

**MINUTES OF THE 38th MEETING OF THE MONITORING COMMITTEE
HELD @ 11.30 A.M ON 07-05-2010 IN THE MAIN CONFERENCE HALL OF
CMDA**

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MEMBERS PRESENT:

1. Tmt. Susan Mathew, I.A.S.,
Addl. Chief Secretary / Vice-Chairperson, CMDA
2. Thiru. M.G.Devasahayam, I.A.S. (Retd.)
3. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University
4. Thiru. Durganand Balasaver,
Architect and Urban Planner
5. Dr. A.Srivathsan,
Architect and Urban Planner

Representatives

6. Thiru. U.Perumal,
Executive Engineer, (Town Planning),
Corporation of Chennai
7. Thiru. N. Somasundaram,
Chief Engineer, TNEB, Chennai.
8. Thiru. A. Abdul Kadhar,
Addl. P.A. to Collector,
Chennai
9. Thiru. S. Veeramani,
Division Officer, Chennai City Central,
Tamil Nadu Fire and Rescue Services, Chennai

Special Invitee

10. Thiru. Dayanand Kataria, I.A.S.,
Member-Secretary, CMDA.

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AGENDA ITEM NO: 38.01 CMDA – Reg.Unit - Leave of absence of the 38th Monitoring Committee meeting.

Minutes Leave of absence was granted to the following members for the 38th Monitoring Committee Meeting:

1. Thiru. Louis Menezes, I.A.S.(Retd.)
2. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner,
Corporation of Chennai.
3. Thiru. Shivdas Meena, I.A.S.,
Managing Director,
CMWSSB, Chennai.
4. Thiru. Chandara Prakash Singh, I.A.S.,
Chairman
Tamil Nadu Electricity Board
Chennai.
5. Tmt. V. Shobana, I.A.S.,
District Collector, Chennai
6. Thiru. R. Natraj, I.P.S.,
Director of Fire and Rescue Services, Chennai.
7. Thiru. P.T. Krishnan,
Architect.

AGENDA ITEM NO: 38.02 Confirmation of the minutes of the 37th meeting of the Monitoring Committee – Placed for confirmation.

Minutes **Confirmed**

AGENDA ITEM NO: 38.03 Action taken on the minutes of the 37th meeting - Placed before the Monitoring Committee for information.

Minutes **Recorded.**

AGENDA ITEM CMDA – Reg.Unit – Reg. Divn-I – Regularisation of an individual residential flat No.5 at First floor in an unauthorised GF+2F residential building at Plot No.57, Rajagopalan Street, Sridevi Karumariamman Nagar, Valasaravakkam, Chennai-87, in S.No.83 & 84 of Valasaravakkam Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

NO:38.04

Minutes The Monitoring Committee on going through the file resolved to accept that the individual residential flat No. 5 at First floor in an unauthorised GF+2F Residential Building at Plot No.57, Rajagopalan Street, Sridevi Karumariamman Nagar, Valasaravakkam, Chennai-87, in S.No.83 & 84, of Valasaravakkam Village had been completed before 28.02.1999. The Registered Sale Deed No. 478/91 dated 18.02.1991 in favour of Tmt. D.Usha for an undivided share of 1/12th land in 2400 Sq.ft of land with 500 Sq.ft plinth area of flat at first floor that was furnished, was accepted as credible evidence. The inspection report dated 12.07.1999 was accepted as supportive evidence.

AGENDA ITEM CMDA – Reg.Unit – Reg. Divn-I – Regularisation of an individual residential flat No.A-1, Ground Floor in an unauthorised GF+3F residential building at Door No.23, Palayakkara Cross Street, Kodambakkam, Chennai-24, in T.S.No.10, Block No.13 of Kodambakkam Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

NO:38.05

Minutes The Monitoring Committee on going through the file resolved to accept that the individual residential flat No. A-1, at Ground floor in an unauthorised GF+3F Residential Building at Door No.23, Palayakkara Cross Street, Kodambakkam, Chennai-24, in T.S.No.10, Block No.13 of Kodambakkam Village had been completed before 28.02.1999. The Property Tax Demand Card Sl.No. 321411, Bill No.356 dated 'Nil' issued by Corporation of Chennai to Thiru Sankara Subramanian D.No. 23/A-1, Palayakkaran Street, Chennai-26 for the assessment period 1/1993-1994 to 2/2007-2008 was accepted as credible evidence. The inspection report dated 15.12.1999 was accepted as supportive evidence

AGENDA ITEM CMDA – Reg.Unit – Reg. Divn-I – Regularisation of
NO:38.06 deviated/unauthorised construction of GF+2F residential building at Plot No.54, Kannammal Street, Kannabiran Colony, Chennai in S.No.108/1A1 of Saligramam Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to accept that the deviated/unauthorized construction of GF+ 2 F Residential Building at Plot No.54, Kannammal Street, Kannabiran Colony, Chennai in S.No.108/1A1 of Saligramam Village had been completed before 28.02.1999.** The Property Tax Temporary Notification issued by Corporation of Chennai Bill No. 2840 dated 3.12.99 for 2/1998-1999 assessment period was accepted as credible evidence. The inspection report dated 07.12.1999 was accepted as supportive evidence.

