

**MINUTES OF THE 42nd MEETING OF THE MONITORING COMMITTEE
HELD ON 18-11-2011 AT 3.30 P.M 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 Kuppuswamy,
Anna University.
6. Dr. A.Srivathsan,
Architect and Urban Planner.

Representatives

7. Thiru C. Rajendran,
Addl.P.A. to Collector,
Chennai Collectorate.
8. Thiru G. Angamuthu,
Chief Engineer(Commercial)
TNEB, Chennai.
9. Thiru.S.Vijaya Sekar,
Deputy Director, (Northern Region),
Tamil Nadu Fire and Rescue Services,
Chennai.

Special Invitees

10. Thiru. R.Venkatesan, I.A.S.,
Member-Secretary, CMDA.
11. Thiru. B.S. Ravindran,
Chief Planner (Reg), C.M.D.A.
12. Thiru. S.Rajasekarapandian,
Senior Planner (EC), CMDA.
13. Thiru. G.A. Baskararaj,
Senior Law Officer, CMDA.

Agenda Item No.42.01 CMDA – Reg. Unit – Leave of absence of the 42nd Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members of the 42nd Monitoring Committee Meeting :

1. Thiru. Rajeev Ranjan, I.A.S.,
The Chairman,
TNEB, Chennai.
2. Thiru. Bholu Nath, IPS.,
The Director of Fire & Rescue Services.
3. Thiru. K.A.Annamalai,
DRO & District Collector (i/c)
Chennai.
4. Thiru. Durganand Balsaver,
Architect and Urban Planner.

Agenda Item No.42.02 Confirmation of the minutes of the 41st meeting of the Monitoring Committee – Placed for information

Minutes Minutes confirmed with the following modifications.

Regarding Item No.'41.19' the following may be incorporated.

"During the 40th MC meeting held on July 15, the Monitoring Committee pointed out that following the Supreme Court order

impediments in taking action against unauthorized buildings have been removed. Hence the CMDA must act quickly and follow up on buildings that have been already identified as gross violations. Specific directions to take up T. Nagar buildings were given and it was suggested that they be taken up as a priority”.

Regarding General para No.4, may be modified as follows:

“After rejection of Regularisation Scheme applications, the applicants are preferring appeals to the Government. The High Court in para 32(xii) of the order dt.23.8.2006 has ordered that the Monitoring Committee shall be consulted for claiming exemption under section 113-A of the Act as well as appeals under section 113-A(6). The Government is also requesting CMDA to send remarks on appeals after placing before Monitoring Committee. The Monitoring Committee resolved that the cases of Reg. Scheme appeals under section 113-A(6) may be placed before the Monitoring Committee”.

Agenda Item No.42.03 Action taken on the Minutes of the 41st meeting – Placed before the Monitoring Committee for information

Minutes Recorded.

Agenda Item No.42.04 Status Report on implementation of High Court Order dated 23.8.2006

Minutes Monitoring Committee appreciated the effort and recorded. With regard to para 32(vii) of the High court order, the Committee observed that both CMDA and Corporation of Chennai should take disciplinary action against officials responsible for allowing the illegal buildings to come up and those who failed to take enforcement action.

Agenda Item No.42.05 CMDA – Reg. Unit – Reg. MSB Division- Regularisation of the existing Commercial-cum-Residential building of GF + 5F at Door No.12, Plot No.61 of Seethammal Colony, 1st Main Road in R.S.No.3762/1 part, 3763/1 part, Block No.74 of Mylapore Village – Evidence furnished – Examined – Subject placed before the MC for decision – Reg.

Minutes **The Monitoring Committee on going through the file has resolved to re-examine the Regularisation Scheme Application for the Commercial cum Residential building of GF + 5F at D. No. 12, Plot**

No. 61 of Seethammal Colony, 1st Main Road, in R.S. No. 3762/1pt, 3763/1pt., Block No. 74 of Mylapore Village. The Demolition Notice issued in letter No. ES1/29457/1995 dt. 13.05.1998 may be verified with the inspection sketch and other records of Enforcement Cell pertaining to this case and to check whether the set back spaces, profile of the building and floor wise floor area with its usage are all tallying with regularisation plan submitted.

