

**MINUTES OF THE 28th MEETING OF THE MONITORING COMMITTEE
HELD ON 11.01.2008 @ 3.00 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT :

1. Thiru T.R. Srinivasan, I.A.S.,
Vice-Chairman, CMDA
2. Thiru. Louis Menezes, I.A.S., (Retd.)
3. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai
4. Dr. K.R. Shyamsundar, I.P.S.,
Director of Fire and Rescue Services.
5. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.

Leave of absence:

1. Thiru. S. Machendranathan, I.A.S.,
Chairman, TNEB.
2. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
3. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
4. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
5. Dr. A. Srivathsan,
Architect and Urban Planner
6. Thiru. Durganand Balsaver,
Architect and Urban Planner
7. Thiru. P.T. Krishnan,
(Architect)

AGENDA ITEM NO.28.1 Confirmation of the minutes of the 27th meeting of the Monitoring Committee

Minutes Confirmed

AGENDA ITEM NO.28.2 Action taken on the minutes of the 27th meeting of the Monitoring Committee

Minutes Recorded.

AGENDA ITEM NO.28.3 Multi-storeyed Buildings (Commercial) – Response received from the applicants – Analysis of evidences – Placed for decision.

The Monitoring Committee resolved to regularize certain Commercial Multi-Storeyed Buildings, subject to the conditions that:

- A) Alternative fire safety measures are provided as per the norms of DF&RS.
- B) The buildings are inspected by CMDA Officials before raising Reg.fee demand.
- C) The Reg.fee under Regularisation 1999 scheme rate is collected and
- D) There shall be no additional construction over and above what is reported already.

Minutes 28.3.1 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising GF + 3 floors + 4th floor (part) [as shown in the Regularisation Plan] of deviated/unauthorised construction at Door No.4, LIG Colony, 3rd Street, New Washermenpet, Chennai-81 in S.No.3977/38, Block No.76 of Tondiarpet** had been completed before 28.02.1999. The CMDA's inspection report dated 04.11.1999 & Demolition notice issued by CMDA in No.EN2/15161/96, dated 05.05.1997 were accepted as credible evidences.

Minutes 28.3.2 The Monitoring Committee on going through the file resolved to accept that **the MSB Commercial Building comprising BF+GF+4F of unauthorized / deviated construction at Door No.43, Pantheon Road, Egmore, Chennai -8 in R.S. No.1614/13, 14, Block No.50 of Egmore Village** had been completed before 28.02.1999. The CMDA's inspection report dated 07.06.99 was accepted as credible evidence. The TNEB's service connections for Ground Floor, First Floor, 2nd Floor and 3rd floor, which were effected on 17.06.98 was considered as supportive evidence.

Minutes 28.3.3 The Monitoring Committee on going through the file resolved to accept that **the MSB Commercial Building comprising BF + GF + 3 Floor + 4th Floor (Part) of Restaurant-cum-Lodging House (as shown in the Regularisation Plan) at Door No.13, Santhome High Road, Mylapore, Chennai-4 in S.No.2412/15 & 16 Block No.48 of Mylapore Village** had been completed before 28.02.1999. The CMDA's inspection report dated 12.11.1999 was accepted as credible evidence. Further, the Tourism Department's Letter No.11827/சுஉ/97, dated 20.01.1998 indicates the existence of 26 guest rooms was considered as supportive evidence.

Minutes 28.3.4 The Monitoring Committee on going through the file resolved to accept that **the MSB Commercial Building comprising GF+2 Floors (Front Block & Rear Block), GF+2 Floors (Middle Block) & GF + 5 Floors (Tower Block) of unauthorized / deviation construction at**

Door No.2, Binny Road, in R.S.No.26/1, Block No.4 of Egmore Village, Chennai – 2 had been completed before 28.02.1999. The CMDA's letter No.EC1/10458/98 dt.14.01.99 issued for forfeiting the security deposit was considered as credible evidence. However, the individual structures in the set back area in the Southern and Western sides that violate the CRZ-II guideline are to be removed by the applicant.