AGENDA ITEM CMDA – Reg.Unit – Reg. Divn-I – Regularisation of an individual
NO:38.07 residential flat No.27 at Second Floor in a deviated GF+3F residential building with 16 dwelling unit at Door No.23, Shenoy Road, Nungambakkam, Chennai-34, in R.S.No.473/1 & 473/3, Block No.28 of Nungambakkam Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to accept that the individual residential flat No. 27, at Second floor in a deviated GF+3 F Residential Building with 16 D.U at Door No.23, Shenoy Road, Nungambakkam, Chennai-34, in R.S.No.473/1 & 473/3, Block No.28 of Nungambakkam Village had been completed before 28.02.1999.** The Property Tax Collection receipt issued by Corporation of Chennai in Bill No. 99500 dated 27.2.91 for the assessment period 2/1990-1991 and E.B. Card No. 171:65 from 22.6.91 and CMWSSB Water and Sewerage Tax card for the tax period from 1/1986-1987 to 3/1994-1995 were accepted as credible evidence. The inspection report dated 01.11.1999 was accepted as supportive evidence

AGENDA ITEM NO:38.08 CMDA – Reg.Unit – Reg. Divn-I – Regularisation of an individual residential flat No.A6 at Second Floor in an unauthorised GF+2F residential building at Door No.37A, Parankusapuram Street, Kodambakkam, Chennai-24, in S.No.53, Block No.37 of Puliur Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

Minutes The Monitoring Committee on going through the file resolved to accept that the individual residential flat No. A6 at Second floor in an unauthorised GF+ 2F Residential Building at Door No.37A, Parankusapuram Street, Kodambakkam, Chennai-24, in S.No.53, Block No.37 of Puliur Village had been completed before 28.02.1999. The Registered Sale Deed No. 2792/96 dated 27.05.1996 in favour of Ms. P.Rajalakshmi (the applicant) for an extent of 210 Sq.ft out of 5050 Sq.ft undivided share of land with 500 Sq.ft plinth of flat in second floor was accepted as credible evidence. The inspection report dated 21.07.1999 was accepted as supportive evidence

AGENDA ITEM NO: 38.09 CMDA – Reg.Unit – Reg. Divn-I – Regularisation of construction of an individual residential flat No.A at Ground Floor in a deviated GF+3F residential building at Door No.72/3, Jawaharlal Nehru (100') Road, Vadapalani, Chennai in T.S.No.57, Block No.5 of Kodambakkam Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

Minutes The Monitoring Committee on going through the file resolved to accept that the individual residential flat No. A, at Ground Floor in a deviated GF+3F Residential Building at Door No.72/3, Jawaharlal Nehru(100') Road,Vadapalani, Chennai in T.S.No.57, Block No.5 of Kodambakkam Village had been completed before 28.02.1999 subject to condition that the individual flat should be restored to residential usage as per the reg.application submitted and compliance reported to CMDA. The Property Tax Collection receipt issued by Corporation of Chennai in receipt No. 9392 dated 23.8.97 for the assessment period 1/1997-1998 and EB receipt No.928934 dated 10.12.96 and the CMWSSB receipt for Water & Sewerage Tax payment receipt No. 428978 dated 07.08.99 for the period from 2/1995-1996 to 2/1999-2000 were accepted as credible evidence. The inspection report dated 03.11.1999 was accepted as supportive evidence.

**AGENDA ITEM
NO: 38.10**

CMDA – Reg.Unit – Reg. Divn-I – Regularisation of an individual residential flat No.10/17 at Third Floor in an unauthorised GF+3F residential building at Door No.10, Murthy Street, West Mambalam, Chennai-33 in R.S.No.169, T.S.No.20, Block No.40 of Kodambakkam Village – Evidence furnished – Examined – Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept that the individual residential flat No. 10/17 at Third floor in an unauthorised GF+3F Residential Building at Door No.10, Murthy Street, West Mambalam, Chennai-33, in R.S.No.169,T.S.No.20, Block No.40 of Kodambakkam Village had been completed before 28.02.1999. The Registered Sale Deed No. 4403/92 dated 09.09.1992 in favour of Thiru A. Ramanujam furnished, for an undivided share of 140/4000th of land with 370 Sq.ft plinth area of flat on the third floor was accepted as credible evidence. The inspection report dated 28.10.1999 was accepted as supportive evidence.