**Agenda
Item No
42.06**

CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of GF + 4 Floors Commercial (office/shop) building at Door No.102, L.B. Road, Adyar, Chennai in T.S.No.25, S.No.15/8, Block No.16 of Pallipattu Village – Rejected – Representation received from the applicant – Placed before the MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept the regularisation of the GF+ 4 Floor Commercial (shop/office) building (earlier applied by 16 individuals) at Door No.102, L.B. Road, Adyar, Chennai in S.No.15/8, T.S. No.25, Block No.16 of Pallipattu village had been completed prior to 28.02.1999. Earlier 16 separate applications were submitted and now examined as a single building. The copies of the 9 individual property tax assessment orders of Corporation of Chennai for the period 2/98-99 with working sheet indicating Door No. / Flat number and floor areas have been accepted as credible evidence.

**Agenda
Item No
42.07**

CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of 4F + 5F Commercial individual flats in the building of BF + GF + 5F + 6th Floor (part) at Door No.240, Lloyds Road (Avvai Shanmugam Salai), Chennai-14 – R.S.No.108/7 and 109/14, Block No.4 of Mylapore Village – Applicant complied the MC decision – Again placed before the MC for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to re-examine the Regularisation Scheme Application for Regularisation of unauthorised/deviated construction of 4th Floor +5th Floor Commercial Individual flats in the commercial building of BF+GF+5F+6th Floor (part) at Door No.240, Lloyds Road (Avvai Shanmugam Salai), Chennai14 – R.S.No.108/7 and 109/14, Block No.4 of Mylapore village, in view of the decision taken in the 41st Monitoring Committee Meeting held on 13.09.2011 (not to regularise the individual commercial flats).**

The Committee took note of the demolition of the 6th floor (part) and compliance of the decisions of the 28th Monitoring Committee Meeting held on 11.01.2008 and instructions of CMDA vide letter No. Reg. C6/20603/1999 dt. 05.12.2008.

The Monitoring Committee further directed that all the owners/occupiers of all the individual flats, to be called for hearing to obtain their willingness for regularising the entire deviated/unauthorised commercial building comprising of BF+GF+5F under Regularisation 1999 Scheme Fees and Rules. Unregistered Power of Attorney Deed from the present land owners in favour of both the Regularisation applicants are also to be obtained.

Agenda Item No 42.08 CMDA – Reg. Unit – Reg. MSB Division – Regularisation of GF+MF+4F (Building existing at the site GF+5th Floor +6th Floor (part) + 7th Floor (part)) at Door No.42 & 43, Kutchery Road, Mylapore, Chennai-4 in R.S.No.2620/2, Block No.12 of Mylapore Village – Regularisation rejected – Appeal to Government – Subject 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 Regularisation of GF+MF+4F (Building existing at the site GF+5th Floor +6th Floor (part) + 7th Floor (part)) at D.No.42 & 43, Kutchery Road, Mylapore, Chennai-4 in R.S. No.2620/2, Block No.12 of Mylapore village. The applicant has stated that the building at the site**

is only GF+MF+4F and also enclosed certain evidences. The evidences were examined and the site was also inspected by CMDA on 7.10.11. During inspection it was ascertained that the building is GF+5F+6th floor (part)+7th floor (part) (since Mezzanine floor exceeded 1/3rd floor area the same is treated as separate floor) as already reported in the joint inspection report dated 20.2.2007. The appellant has given a Corporation working sheet (second sheet only) for GF+4F and has not furnished the first sheet indicating for which period the Property Tax working sheet is given to examine with reference to the cut-off date 28.2.99. The Monitoring Committee also examined the Metro water letter dated 22.3.2007 and decided that the same cannot be taken as credible evidence. The letter given by TNEB dated 13.9.2007, also examined by the Monitoring Committee; as per the letter the appellant obtained EB connections for GF+3F building after the cut-off date 28.2.1999. In the appeal also the appellant not furnished any new evidence for consideration.

