

**MINUTES OF THE 12th MEETING OF THE MONITORING COMMITTEE
HELD ON 08/06/07 @ 3.00 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT:

1. Thiru. R. Santhanam, I.A.S.,
Vice-Chairman, CMDA.
2. Thiru. Louis Menezes, I.A.S., (Retd.)
3. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
4. Thiru. Hansraj Verma, I.A.S.,
Chairman, TNEB
5. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
6. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
7. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai.
8. Thiru. Bholanath, I.P.S.,
Director of Fire and Rescue Services.
9. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.
10. Thiru. Durganand Balsaver,
Architect and Urban Planner
11. Dr. A. Srivatsan,
Architect and Urban Planner

Leave of absence:

12. Thiru. P.T. Krishnan,
(Architect)

AGENDA ITEM NO: 12.1 Confirmation of the Minutes of the 10th Meeting of the Monitoring Committee held on 3.05.2007.

Minutes

Confirmed with the following changes.

Regarding Item No.10.3: Review of action taken on the High Courts order dated 23.08.2006; the second and third paragraphs may be replaced by the following:

In view of the numerous difficulties put forward by the representatives of the CMDA and the Chennai Corporation in the matter of identification of officers responsible for failure to enforce planning laws, the Monitoring Committee directed the CMDA and Chennai Corporation to take up a few serious cases already brought to notice and fix responsibility on the basis of records and action / inaction of individual officers charged with responsibility for enforcement as per standing orders. The Corporation should also take up one or two Zones/ Divisions where large numbers of DC violations and illegal constructions have taken place and fix responsibility for the failure of enforcement on the same basis. This information may be placed before the Monitoring Committee at its next meeting.

Regarding Item No.10.4 Base Paper on enforcement – The last Para i.e. “ After detailed.....meetings” may be replaced with the following:

The Monitoring Committee noted the difficulties put forward by CMDA for failure of enforcement in the past. The Monitoring Committee considered all these issues as internal to the enforcement agencies and to

be sorted out by them. The Monitoring Committee pointed out that it is precisely for these reasons that the Supreme Court and the Madras High Court have intervened and in view of the High Court's clear orders these alleged obstacles to enforcement do not stand in the way of CMDA and the Chennai Corporation. The Monitoring Committee directed these agencies to proceed to Implement the orders of the High Court expeditiously.

The Monitoring Committee also desired to discuss the matter further in its subsequent meetings.

Regarding the item General No 2- the following may be added at the end of the Para:

The Monitoring Committee asked CMDA to see that their advocates are present when such petitions are filed and suggested increasing the number of Counsels.

AGENDA ITEM NO: 12.2 Action taken report on the Minutes of the 10th Monitoring Committee Meeting.

Minutes Recorded.

AGENDA ITEM NO: 12.3 Review of action taken on the High Court order dated 23.8.2006.

Minutes Recorded. As the case relating to regularization is posted for 21.06.2007, the Monitoring Committee should be ready with ATR for filling affidavit. The following may be highlighted in the ATR.

- a. Decisions of the MC on all cases of multistoried commercial buildings under the 1999 scheme and the action taken on these decisions.

- b. The evidences produced by the applicants and how they don't help in arriving at conclusions may also be explained to the Court (e.g. property tax receipt, water tax receipt, TNEB meter connection records etc., do not reveal the exact number of floors and the extent of each floor).
- c. List of cases in which injunction, stay orders have been given by the courts and the action taken thereon.

AGENDA ITEM NO: 12.4 Regularisation Commercial MSB's - Discussion on responses received on the notices issues by CMDA based on the decision of the Monitoring Committee.

Minutes 12.4.1 The Monitoring Committee on going through the file and the evidences resolved to consider the G+4 floors commercial building for regularisation at **Door No.135, Poonamallee High Road, Chennai-10** as having been completed before 28-2-1999 subject to compliance of alternative fire safety measures.