**AGENDA ITEM
NO: 38.11**

CMDA – Reg.Unit – Reg. Divn-III – Regularisation of deviated/unauthorised GF+2F Residential building comprising 3 dwelling units at Door No.85, Ellaiamman Colony, R.S.No.1307/1, 2 (pt), Block No.27 of Mylapore Village, Vellala Teynampet, Chennai-86 – Evidence on completion of building before 28.2.1999 – Examined – Placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept that the deviated / unauthorized GF + 2F Residential building at New Door No.85, Ellaiamman Colony, R.S.No.1307/1, 2 (pt), Block No.27 of Mylapore Village, Vellala Teynampet, Chennai-86 had been completed prior to 28.02.1999. The Property Tax Assessment Notice of Chennai Corporation No.Z113/00766 issued on 1.3.1999 for the assessment period 2/98-99 was accepted as credible evidence. The inspection report of CMDA dated 30.9.99 was accepted as supportive evidence.

**AGENDA ITEM
NO: 38.12**

CMDA – Reg.Unit – Reg. Divn-III – Regularisation of deviated/unauthorised BF+GF+3F Commercial (Hospital) building at Door No.113, Avvai Shanmugam Salai, R.S.No.1152/5, Block No.24 of Mylapore, Royapettah, Chennai-14 – Applied under Reg. 2000 Scheme (Reg.No.6305) - Evidence on completion of building before 28.2.1999 – Examined – Placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept that the deviated / unauthorized BF+GF+3F Commercial (Hospital) building at Door No.113, Avvai Shanmugam Saial, R.S.No.1152/5, Block No.24 of Mylapore, Royapettah, Chennai-14 had been completed prior to 28.02.1999. The stop work notice No.990, dated 14.7.92 and demolition notice No.EC1/16819/92, dated 2.7.1993 issued by CMDA were accepted as credible evidence for completion of the BF + GF + 3F building prior to 28.2.1999. The application for the hospital building under the 2000 scheme and the inspection report of CMDA dated 22.3.2001 were accepted as supportive evidence for the usage of the building as a hospital prior to 28.2.1999.

**AGENDA ITEM
NO: 38.13**

CMDA – Reg.Unit – Reg. Divn-III – Regularisation of unauthorised G+2F Residential building with 3 dwelling units at Plot No.3, Door No.6, Venkateswara Nagar, Adyar – Evidence received – Examined – Placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept that the unauthorised GF+2F Residential building with 3 dwelling units at Plot No.3, Door No.6, Venkateswara Nagar, T.S.No.19/43, Block No.24 of Urur Village, Adyar, Chennai-20 had been completed prior to 28.02.1999. The Government Lr.No.44301/UD.VI/88-9, dated 6.7.1998 addressed to the applicant with regard to the appeal made to Government u/s 79 was accepted as credible evidence. The inspection report of CMDA dated 29.11.99 was accepted as supportive evidence.

AGENDA ITEM NO: 38.14 CMDA – Reg. Unit – Reg. MSB Divn. – Regularisation of individual flat at 4th floor in a deviated/unauthorised GF+4th Floor part residential building at Door No.9/9, Park Lane, Ramanathan Street, Kilpauk, Chennai - 600 010 in R.S. No.231/1, Egmore Village, Chennai-10 – Placed before the Monitoring Committee for decision – Reg.

Minutes The Monitoring Committee on going through the file resolved to accept that the regularisation of individual flat at 4th floor in a deviated/unauthorised GF+4th Floor part residential building at Door No.9/9, Park Lane, Ramanathan Street, Kilpauk, Chennai-600 010 in R.S. No.231/1, Egmore Village, Chennai-10 had been completed prior to 28.02.1999. The Copy of the Ownership Document bearing No. 1263 of 1997 dated 12.05.1997 together with its annex I-A (Built up area -536 sq.ft.) was accepted as credible evidence.

AGENDA ITEM NO: 38.15 CMDA – Reg.Unit – Reg. MSB Divn – M/s. Kences Foundation represented by Thiru K. Narasa Reddy (PAH) - Regularisation of 6 Residential Blocks of GF + 9 Floors – Door. No.135 and 142 Poonamallee High Road, T.S.No. 454/1, 3, 4, 5, 6 and 455/16, Block No.27 of Egmore Village – Subject placed before Monitoring Committee - Reg.

Minutes The Monitoring Committee noted that a compound wall had come up segregating residential blocks and incomplete commercial block and many W.P. cases were pending in this matter before the Hon'ble Court on the issue of providing direct access to EVR Periyar High Road for the rear residential blocks as per the earlier approval granted considering it as single site. OSR area also was an integral part for the entire site.

The Monitoring Committee opined that if at all commercial block was allowable, the FSI eligible for that block had to be taken into account along with the FSI already achieved in the residential blocks and in view of the complexities involved, no premium FSI could be considered under DR for the site.