**Agenda
Item No
42.09**

CMDA – Reg. Unit – Reg. MSB Division – Regularisation of construction of G+7 Floors Commercial Building at Door No.79, TTK Road, Mylapore in Block No.33, R.S.No.1639/42 of Mylapore Village, Chennai – Rejected – Appeal under section 113(A) (6) of the Tamil Nadu Town and Country Planning Act, 1971 – Direction of High Court order – Remarks to be sent to Govt. - Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Govt., for regularisation of Multi-storied commercial building comprising of GF+7Floors at Door No.79, TTK Road, Mylapore in Block No.33, R.S. No.1639/42 of Mylapore village, Chennai. Evidences were examined including copy of refusal letter No.C3/26857/96 dated 17.1.97 and demolition notice letter No. ES1/27401/93 dated 4.12.97 and TNEB letter No.G249/CE/CommI/EE3/AEE2/EMC/D86/07 dated 13.8.2007 with a list of service connections issued on 23.6.01 for site under reference for GF+5 floors only after cut-off date 28.2.99. The applicant has not furnished any credible evidence for having completed 6th & 7th floor on

or before 28.2.1999. However, as per CMDA inspection report dt.15.7.99 and stage of building was recorded as the building has been completed except flooring for 1st floor and 2nd floor and partition in 4th floor and motor room in ground floor not completed. As the building was not substantially completed before the cut-off date 28.2.99 the Reg application was earlier refused in Lr.No.C3/13086/99 dated 20.1.2000 for the reason that the construction was not completed before the cut-off date 28.2.99 for regularisation. It is evident that as per the earlier inspection report dt.15.7.99 of CMDA the building was not substantially completed prior to 28.2.99, the M.C. resolved to recommend rejection of the appeal to the Govt.

**Agenda
Item No
42.10**

CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of G+4F+5th floor (part) – MSB Commercial Building at Door No.22, Vallaba Agraharam Street, Triplicane, Chennai-5 – Orders of High Court, dated 10.02.07 – Monitoring Committee’s decision in its 33rd meeting – MC decision not complied – Rejected – Appeal under section 113(A) (6) of the Tamil Nadu Town and Country Planning Act, 1971 – Appeal remarks requested by Govt., - Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Govt., for regularisation of Multi-storied commercial building comprising of GF+4F+5F (part) at Door No.22, Vallaba Agraharam St., Triplicane, Chennai-5.

The Monitoring Committee took note of High Court order dated 21.9.11 in W.P.No.21640/11, and MP.No.1/11. The Monitoring Committee in its 33rd meeting already resolved, *“the MSB Commercial building comprising GF+4 floors deviated/unauthorised construction in the site under reference had been completed before 28.2.99. The Government G.O.(D) No.483, dated 26.10.99 H & UD Department was accepted as credible evidence. The demolition notice issued by CMDA in Lr.No.EC3/4487/99, dated 1.4.99, the CMDA’s Planning Permission refusal letter No.B2/12771/93 dated 13.08.93, the TNEB’s Lr.No.G249/CE/COOML.EE3/AE/E2/F/MC/D.86/07, dated 13.08.07 and property tax receipt dated 1.3.99 were accepted as supportive*

evidences. The applicant has to remove the 5th floor part before regularisation of the GF+4 floors, which was constructed after the cut-off dated 28.2.99". In the appeal petition also the applicant has not furnished any credible evidence for having completed 5th floor (part) on or before 28.2.99.

**Agenda
Item No
42.11**

CMDA – Reg.Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of commercial building (Kalyana Mandapam) of BF+GF+3 floors & 4th floor (part) – at Door No.774, Thiruvottiyur High Road in R.S.No.237/127 part of Thiruvottiyur, Chennai-19 – Rejected – Appeal under sec.113(A) of T&CP Act 1971 – Present stage – Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Govt., for regularisation of Multi-storied commercial building (Kalyanamandapam) comprising of BF+GF+3Floor & 4th Floor (part) at Door No.774 Thiruvottiyur High Road, in R.S.No.237/127 part of Thiruvottiyur, Chennai-19. The applicant has given a copy of representation dated 15.11.11 along with xerox copies of photograph informing that the 4th floor (part) has been demolished and the same was verified by CMDA by site inspection on 15.11.11 and found that the 4th floor (part) was demolished as suggested by the Monitoring Committee in its 22nd meeting held on 14.9.11. However, during the site inspection, it was observed that GF+3 floor building of 2.70 m. x 19.45m has been additionally constructed unauthorisedly and attached with the Kalyanamandapam building on southern side. In view of the GF+3 floor additional construction subsequently added to this main building, the Reg. PPA is not regularisable.

