

**MINUTES OF THE 41st MEETING OF THE MONITORING COMMITTEE
HELD at 4.00 P.M ON 13-09-2011 IN THE MAIN CONFERENCE HALL OF CMDA**

-:-

MEMBERS PRESENT:

1. Thiru. K.Phanindra Reddy, I.A.S.,
Housing Secretary, (H&UD) and
Vice-Chairman (i/c), CMDA.
2. Dr. D.Karthikeyan, I.A.S.,
Commissioner,
Corporation of Chennai.
3. Dr. Gopal, I.A.S.,
The Managing Director,
CMWSSB.
4. Thiru. M.G.Deva Sahayam, I.A.S., (Retd.)
5. Prof. Suresh Kuppaswamy,
Anna University.
6. Thiru. Durganand Balsaver,
Architect and Urban Planner
7. Dr. A.Srivathsan,
Architect and Urban Planner

Representatives

8. Thiru. Rajendran,
Addl.P.A. to Collector,
Chennai Collectorate.
9. Thiru. N.Sankar,
Chief Engineer(South)
TNEB, Chennai.
10. Thiru.S.Vijaya Sekar,
Deputy Director, (Northern Region),
Tamil Nadu Fire and Rescue Services,
Chennai.

Special Invitees

11. Thiru. R.Venkatesan, I.A.S.,
Member-Secretary, CMDA.
12. Thiru. P.Kamaraj,
Dy.Director.(S)
representing
Commissioner, Rural Development.
13. Thiru. V.Rajandurai,
Joint Director,
representing
Director, Town Panchayats.
14. Thiru. B.S. Ravindran,
Chief Planner (Reg), C.M.D.A.
15. Thiru. S.Rajasekarapandian,
Senior Planner (EC), CMDA.

Agenda Item No.41.01 CMDA – Reg. Unit – Leave of absence of the 41st Monitoring Committee Meeting

Minutes

Leave of absence was granted to the following members of the 41st Monitoring Committee Meeting :

1. Thiru. Louis Menezes, I.A.S., (Retd.)
2. Thiru. Hansraj Varma, I.A.S.,
The Chairman,
TNEB., Chennai.
3. Thiru. Bhola Nath, IPS.,
The Director of Fire & Rescue Services.
4. Thiru. K.A.Annamalai,
DRO & District Collector (i/c)
Chennai.

Agenda Item No.41.02 Confirmation of the minutes of the 40th meeting of the Monitoring Committee –
Placed for information

Minutes	Confirmed
Agenda Item No.41.03	Action taken on the Minutes of the 40 th meeting – Placed before the Monitoring Committee for information
Minutes	Recorded.
Agenda Item No.41.04	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of individual residential flat at 1 st floor in a residential building of GF+3F +4F (part) situated in R.S.No.3647/4, Mylapore Village at Door No.25, Old No.21, Abiramapuram 3 rd Street, Chennai-18 – Evidence – Examined – Subject placed before MC for decision – Reg.
Minutes	The Monitoring Committee on going through the file resolved to accept that the regularisation of individual flat at 1ST floor in a deviated/unauthorised GF+3F+4F (part) residential apartment situated in R.S. No.3647/4, Mylapore Village, at Door No. 25, Old No. 21, Abiramapuram 3rd Street, Chennai - 18 had been completed prior to 28.02.1999. The copy of the individual ownership document bearing registered document No. 2240 of 1996 dated 24.10.1996 together with its Annexure I-A was accepted as credible evidence.
Agenda Item No 41.05	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of GF+4F+5F (Part) Commercial building at Door No.11, Kasi Chetty Lane, R.S.No.10386, Block No.85 of V.O.C.Nagar, George Town, Chennai – 79 – Evidence furnished – Examined – Refused – Appeal to Govt. – Remarks sought by Govt. - Placed before the MC for decision-Reg.
Minutes	The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for Regularization of GF + 4F + 5F (part) Commercial building at Door No. 11. Kasi Chetty Lane, R.S. No. 10386, Block No. 85 of V.O.C. Nagar, George Town, Chennai – 600 079, since the applicant has not removed the aerial encroachment on to the abutting public road portion to a size of 0'9" X 36'0" of balcony projection from 1 st floor to 4 th floor so far and no credible evidence has been given for the 5 th floor (part) for having completed the building prior to 28.02.1999.
Agenda Item No 41.06	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of BF+GF+10 th floor of Commercial (Hotel) building at Door No.564, Anna Salai, Chennai-18 in T.S.No.14 12/4, Block No.2 of Mylapore Village- Evidence furnished – Examined – Subject placed before MC for decision – Reg.
Minutes	The Monitoring Committee on going through the file resolved to reject the regularization of BF + GF + 10th Floor of Commercial (Hotel) building at Door