The Monitoring Committee observed that all the apartment owners' consent in writing was essential and on the ownership account, wanted clarification on the applicant's "*locus standi*" on his eligibility to apply for regularisation/renewal of PP.

AGENDA ITEM NO: 38.16 CMDA – Reg Unit - Reg. II Divn – Regularisation of deviated/unauthorised GF + First Floor and second floor part Residential Building consisting of 2 dwelling units at 990, T.V.S. Avenue, Anna Nagar West, Chennai-40, R.S.No.279/2A pt.and 282/pt of Padi village - Evidence received and examined – Placed before the Monitoring Committee for decision- Reg.

Minutes The Monitoring Committee on going through the file resolved to accept that the deviated/unauthorised GF+FF+2F part residential building consisting of 2 dwelling units at 990 TVS Avenue, Anna Nagar West, Chennai-40 in R.S.No.279/2A pt and 282/pt of Padi village had been completed before 28-02-99 subject to the condition that the building should be restored to residential usage as per the Reg.application submitted and compliance reported to CMDA. The property tax assessment no.39027 dt.12.3.93 of Ambattur Municipality and the inspection report of CMDA dt.18.5.2001 were considered as supportive evidence

AGENDA ITEM NO: 38.17 CMDA – Enforcement Cell – Issue of Completion Certificate for obtaining Service connections – Details placed before the Monitoring Committee for information

Minutes Recorded.

AGENDA ITEM NO: 38.18 CMDA – Enforcement Cell – Improvement of Enforcement system – Steps taken

Minutes Recorded. The outcome of this exercise may be placed before the Monitoring Committee for information.

AGENDA ITEM NO: 38.19 CMDA – Enforcement Cell – Survey Report on unauthorized MSB buildings at Kodambakkam area – Initiated on the suggestion of the MC – Status Report placed before the MC – for information.

Minutes The information on the outcome of Kodambakkam Survey placed before the Monitoring Committee was found to be insufficient, as it did not give the required information on (1) Whether the buildings said to have been approved were constructed as per approved plan or in deviation to the approved plan and (2) Nature and extent of deviations / violations from the approved plan.

The Corporation of Chennai may update the information and furnish the Report within one month's time in a format similar to the one in which the T.Nagar Survey report was furnished. In the process of updating, the Corporation of Chennai may also add other multi-storeyed buildings, that might have come up subsequently .

The report with details in the revised format with updated information may be placed before the next Monitoring Committee.

GENERAL

The Monitoring Committee expressed concern at the lack of effective enforcement action on the unauthorized buildings constructed after 27.07.2007. It was observed that while CMDA could carry out Locking and Sealing atleast on a few premises, the Local Bodies including Corporation of Chennai had not carried out Locking and Sealing operation on any property, while there are many unauthorized constructions coming up in many parts of the City. It was clarified to the Monitoring Committee that CMDA had delegated the powers and authority of enforcement action on all types of buildings from 1979 to the local-bodies in Chennai Metropolitan Area, namely Corporation of Chennai, Municipalities, Town Panchayats and Panchayat Unions under the provisions of Town and Country Planning Act 1971 with relevant updating and revision from time to time. It was also clarified that as per the delegation of powers, the local authorities were competent and fully empowered to exercise the power and authority of enforcement action as existing under the Town and Country Planning Act 1971, i.e. power to require removal of unauthorized development under Section 56 and power to stop unauthorized development under Section 57 on all categories of buildings without any limitation. In addition to this, the Local Bodies have powers under their respective Acts also. A comprehensive order of delegation reiterating the earlier delegations with necessary clarifications and amplification issued vide CMDA Proc. No.RT1/12393/05 dated 27.04.2005 and the latest order of delegation, delegating the powers to carry out the Locking and Sealing also as per the provisions of Sec.56 & 57 of the Town and Country Planning Act 1971 bearing CMDA Proc.No.RT/3849/09 dated 21.05.2009 were also placed on the table.

In view of the above clarification and information on the responsibilities of the Local-Bodies of carrying out the enforcement action under the provisions of Town and Country Planning Act, 1971, the Monitoring Committee wanted to have a discussion on this subject with particular reference to the nature of enforcement action being pursued by the Local-Bodies.

The instances of developers approaching the court filing Writ Petitions praying to extend service connections without insisting Completion Certificate seem to be large in number. In this regard, Monitoring Committee opined that wherever the court allowed the Writ Petitions taking a view that only floor violations is major violation, and ordered for providing service connections for buildings without insisting on Completion Certificate, writ appeals may be filed challenging the orders.

Sd/-xxxxx

ADDITIONAL CHIEF SECRETARY/VICE-CHAIRPERSON
& CO-ORDINATOR, MONITORING COMMITTEE.

/TRUE COPY/FORWARDED/BY ORDER/

PERSONNEL MANAGER (REG UNIT)