**Agenda
Item No
42.12**

CMDA – Reg. Unit – Reg. MSB Division – Regularisation of construction of GF+3F+4th Floor (part) + 5th floor (part) Commercial building at Door No.12, Haddows Road, Nungambakkam, Chennai in R.S.No.189/5, Block No.19 of Nungambakkam village – Rejected – Appeal under section 113(A) (6) of the Tamil Nadu Town and Country Planning Act, 1971 – Remarks to be sent to Govt., - Subject placed before the Monitoring Committee for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Govt., for regularisation of Multi-storied commercial building comprising of GF+3F+4F(part) +5F (part) at Door No.12, Haddows Road, Nungambakkam, Chennai in R.S.No.189/5. Block No.19 of Nungambakkam village.** The Monitoring Committee examined the EB Lr.No.G249 /CE/ Commercial/ EE3/AEE2/ F.Monitoring Committee/D.86/07 dated 13.8.07 and Corporation property tax assessment notice first sheet dated 1.3.99 mentioning 2nd half of the 1998-99 only; however the second sheet of property tax working sheet has not been furnished with the details of no. of floors and built up area. The Monitoring Committee in the 23rd meeting resolved to accept GF+3 floors commercial building was completed on or before 28.2.1999 by accepting the CMDA's inspection report, earlier planning permission obtained and TNEB's report on electricity service connection. So far the appellant has not removed the 4th floor (part) + 5th floor (part). Further at appeal stage also credible evidences have not been furnished for having completed the 4th floor (part) & 5th floor (part) on or before 28.2.1999.

Agenda Item No 42.13 CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of BF + GF + 4 Floor + 5F(part) + 6F(part) Commercial Building at Door No.68, C.P. Ramasamy Road in R.S.No.3654/3 and 3654/4, Block No.72 of Mylapore Village – Opportunity given – Evidence received and examined – Subject placed before Monitoring Committee for its decision – Reg.

Minutes

The Monitoring Committee on going through the file has resolved to accept that the multistoreyed commercial building comprising of Basement Floor+Ground Floor + 4 floors +5th floor (part) + 6th floor (part) of deviated / unauthorized construction of Commercial Building at Door No.68, C.P. Ramasamy Road in R.S.No.3654/3 and 3654/4, Block No.72 of Mylapore Village had been completed prior to 28.02.1999. The Govt. order in G.O.(D) No.426, Dated:07.10.1996 of Housing and Urban Development Dept., in which the appeal was rejected for regularization of Basement Floor+Ground Floor+7 floors building was accepted as credible evidence. The property tax work sheet of Corporation of Chennai furnished relates to 1/98-99 for Basement Floor+Ground Floor+4 Floors were accepted as credible evidence. The inspection report of CMDA, dated:15.11.1999 was also accepted as supportive evidence.

**Agenda
Item No
42.14**

CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized construction of 4th and 5th Floor in Multi-storeyed Commercial building at Door No.130, NSC Bose Road in S.No.8285 part, Block No.71 of V.O.C. Nagar – Rejected by the Monitoring Committee – Appeal petition received from the Government – Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Govt. (Govt. in Housing and Urban Development Dept. letter No.20104/UDI/2011-1, dated:20.09.2011) for regularization of 4th and 5th floors of commercial portions in Basement Floor+Ground Floor+5 Floors Commercial building at Door No.130, NSC Bose Road in S. No.8285 pt., Block No.71 of V.O.C. Nagar, Chennai-600 079. The Committee took note of the objections raised by the Dhanalakshmi Complex Shop Owners Association of the premises against regularization of 4th and 5th floors on the ownership issue and also the Committee noted that no documentary evidence was furnished. This Regularisation application was already rejected as per the decision of the Monitoring Committee in its 26th meeting held on 07.12.2007, since the applicant has not furnished the basic particulars and qualitative evidence as directed by the

Hon'ble High Court order dated:25.07.2007 in W.P.No.18908/2007 and M.P.No.2/2007. The applicant has not furnished any credible evidence to establish that the construction was completed prior to 28.02.1999. As per the decision of 41st Monitoring Committee meeting held on 30.09.2011, the regularization of individual 4th Floor and 5th floor commercial portions are not regularisable.