No. 564, Anna Salai, Chennai – 18, in T.S. No. 1412 /4, Block No. 2 of Mylapore Village, since CMDA in Lr.No.585/85/C/(D1),dated 28.08.1986 had given conditional approval for BF+GF+9 Floors subject to the condition that the 10th floor which was constructed, should not be put to use for any purpose as per the Government direction; whereas the 10th floor constructed prior to 28.2.1999 has been put into use as observed during inspection dated. 29.06.2011, which violates conditional approval given by CMDA. The Committee further recommended to issue the Locking & Sealing Notice to the 10th floor.

**Agenda
Item No
41.07**

CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of Institutional MSB of GF+ 5F at D.No.2m De-Mellows Road, Choolai, RS.No.1289/3pt, Block No.34 of Vepery Village - Evidence furnished – Examined – Subject placed before MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept that the GF+5F Institutional Multi-Storeyed Building at D.No.2, De-Mellows Road, Choolai, situated in R.S. No. 1289/3pt, Block No. 34, of Vepery Village was completed prior to 28.02.1999 by considering the CMDA letter No. EN3/4503/1999 dated 12.03.1999, the Govt. Ir. No. 33482/UDI/98-3 dt. 08.04.1999 and Demolition Notice No. EN2/18212/1995 dated 21.07.1999 as evidences since they are closer to cut of date 28.02.1999, subject to removal of the subsequently added structures after the earlier Regularisation Inspection on 12.06.2001, such as Community Hall with light roofing at 3rd floor, lift portion, canteen and toilet in side set back and rear set back spaces observed during Inspection on 04.07.2011.

**Agenda
Item No
41.08**

CMDA – Reg. Unit – Reg.MSB Dn. – Regularisation of 2 Blocks of GF +8 floors each for Commercial cum residential buildings in S.No.41/3, 41/4A1 & 41/2B of Thiruvanniyur village situated at Door No.128, Lattice Bridge Road, Chennai-41 – Examined – Subject placed before MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for Regularisation of 2 Blocks of Ground Floor + 8 Floors each for Commercial cum Residential buildings in S. No. 41/3, 41/4A1 & 41/2B of Thiruvanniyur Village situated at Door No. 128,

Lattice Bridge Road, Chennai -41. Even though Caution Notice dated 23.01.1998 has been furnished, the CMDA Inspection report dated 12.11.1999 clearly establishes the noncompletion of the building. The Committee also took note of the objections raised by the M/s Suraj & Chann Towers Residential Welfare Association against regularisation of building on the ownership issue. The Monitoring Committee also recommended to issue Locking & Sealing Notice to the unauthorised commercial portions.

**Agenda
Item No
41.09**

CMDA – Reg.Unit – Reg. Dn.I – Regularisation of unauthorized / deviated construction of an individual residential flat at Ground floor in G+2 Floors building at D.No.21 Soundararajan Street, T.Nagar, Chennai-17 in T.S.No.5915, Block No.132 of T.Nagar – Earlier regularised – Objection received – Appeal to Govt. by the Residents Association - Clarification sought by Govt – Evidence received – Placed before the MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to reject the regularization of individual residential flat at Ground Floor in GF+2 Floor building at Door No.21, Soundararajan Street, T.Nagar, Chennai-17, T.S.No.5915,Block No.132 of T.Nagar, since as per the present norms Locus-standi of the applicant for applying for the individual flat is not established. Earlier with regard to individual flat scrutiny, Monitoring Committee decided that Locus-Standi of the applicant to apply for regularization of the individual flat in a building to be established. The applicant as Owner/Developer does not have Locus-standi to apply for regularization of the individual flat at Ground Floor in a GF+2nd floor building. Hence, the individual flat is not regularisable.

