimensions are the basis over which the constructions / layouts allowed after examining with reference to planning parameters such as FSI, coverage, set back, on-site parking, etc., and only when the site is approved or found approvable, further constructions / developments over which can be allowed.

2. The following is the main purpose of document scrutiny in the Planning Permission Applications.

i) to check the applicant's right to make development aspect

To ensure that the person who has applied for planning permission has right over the site to make the proposed development; and

(ii) to check site approval / sub-division aspects

- a) to check whether the site lies in any approved layout / sub-division, or is an approved site (i.e. approval for any construction within the site has been obtained earlier); if it is not so, then, to examine
- b) whether the site applied for was in existence as such prior to 05.08.1975 [i.e. date of coming in to force of First Master Plan for CMA and Development Control Rules(DCR)] if not, then, to examine
- c) whether it lies in an unapproved layout after 05.08.1975; if so, then, whether the layout was in existence prior to 31.12.1989, (so that the individual plot can be considered for regularisation subject to the compliance of certain conditions relating to abutting road width, road status, payment of OSR charges, road improvement charges, etc); if not, then, to examine
- d) whether it lies in an unauthorised sub division (not amounting to layout) after 05.08.1975; if so, then whether the residuary plots satisfy Development Regulations requirements for consideration of regularisation of the site applied for, subject to collection of OSR charges, Regularisation charges, etc.

3. For 2 (i) above, documents required for the PPA scrutiny are the following :

Document in favour of the applicant to establish his right, patta along with FMB sketch, or PLR extract / TSLR extract in favour of present owner, to ensure that the site is a private land and the present applicant has right over it to make the proposed development in cases of layout applications chitta and adangal for the lands to be furnished by the applicant additionally for the PPA scrutiny are the following:

4. For 2(ii)(a) above, the documents required

- (a) Copy of approved layout / sub-division plan duly attested by an official of the layout approving authority (viz. the DTCP, CMDA or the Local Body concerned) or a copy of the approved building plan for existing construction at the site attested by an official of the Localbody,
- (b) Ownership document relating to the plot / site, parent document from the first sale of the approved plot by the layout developer, to the purchase by the present owner.

5. In respect of 2 (ii) (b) above, the documents required are Sale Deed document or Patta, TSLR extract, or any other registered document to prove that the plot / site applied for was in existence as such prior to 05.08.1975. (i.e. the document evidence dated prior to 05.08.1975, and subsequent link documents, up to the present purchase / transfer).

6. In respect of 2 (ii) (c), the documents required are the registered documentary evidence to prove that the plot under reference lies in an unapproved layout laid / made prior to 31.12.1989, ownership document for the plot / site, parent document from the first sale of the plot by the layout developer, to the purchase by the present owner.

7. In the case of item 2 (ii) (d), the documents required are,

- i) Parent document giving details of the land which was in existence prior to 05.08.1975.
- ii) Document relating to the sub-division made first conveyance after 5.8.75 and link documents up to the present ownership.
- iii) The residuary plot details including the structures thereon so as to examine whether the sub-division and the structures thereon are in compliance of the rules or not, to decide on the feasibility of regularization of the unauthorised plot under reference.

8. In cases where link documents are furnished by way of registered documents (sale deed / settlement deed / gift deed / partition deeds, etc.), it is adequate to see whether the transactions are linked. The aspects of transfer/devolution of ownership are examined by the Revenue Authorities before issuing patta / PLR extract / TSLR extract in favour of the present land owners, and absence of any mention / production of death certificate or legal heir certificate in these link documents can not be an objection to be raised for rectification at the time of PPA scrutiny in CMDA. However, Patta / PLR or TSLR extract in favour of the present land owner shall be ensured.

9. In cases of ancestral properties, where no sale settlement or any other transaction had occurred in the past, then the copy of Patta / PLR or TSLR extract issued in favour of the present land owner along with a certificate from the Revenue authorities, not below the rank of a Deputy Tahsildar, stating clearly the fact that the site is an ancestral property of the present owner which devolved over to him/her as per the Revenue records and is in his/her possession, is adequate to accept it as evidence to prove his right over the site to get planning permission and make the development. However, to decide as to whether the site was in existence prior to 1975, a registered document or a Revenue document / certificate like settlement order, 'A' Register dated to a fasli year prior to 05.08.1975, or patta for the land dated prior to 05.08.1975 is required.

10. Copies of all the Revenue records referred above shall be attested ones by a Revenue Official not below the rank of Deputy Tahsildar, and other documents shall be attested ones by Notary Public / Advocate Notary.

11. In cases where the lands had been purchased as agricultural lands, and now proposed for conversion into development sites, the question of scrutiny of its existence prior to 05.08.1975 does not arise, as any agricultural sub-division does not attract the provision of the TNT&CP Act, 1971.

12. The above guidelines are already followed in the Planning Permission Application scrutiny. However, through this Office Order issued, it is reiterated and confirmed for consistency and transparency.

This order shall take immediate effect.

Sd/- R. VENKATESAN,
MEMBER-SECRETARY

To

All Deputy Planners, CMDA.

All Asst. Planners.

All Plg. Assts..

Copy to:

1) P.S. to V.C .

2) P.S to M.S

3) All Chief Planners

4) All Senior Planners

5) The SLO, Legal Cell.

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