**Agenda
Item No
42.15**

CMDA – Reg. Unit – Reg. Special Building Dvn.III – Regularisation of Ground Floor + 1st Floor (part) + 2nd Floor (part) Commercial building at Door No.66/47, Plot No.25-B, 1st Main Road, R.A. Puram, Chennai-600 028 in R.S.No.3927/14, Block No.86 of Mylapore Village – Opportunity given – Evidence furnished – Time bound court order – Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to reject the regularization of Ground Floor + First Floor (part) + Second Floor (part) commercial building at Door No.66/47, Plot No.25-B, 1st Main Road, R.A. Puram, Chennai-600 028 in R.S.No.3927/14, Block No.86 of Mylapore Village. The Committee took note of the High Court order, dated:18.08.2011 in W.A.No.758 of 2008 for disposal of the Regularization Scheme application. The bills furnished for purchase of building materials could not be accepted as evidences for completion of the building. No credible evidence has been furnished including property tax work sheet for 2/1998-99 of Corporation of Chennai for having completed the building prior to 28.02.1999. The applicant in his letter dt.11.11.2011 has stated that he has applied to Corporation of Chennai for property tax work sheet for the year 1998-'99 and the Committee has taken note of the same.

Agenda Item No 42.16 CMDA – Enforcement Cell – Issue of Completion Certificate for obtaining Service connections – Details placed before the Monitoring Committee – for information

Minutes Recorded.

Agenda Item No 42.17 CMDA – Enforcement Cell – High Court Order – Suggestion for improvement of the system of enforcement against the unauthorized developments in Chennai Metropolitan Area – The Authority in its meeting held on 19.01.2010 resolved to form a Sub-Committee to examine the suggestions – Recommendations of the Sub-Committee placed before the Monitoring Committee for information and suggestions - Reg

Minutes Deferred.

Agenda Item No 42.18 CMDA – Enforcement Cell – Enforcement action on 48 cases of Regularisation rejected MSB Commercial Buildings for which Demolition Notices issued during 2007 – Status Report – Placed before the Monitoring Committee - Reg

Minutes Deferred.

Agenda Item No 42.19 CMDA – Enforcement Cell – Legal opinion obtained on possible further course of Enforcement action on Reg. appeal preferred cases – Placed before the Monitoring Committee – For information and discussion – Reg.

Minutes Deferred.

Agenda Item No 42.20 CMDA – Enforcement Cell – Status Report on the enforcement action on the unauthorized buildings located in Usman Road and Ranganathan Street identified and listed in the T. Nagar Survey Report – Status Report placed before the Monitoring Committee – for discussion

Minutes The Committee reviewed in detail the enforcement action taken and the present stage of the process on the unauthorized buildings covered in the T.Nagar Survey Report, presented on individual cases in the form of separate tables on the list of cases covered under the purview of action by CMDA (31 cases) and the list of cases covered under the purview of Chennai Corporation (31 cases).

The Committee took note that CMDA carried out Locking and Sealing on 6 cases as these cases were matured on 30.10.2011 and free of any impediment in the process of Law that were matured on 31.10.2011 and Chennai Corporation carried out Locking and Sealing on 19 cases. In the other cases, the process like disposal of Regularization applications, appeal petitions, Court cases, representation etc., is on.

Expressing concern over lack of interdepartmental coordination, the Committee suggested to streamline the interdepartmental coordination within CMDA covering Regularization Unit, Legal Division and Appeal Division to ensure coordinated action on disposing of the pending matters so that the locking and sealing can be carried out without any undue delay.

While appreciating the joint and coordinated efforts taken by CMDA, Chennai Corporation and other Agencies viz. TNEB, CMWSSB, Police Department in making a good beginning on implementation of the stringent measures of enforcement on the unauthorized commercial buildings, in the lines suggested by the Monitoring Committee, the Committee emphasized and directed the agencies to continue this effort and keep the momentum and pursue the enforcement action following due process of Law with similar commitment.

While appreciating the necessity to proceed action on the cases following the due process of Law, the Committee emphasized coordinated and expeditious action in disposing of these cases quickly in order to proceed further.

In this meeting 14 cases relating to Regularization applications and Reg. appeals to the Govt. were placed before the Monitoring Committee and decisions have been taken on the merit of these cases. CMDA shall dispose of the remaining cases of Regularization applications that are possible to be disposed of without bringing it to the Monitoring Committee, in case, the evidences furnished are not credible. The CMDA shall also complete the verification of disposal of appeal petition said to have been preferred before the Govt. under Section 79, within a week. The Legal Cell may expedite action on clearance of cases covered in the Court proceedings.

In cases related to Chennai Corporation, it is found that Locking and Sealing could not be carried out on 2 cases because of reported pending of Regularization applications in CMDA and on 9 cases because of Court proceedings covered under the stay granted in the lower Courts. Chennai Corporation may expedite legal course of action for getting these stay vacated.