**Agenda
Item No
41.10**

CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of BF+GF+4F+MF (treated as 5th floor) Hospital building at D.No.35, Conran Smith Road, Gopalapuram, Chennai-86 in R.S.No.67/33,51&59, Block No.4 of Mylapore Village – MC meeting held on 27-07-2007 considered building completed before the cut-off date - DFRS recommended for issue of NOC – Site re-inspected – Deviation observed to the plan submitted – Refused – Appeal to Govt – Placed before the MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the construction of BF+GF+4 Floors+MF (treated as 5th Floor) Hospital building at D.No.35, Conran Smith Road, Gopalapuram, Chennai-86 in R.S.No.67/33,51 & 59, Block No.4 of Mylapore village. During the site inspection on 3.6.2010, it was observed that

additional area has been added in the 4th floor, additional structures added at Ground Floor and the building is connected with the buildings in the adjacent sites through corridor and girder staircase and also there is no compound wall in between this site and adjacent building sites. For these reasons regularization application was rejected and so far the appellant has not rectified the defects.

**Agenda
Item No
41.11**

CMDA – Reg.Unit – Reg. Dn.I – Regularisation of unauthorized / deviated construction of residential cum office building of GF+2 Floors of 2 Blocks at D.NO.19/1 & 20/1 North Crescent Road, T.Nagar, Chennai-17 in T.S.No.4906/3 & 4, 8592 and 8593 in Block No.114 of T.Nagar, Chennai - Evidence furnished – Subject placed before the MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept that the GF+2 floors Commercial cum Residential building at Door No.20/1 and GF+2 floors residential building at Door No.19/1, North Crescent Road, T.Nagar, Chennai-17, in T.S.No.4906/3 & 4, 8592 & 8593, Block No.114 of T.Nagar village have been completed before 28.02.2009. The property tax assessment notices issued by the Chennai Corporation, for both the buildings for the period 2/98-99 were accepted as credible evidences and Inspection reports dated 30.07.1999 and 03.08.1999 of CMDA were accepted as supportive evidences.

**Agenda
Item No
41.12**

CMDA - Monitoring Committee - Reg. II Division – Special Building – Regularisation of GF + FF + SF part building consisting of Play School and 2 dwelling units at Door No.2, Waddels Road in R.S.No.3116/1, Block No.51 of Purasawakkam Division - Further particulars received and examined - Legal opinion - Placed before the Monitoring Committee for decision – Reg.

Minutes **The Monitoring Committee on going through the file observed that Monitoring Committee already in its 30th meeting resolved to accept the building comprising GF+FF+SF (Part) (Residential and Play School) at Door No.2, Waddels Road, Kilpauk, Chennai-10, in R.S.No.3116/15, Block No.51 of Purasawakkam Division had been completed prior to 28.2.1999.** The opinion of Senior Law Officer, CMDA on neighbour's court case disposal was noted. During the reinspection of the site on 22.7.2010, the following additions have been noted.

- i) In the South East corner a GF+First Floor (near servant's room) has been constructed.
- ii) An AC sheet roof shed in Ground Floor of size 14'x10' has been constructed in the North East side.

The MC resolved to regularize the building subject to removal of the additional constructions done after 28.2.1999.

Agenda Item No 41.13 CMDA – Reg. Unit – Reg. II Division – Regularisation of G+2 Floors residential cum office building at Plot No.3567, Door No.M.71, 6th Avenue, Anna Nagar East, S.No.22 part, Block No.12 of Ayanavaram Village, Chennai-102 – Evidence on completion of Building before 28-2-99 – Examined - Placed before the Monitoring Committee for decision.