Minutes 28.3.5

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising BF+GF+7 Floors of Tower Block, BF+GF+ 5 Floors of Hotel Block and a service block of GF+MF+FF (Adyar Gate Hotel) of unauthorized/deviated construction at Door No.132, TTK Road, Teynampet, Chennai – 18, in R.S.No.3680/2, 63 and 23 Block No.73 of Mylapore Village** had been completed before 28.2.1999. The CMDA's Completion Certificate issued in CMDA letter No.EC3/16390/91, dt.02.12.92 and the CMDA's inspection report dt. 22.11.99 were accepted as credible evidences. The Monitoring Committee noted that the applicant had added some more individual structures for incidental uses in the set back area and 8th floor part in the Tower block, in the subsequent Regularisation applications submitted by the applicant under Reg.2000 Scheme and Reg.2001 Scheme respectively. Hence, the Monitoring Committee resolved that the individual structures in the set back area that was not covered either in the earlier approved plan or in the regularisation plan of 1999 and the 8th floor in the Tower block are to be removed by the applicant.

Minutes 28.3.6 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising BF+GF+MF+3 Floors (Hotel & Lodge) of unauthorised/deviated construction at Door No.850, Poonamallee High Road, Kilpauk, Chennai-10 and in T.S. No.3123/19, 20, Block No.51 of Purasawalkkam village** had been completed before 28.02.1999. The CMDA's inspection report dt.03.11.99 and refused plan dt.30.10.98 were accepted as credible evidences. The TNEB in their Letter No. G249/CE/Commerl/EEIII/AEE2/F.MC/D.86/07 dt.13.08.2007 reported that a service connection was effected from 09.10.1991 for GF + 4 Floors was considered as supportive evidence. However, the Monitoring Committee decided that the 4th floor part has to be removed by the applicant since the construction was not completed prior to 28.02.99.

Minutes 28.3.7 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising Ground Floor + 3 Floors + 4th Floor Part (One room) + 5th Floor Part (One room) in the Office Building & GF + 3 Floors + 4th floor part (one room) Staff Quarters Building and other two blocks and individual structures of incidental uses in the set back areas at Door No.2, Victoria Crescent Road in R.S.No.1633/10, Block No.52 of Egmore village** had been completed before 28.2.99. The CMDA's inspection report dt.03.12.99 was accepted as credible evidence. The TNEB in their Letter No. G249/CE/Commerl/EEIII/AEE2/F.MC/D.86/07 dt.13.08.2007 reported that service connections for GF+ 5 floors were effected on 14.09.1987. This along with the property tax

assessment notification dt.07.09.93 issued by Chennai Corporation were considered as supportive evidences. The Monitoring Committee noted that the 4th floor part and 5th floor part in the Office block and 4th floor part in the Staff quarters block are covered in the regularisation plan with a change only in the form of introduction of a small partition wall, which is not considered as an additional room. The Monitoring Committee also resolved that the applicant has to remove the incidental structure in the set back area that violates CRZ-II guidelines.

Minutes 28.3.8

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising of GF+5 Floors (Front Block) and Basement + GF+5 Floors +6th Floor Part (Rear Block) at No.144/1, Nungambakkam High Road, Nungambakkam, Chennai – 600 034 in R.S.No.48/1, Block No.10 of Nungambakkam Village** had been completed before 28.02.99. The CMDA's inspection report dt.10.11.99 was accepted as credible evidence. The Monitoring Committee decided to regularise only the portions covered in the Regularisation Plan applied for regularisation under Reg. 1999 Scheme by the applicant and no more areas in the 6th Floor, which was constructed after 28.2.1999.

Minutes 28.3.9

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising BF+GF+MF+5 Floors of unauthorized/deviated construction at Door No.11 & 12, Damodaran Street, Gopalapuram, Chennai-86 in R.S. No.1279/1&2, Block No.26 of Mylapore village** had been

completed before 28.02.1999. The CMDA Appeal file inspection report dt.05.07.91 and copy of the letter addressed to the Government issued by CMDA in Lr.No.D1/10124/1991, dt.29.08.1991 were accepted as credible evidences.

Minutes 28.3.10 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising BF+GF+3F+4th floor of unauthorized/deviated construction at Door No.186, Purasavakkam High Road, Kilpauk, Chennai-10 in R.S. No.3098/1&2, Block No.49 of Purasavakkam village** had been completed before 28.2.1999. The CMDA's demolition notice dt.22.02.96 and the letter No.UC14 CNo/1185/2007, dt.16.11.2007 received from Chennai Corporation certifying the Corporation's notice dt.01.12.1998 issued under Section 236 R/W Section 379-A of the Chennai City Municipal Act XV were considered as credible evidences.