Minutes 12.4.2 As regards BF+GF+4 Floors commercial building at **Plot No.4898, Second Avenue, Anna Nagar, Chennai-40**, the Monitoring Committee directed to verify the genuineness of the Metro-water and TNEB records furnished by the applicant.

Minutes 12.4.3 As regards BF+GF+3 Floors+4th Floor commercial building at **Door No.127, Gengu Reddy Road, Egmore, Chennai-8**, the Monitoring Committee directed that the payment details of the rent through Bank transactions may be called for to decide on the existence of the building prior to 28.2.1999

Minutes 12.4.4	As regards GF+4 Floors commercial building at Door No.56, Kodambakkam High Road, Chennai-24 the Committee resolved that the evidences produced confirm the existence of GF+3 Floors only before 28.2.1999 and the 4 th Floor is unauthorized and hence to be demolished.
Minutes 12.4.5	The Monitoring Committee on going through the file and the evidences resolved to consider the BF+GF+7 Floors commercial building for regularization at Door No.39, Montieth Road, Egmore, Chennai-8 as having been completed before 28-2-1999 subject to compliance of Alternative fire safety measures.
Minutes 12.4.6 to 12.4.13	Deferred.
AGENDA ITEM NO: 12.5	Special Buildings (Commercial)- Responses received from the applicants - processed and placed for discussion.
Minutes	Deferred.
AGENDA ITEM NO: 12.6	Regularization scheme- Priority of action to be taken- Note placed for Discussion
Minutes	The cases of 138 commercial MSB's may be taken up for further examination and action.
AGENDA ITEM NO: 12.7	Regularization scheme- Court Cases- Position Note – Reg,
Minutes	Counter affidavit for the remaining cases to be filed before 21-6-2007. The Commissioner, Chennai Corporation would furnish full details of the enforcement action taken on the unauthorized constructions after 23.8.2006 which shall also be

included in the Counter Affidavit

AGENDA ITEM NO: 12.8 Compliance Certificate Norms of Corporation of Chennai for obtaining Power supply, Water Supply and sewer Connections—Land left for Road widening—Modifications suggested by the Sub-Committee at its Meeting held on 28.5.2007—Placed for approval.

Minutes

The Monitoring Committee resolved to accept the decision of the Sub-Committee as follows:

(i) The land left for Road widening should be taken over by Corporation of Chennai / Local Body / Concerned Department before issuing Compliance Certificate.

(or)

The Applicant / Promoter should give / should have given an undertaking to the effect that the land left for Road widening would be handed over, by the Flat owners, Resident's Association, Shop Owners, etc. on whom this undertaking would devolve.

(ii) The Applicant / Promoter should construct the Compound Wall after leaving the land left for Road widening. The land left for Road widening may be utilized for landscaping with temporary grill / barbed wire fencing till handing over.

AGENDA ITEM NO: 12.9 Right to Information Act - Information requested by FAIRPRO - Copy of proceedings of the MC-Reg

Minutes

The Committee resolved to obtain legal opinion on furnishing the copies of proceedings of the Monitoring Committee under Right to Information Act.

AGENDA ITEM NO:12.10 Draft amendments to DCR permitting IT developments along OMR up to 1 km depth irrespective of land use zoning- Recommendations of the Sub-Committee-Placed for approval.

Minutes The Monitoring Committee accepted the recommendations of the Sub-Committee and recommended to forward it to Government.

AGENDA ITEM NO:12.11 (Confidential Subject)

Minutes The Monitoring Committee took note of the agenda and stated that individual cases of rejection were not dealt by the Monitoring Committee in these Special Buildings (Commercial) category.

The Monitoring Committee reiterated the procedures already laid down in various meetings and directed CMDA to act accordingly.

(Thiru Louis Menezes objected to the taking up of individual cases without credible evidence for discussion and therefore withdrew from the meeting and did not participate in the discussion).