Minutes **The Monitoring Committee on going through the file resolved to accept that the residential cum office building comprising GF+2 Floors at Plot No.3567, Door No.M.71, 6th Avenue, Anna Nagar East, S.No.22 Part, Block No.12 of Aynavaram Village, Chennai-102 had been completed prior to 28.2.1999.** The property tax Assessment Notice No.1 and Bill No.0166 dated 1.3.1999 (GRS No.R 067/0023 with effect from 2/98-99) for GF+2 Floors issued by Chennai Corporation and Demolition Notice issued by CMDA in letter No.EN1/7603/95 dated 3.3.1999 were accepted as credible evidences. The inspection report of CMDA dated 26.7.99 was accepted as supportive evidence.

Agenda Item No 41.14 CMDA – Reg.III Dn. – Regularisation of existing residential and commercial building of GF+2 floors +3rd floor pt. at D.No.7, Plot No.4A, Padmanabha Nagar 1st Street, T.S.No.13/1, Block No.21 of Urur Village, Chennai – Evidence on completion of building before 28.2.99 – Appeal made under Section – 113A(6) to Govt. – Examined – Placed before the M.C. for decision.

Minutes **The Monitoring Committee on going through the file resolved to recommend partial acceptance of the appeal to the Government that the construction of**

existing Residential and Commercial building of Ground Floor + 2 Floors + 3rd floor pt. at Door No.7, Plot No.4A, Padmanabha Nagar 1st Street, T.S.No.13/1, Block No.21, of Urur Village, Chennai had been completed before 28.02.1999. The property tax assessment notice issued by Corporation of Chennai, dt 01.03.1999 for 2/98-99 for Ground + 3 floors part commercial and residential building i.e. 7100 sq.ft. only, was accepted as credible evidence. However, the changes and additional constructions such as Ground Floor addition, First Floor usage conversion to Commercial, Second Floor addition and Third Floor additions and change of use made after the inspection of CMDA dated 28.10.1999 are not eligible for regularization.

Agenda Item No 41.15 CMDA – Reg.Unit – Reg.Scheme applications – Satisfying provisions of 2nd Master Plan – Subject placed before the Monitoring Committee for Policy decision – Regarding.

Minutes The Monitoring Committee discussed the matter in detail and a policy decision has been taken as follows: In such of those cases where the applicants who had applied under Regularisation Schemes have now rectified the defects and/or by virtue of change in land use and rules etc., thereby satisfying the Development Regulations, the planning permission for the constructions can be considered and approved by CMDA as per the existing provisions of Development Regulations in entirety under 2nd Master Plan without taking into account the pendency/rejection of the Regularisation Scheme applications.

Agenda Item No 41.16 CMDA – Reg. Unit – Reg.Scheme applications – Request for withdrawal of Reg.Scheme application – Subject placed before Monitoring Committee for its general Policy decision – Submitted.

Minutes The Monitoring Committee discussed in detail on the requests of withdrawal of Regularisation Scheme applications and has taken a policy decision as follows: Though the planning permission for the constructions can be considered and approved by CMDA as per the existing provisions of Development Regulations in entirety under 2nd Master Plan without taking into account the Regularisation Scheme applications, but withdrawal of Regularisation Scheme applications should not be allowed. Withdrawal of Regularisation Scheme applications is not permissible.

Agenda Item No 41.17 CMDA – Enforcement Cell - Constitution of the Special Task Force for enforcement action as per the decision of the 40th meeting of the Monitoring Committee – Proposal evolved in consultation with the related Departments – Placed before the Monitoring Committee for approval.

Minutes The Monitoring Committee took note of the Hon'ble High Court Order dated 12.08.2011 in W.P.Nos.20618, 23936 and 3885 of 2010 and the direction given to CMDA, CMWSSB, TNEB and Chennai Corporation to submit a status report as to the steps taken by them and Action Taken Report with regard to unauthorized constructions pursuant to the line of action suggested by the Monitoring Committee at its 40th meeting and posting the matter to the Bench on 12th Oct.2011. As per the directions of the High Court, the status report and Action Taken Report may be submitted before the High Court by the CMDA. The agencies may submit their status reports directly to the Hon'ble Court with a copy to CMDA, so that these reports can be placed before the Monitoring Committee in the next meeting for information.