Minutes 28.3.11 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising BF+GF+5 floors of unauthorized/deviated construction at Door No.240, Lloyds Road (Avvai Shanmugam Salai), Chennai-14 in R.S.No.108/7 and 109/14, Block No.4 of Mylapore village** had been completed before 28.02.1999. The CMDA's Lr.No.ES1/5339/1995, dt.13.06.1997 & CMDA's inspection report dt. 27.11.1999 were accepted as credible evidences. The 6th floor part shown in the plan and subsequently added structures are to be removed by the applicant.

Minutes 28.3.12 The Monitoring Committee on going through the file of the **MSB Commercial Building comprising GF + 3 F + 4th Floor (Part) of unauthorised / deviated construction of Door No.102, 'A' Block, Plot No.3210, Anna Nagar, T.S.No.7(part), Block No.14 of Periyakudal village, Chennai – 40**, decided that the applicant be directed to restore the building to the approved plan granted by Chennai Corporation vide B.A No.240/83 dated 27.6.1983.

Minutes 28.3.13 The Monitoring Committee gone through the Reg. file **MSB Commercial Building (Hospital) comprising GF + 3 Floors + 4th Floor (Part) unauthorized/deviated construction at Door No. 180, NSK Salai, Vadapalani, Chennai – 26, in S. No. 184 part, 187 part & 175 of Saligramam Village.** After detailed deliberations the Monitoring Committee resolved to accept that GF + 3 Floors Hospital building abutting the Arcot Road having a site extent of 10,716 m² applied under Reg. 1999 Scheme had been completed before 28.2.1999. The CMDA's inspection report dt.10.12.99 & Enforcement Cell Notice No.EC1/28096/92, dt.26.08.93 were accepted as credible evidences. The Monitoring Committee observed that the applicant does not have valid title by means of Registered Sale Deed over the rear site having an additional extent of 7,786 m² applied under Reg. 2000 Scheme.

**AGENDA ITEM
No.28.4**

CMDA Enforcement Cell – Deviated / unauthorized constructions – Disconnection of water supply, sewer connection and Electricity connection – Clarification requested – Subject placed before the Monitoring Committee for decision.

Minutes

Deferred

**AGENDA ITEM
No.28.5**

CMDA – Enforcement Cell – Completion Certificate for obtaining service connections - Progress Report - Placed before the Monitoring Committee for information.

Minutes

Recorded.

The details of service connections issued by TNEB and Metrowater based on the Court order may be collected and reported in the next meeting.

**AGENDA ITEM
No.28.6.1**

CMDA – Enforcement Cell – Fixing of Responsibilities for allowing unauthorised constructions within Chennai Metropolitan Area.

Minutes

The subject was discussed by the Monitoring Committee in detail and reiterated that Action Taken Report was already filed by the Monitoring committee before the Hon'ble High Court stating that considering all facts and factors, the non-official members are of the view that the CMDA is basically a Planning Body and is not configured to perform the implementation / enforcement functions it has been charged with. Urban Local Bodies within Chennai Metropolitan Area lack technical / managerial expertise to monitor and enforce the building rules and regulations. Combination of these is the cause of the present condition. What is required is major governance reforms to reconfigure and streamline the institutional mechanism and redefine the duties, responsibilities and functions of CMDA, Chennai Corporation and Urban Local Bodies in Chennai Metropolitan Area. Local bodies do need to take greater responsibility in enforcement action as they are better equipped to do the same.

Further, as far as fixing of responsibilities on officials for allowing unauthorised constructions within Chennai

Metropolitan Area is concerned departmental procedures are existing for all the Agencies. Non-official Members of the Monitoring Committee felt that fixing responsibilities on officials is an internal matter of the CMDA, Corporation of Chennai and other Local Bodies within Chennai Metropolitan Area.

**AGENDA ITEM
No.28.6.2**

CMDA – Erring builders – Subject placed before the Monitoring Committee.

Minutes

Deferred.

**AGENDA ITEM
No.28.7**

Abstract of progress in respect of MSB (Commercial) Buildings – Report submitted.

Minutes

Recorded.

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