The Monitoring Committee studied the framework of the Special Task Force evolved through the consultation with all the related Departments for subjecting the unauthorized buildings to the comprehensive enforcement action covering Locking & Sealing, disconnection of electricity and water supply and sewerage, cancellation of Trade Licenses etc., to make the building dis-functional. The Monitoring Committee is of the opinion that the Special Task Force should emerge as perpetual mechanism of enforcement action in the Chennai Metropolitan area in the long term.

The present system and mechanism is highly inadequate and lacking thrust and clarity of role and responsibility of different agencies in pursuing the enforcement action. The Monitoring Committee recognized that the role of CMDA

being the Planning and Development with the centralized Office for the entire Metropolitan Area with a few staff for enforcement related activities like issue of Completion Certificate, forfeiture of Security Deposit etc., without any hierarchy of administrative structure spread over the Metropolitan Area, CMDA cannot be the enforcement authority and its prime function is Planning and Development. The Local Bodies have to perform multiple civic functions without exclusive core staff for enforcement action at the field level, and also have shortcomings in institutional framework and mechanism. Hence, the Local Bodies are also not adequately equipped for carrying out effective and focused enforcement action, on curbing the menace of unauthorized developments.

The Monitoring Committee recommends to the Govt. creation of a separate and full fledged exclusive enforcement Government Organisation for CMA with mandate for pursuing focused enforcement action with adequate power, authority and manpower as a long term and sustainable measure. The Committee also recommends that such an Authority may be set up after detailed study of different models in place in different cities in India and Abroad. CMDA may initiate action including consultation process and formulate a proposal in this regard as a long term measure and keep the Monitoring Committee informed of the development on formulation of this proposal for discussion at appropriate time before placing the same to the Authority.

Till such a full fledged enforcement organization of the Government is created, as a short term measure, the Monitoring Committee approves the interim measures of the constitution of the proposed 'Adhoc Special Task Force' that was evolved in consultation with participating agencies with the following suggestions, to start with.

1. The scope of the functioning of the Adhoc Special Task Force should not be restricted to Reg. rejected cases and Monitoring Committee recommended cases of old buildings but this special mechanism should cover other new cases as well identified, booked and enforcement action initiated as 'Nip in the Bud' by the execution team of the Adhoc Special Task Force at the field level.

2. The role and responsibility of the execution team of the Adhoc Special Task Force may be explained in detail covering the responsibility of the key official, specifying in detail the activities of the team of officials constituting the executive

team, deliverables by this unit in Specific terms.

The scope, role, functions, responsibilities and mode of operation of the Adhoc Special Task Force may be suitably updated incorporating the above suggestions and placed before the next Monitoring Committee meeting for discussion and approval.

**Agenda
Item No
41.18**

CMDA – Enforcement Cell – Issue of Locking & Sealing Notices to 48 cases of Regularisation rejected MSB commercial buildings for which Demolition Notices issued during 2007 – Status Report – Placed before the Monitoring Committee – For discussion.

Minutes

The Monitoring Committee took note of the details of the enforcement action taken on the 48 cases of Reg. Rejected Multi Storeyed commercial buildings issued with Demolition Notice by CMDA in 2007.

The Committee was informed of the facts that 9 cases are eligible to get regularization as the additional evidences relating to these cases were subsequently examined and accepted by the Monitoring Committee, in one case appeal to the Govt. is pending and 2 cases are covered by the court cases and yet to be disposed of and the Locking & Sealing notices have been issued for 36 cases.

The CMDA may pursue further follow up action on these notices issued cases through the mechanism of the Adhoc Special Task Force. Follow up action may also be pursued by CMDA for quick disposal of the Govt. appeal and court proceedings covered cases and initiate appropriate enforcement action on these 3 cases based on the nature of disposal.

The Committee also examined and discussed in detail the issues that arise and likely to come in the course of further action, to be pursued on 48 Multi Storeyed Building commercial cases along with the suggestion put forth by CMDA for consideration under each issue.

The following are the decisions made on these issues:-

Issue No.1: The Locking and Sealing Notice need not be issued for the cases where Monitoring Committee has accepted that the buildings were completed prior to the cut-off date, i.e. 28.02.1999.

Issue No.2: Wherever the occupants / owners submit a written request for additional time to vacate the premises / restore the construction as

per the approved plan, additional 30 days time may be given.

Issue No.3: In case, any applicant represent in response to the Locking & Sealing Notice already issued stating that their building was completed prior to 28.02.1999 and claim as regularisable, CMDA may examine whether the representation is supported with credible evidence to their claims. Only if credible evidences are furnished such representation may be processed quickly and may be brought to the Monitoring Committee for decision. Wherever credible evidences are not furnished in the representation, CMDA may reject it.

Issue No.4: For the single case stated to be pending appeal with the Government, CMDA may pursue necessary follow up action with the Govt. to get the appeal disposed of and take further action depending on the decision of the Govt. in disposing of the appeal petition. Till the disposal of the appeal by the Govt., the issue of Locking & Sealing Notice may be deferred for this particular case.

As far as the agenda note seeking Policy decision by the Monitoring Committee on the issue of whether the Locking & Sealing Notice is issuable while the appeal made under Sec.113-A (6) of T&CP Act is pending, the Committee decided that this position may be reexamined by the Legal Cell, from the point of view of whether any fresh appeal can be made now under Sec.113-A (6) as the amended Sec.113-A has already been declared as ultravires and from the point of view of other legal points also. With the legal opinion this may be brought before Monitoring Committee.

Issue No.5: It is very clear that the unauthorized floors over and above the approved floor are to be subjected to enforcement action by way of Locking and Sealing. The question placed before the Monitoring Committee for discussion was whether the approved floors with deviation to the approved plan are to be exempted when such deviations are only with reference to the set backs, except deviations in respect of building use or conversion of parking into regular floor.

On this issue, the Monitoring Committee is of the view that when the deviations in the approved floors is in excess of the tolerable limit prescribed as part of Completion Certificate Norms, the entire floors are to be treated as deviated floors, as the profile of the floor is changed and to be declared as deviated floor.

In view of the above, the deviated approved floors should also be subjected to enforcement action when the extent of deviation in each floor is in excess of tolerance limit prescribed in the CC Norms.

Issue No.6: In view of the Court Order directing CMDA, CMWSSB, TNEB and Chennai Corporation to submit the Status Report and Action Taken Report in pursuant of the minutes of the 40th meeting of the Monitoring Committee, the list of buildings for which the Locking and Sealing Notices have been issued by CMDA except those cases of representation received with valid reasons, may be referred to the agencies concerned to take appropriate action as ordered by the Hon'ble Court, as these agencies may be required to take initial action as per the procedure.

Issue No.7: As per the Hon'ble High Court Order, stringent measures are applicable only on commercial buildings. Hence, the floors that are being used for residential use in the unauthorized commercial buildings, may be spared from stringent measure like Locking, Sealing and disconnection of services.

Issue No.8: The combined representation made by 16 individual owners of the building seeking regularization for the entire building as a single entity may be examined and placed before the next Monitoring Committee meeting for decision.

**Agenda
Item No
41.19**

CMDA – EC – 53 cases of unauthorized /deviated MSB commercial buildings in which CMDA issued Locking & Sealing Notice after 27.07.2007 Monitoring Committee in its 40th Meeting suggested priority action on cases approved by CMDA as MSB – Report of analysis placed before the Monitoring Committee for information.

**Minutes
Agenda
Item No**

Recorded.

CMDA – Enforcement Cell – Kodambakkam Survey Report – the updated information in the revised format received from Chennai Corporation – Placed

41.20 before the Monitoring Committee for information and discussion.

Minutes The Committee examined the revised Kodambakkam Survey Report received from the Chennai Corporation and found that still there are some gaps with reference to T.Nagar Survey Report format. The Chennai Corporation shall re-scrutinise the report prepared by the Zone and send a revised report in the T.Nagar Survey Report format for placing it in the next Monitoring Committee meeting.

Agenda Item No 41.21 (Table Circulation) CMDA – Enforcement Cell – Decision in 40th Meeting of the Monitoring Committee in Agenda Item No.40.21 a draft affidavit to be filed before the First Bench of the Hon'ble High Court of Madras on behalf of the Monitoring Committee on the issue of allowing writs on many cases for extending service connections without insisting Completion Certificate – Placed before the Monitoring Committee for discussion and approval.

Minutes The Committee gone through the Draft Affidavit and suggested the following points to be added in the last para.

In view of the above, the Monitoring Committee find it difficult to ensure that the Multi-storied and Special Buildings get electricity, water supply and sewerage connections only on obtaining the Completion Certificate towards fulfilling the spirit of the Hon'ble High Court Order 23.08.2006. In this context the Monitoring Committee seeks appropriate order on this category of the cases filed before the Hon'ble High Court. It is also prayed that all the pending writ petitions praying for direction to give service connections without insisting Completion Certificate may be transferred and posted before the First Bench.

General:

1) With regard to individual flat scrutiny, The Monitoring Committee decided and further clarified that for regularization of individual flat in a building, commercial portion can not be considered and residential flat only can be considered for the individual purchaser of the flat (with due examination of locus-standi, undivided land share details, built up area details and cut off date 28.2.99 scrutiny along with data sheet etc.,). When the land owner/GPA for the site/Builder/Promoter/Developer applied for regularization of individual flat/portion only in a multistoried /special building it should be construed that locus-standi for applying for regularization of individual flat/portion in a building is not established and hence not regularisable.

- 2) The Monitoring Committee resolved to regularize certain Commercial Special and Multi-Storeyed Buildings subject to the conditions that:
- a) Alternative fire safety measures are provided as per the norms of DF&RS for MSB cases.
 - 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.

For all the buildings cleared so far and all the buildings those will be cleared in future by the Monitoring Committee, these general conditions are applicable.

- 3) All Regularisation Scheme applications of pure Commercial Multistoreyed/Special buildings to be identified, segregated and scrutinized on priority.

4) After rejection of Regularization Scheme applications, the applicants are preferring appeals to the Government. In many of the appeal cases, the Government seeks remarks from CMDA on the contentions of the appellants, after placing the appeals before the Monitoring Committee by CMDA. The Monitoring Committee resolved that if credible evidences are furnished by the appellants at appeal stage, such cases alone may be placed before the Monitoring Committee for decision and all the other appeal cases where credible evidences are not furnished such cases need not be brought before the Monitoring Committee.

- 5) The issue of initiating enforcement action on the unauthorized buildings located in Usman Road and Ranganathan Street identified and listed in the T.Nagar Survey Report that was prepared on the initiative of the Monitoring Committee was discussed in detail.

Considering the negative impact of these unauthorized buildings in the T.Nagar area, this area should be treated as high priority area for taking enforcement action now as such action could not be taken earlier in view of the provisions of the Ordinance, promulgated in 2007 and extended subsequently on yearly basis.

Treating this area as a Special Zone, the Monitoring Committee decided that both CMDA and Chennai Corporation may initiate enforcement action and carry out further

follow up action through Adhoc Special Task Force involving all the related agencies as and when necessary. The Authorities may issue Notices Calling for Approved Plan to start with and follow up by issuing Locking & Sealing Notices for the buildings covered in the T.Nagar Survey Report.

The buildings covered in the T.Nagar Survey Report are broadly grouped under the following 4 categories:-

- (1) The Chennai Corporation approved, but deviated to the approved plan including unauthorized additional floors.
- (2) CMDA approved, but deviated to the approval plan including addition of unauthorized floors.
- (3) Unauthorised Non-MSB buildings.
- (4) Unauthorised MSB buildings.

The Chennai Corporation may initiate enforcement action on the buildings of category (1) & (3), and CMDA may initiate enforcement action on the buildings of category (2) & (4). All efforts may be taken to complete the task of issuing notice calling for approved plan and issuing Locking & Sealing Notices within 10 days after examining the details and documents received in response to notice calling for approved plan.

Sd/-xxx
SECRETARY (H&UD),
VICE-CHAIRMAN (i/c), CMDA &
CO-ORDINATOR, MONITORING COMMITTEE.

TRUE COPY/ FORWARDED/BY ORDER/

PERSONNEL MANAGER/ REG.UNIT.