In order to critically examine interdepartmental coordination issues/process delays and to suggest measures to over-come the same, a Sub-Committee is constituted with the following members:

- (i) The Member-Secretary, CMDA
- (ii) The Commissioner, Chennai Corporation
- (iii) Prof. Suresh Kuppaswamy

An updated status report with details on individual cases pertaining to enforcement action on the unauthorized buildings covered in the T.Nagar survey report may be placed before the next meeting.

**Agenda
Item No
42.21**

CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of Basement + Ground Floor + Mezzanine Floor + 4th Floor + 5 Floor (part) of Commercial Building at Door No.15, Usman Road, 15, Nageswara Rao Road, T. Nagar in T.S.No.616/1, Block No.136 of T. Nagar, Chennai-17 – Evidence furnished analysed – Placed before the Monitoring Committee – For decision – Reg

Minutes

The Monitoring Committee on going through the file resolved to reject the Regularisation Scheme application for regularisation of Basement + Ground Floor +Mezzanine Floor +4th Floor + 5th Floor (part) of commercial building (BF+GF+6Floors is existing as per T. Nagar survey report) at Door No. 15, Usman Road, 15, Nagaeswara Rao Road, T.Nagar, in T.S. No. 616/1, Block No. 136, of T. Nagar Chennai-17, since the building under reference was constructed and completed only after cut off date 28.02.1999. This building (Door No. 15, Usman Road) has interconnectivity with the adjoining building (Door No. 59, Usman Road). The Monitoring Committee has observed that the approval obtained from the Corporation of Chennai was for the proposed demolition and reconstruction of BF+GF+FF commercial cum residential building in PPA No. D8/6739/1998 and BA No. D8/94/1999 is only on 08.01.99. The Monitoring Committee has also noted the Chennai Corporation Property Tax Assessment order together with working sheet provided for BF+GF+MF+4Floors only for 1/99-2000 which was after the cut off date 28.2.1999 and the same was also not provided for the entire building and further more, the floor wise floor area mentioned in the property tax working sheet is far less than the area as per the regularisation plan.

**Agenda
Item No.
42.22**

CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of GF + 3F + 4th Floor (part) Commercial building at Door No.80/1 and 80/2, Usman Road and Door No.13, Mahalakshmi Street, T. Nagar, Chennai-17, T.S.No.6024 – Representation received from the applicant – Placed before the 26th Monitoring Committee – Decision communicated – Not complied – Rejected – Appeal before the Government – Placed before the Monitoring Committee - For decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of GF+3F+4th Floor (part) Commercial building at Door No.80/1 & 80/2, Usman Road and Door No.13, Mahalakshmi Street, T.S. No.6024, Block No.134, T. Nagar, Chennai-17. (The applicant has applied for regularisation of GF+3Floors only). The Committee observed that the Chennai Corporation Property Tax Assessment order together with working sheet for Door No. 80/1, Usman Road & Door No. 13, Mahalakshmi Street, were provided for the period of 2/98-99, whereas the Chennai Corporation Property Tax Assessment order together with working sheet for Door No. 80/2, Usman Road was after the cut off date 28.2.99. Also the floor wise built up area mentioned in these working sheets are less than the area indicated in the regularisation plan. Moreover the floor wise built up area reported in the Chennai Corporation Ripon Building Magistrate Court order, for which fine was levied as per the provision of the MCMC Act of the unauthorised construction for Door No.13, Mahalakshmi Street was also less than the Regularisation Plan.

The Monitoring Committee has resolved to reiterate the decision of the 26th Monitoring Committee meeting held on 07.12.2007 for acceptance of regularisation of GF + 2F commercial building subject to removal of 3rd floor and 4th floor.

**Agenda
Item No.
42.23**

CMDA – Enforcement Cell – Constitution of Special Task Force – Revised proposal incorporating suggestions of the Monitoring Committee – Placed before the Monitoring Committee for discussion and approval.

Minutes

Deferred.

Agenda Item No.42.24 (Table Circulation) CMDA - Enforcement Cell – Kodambakkam Survey Report - the updated information in the revised format received from Chennai Corporation – Placed before the Monitoring Committee for information and discussion

Minutes Deferred.

Agenda Item No.42.25 CMDA – Enforcement Cell – Hon’ble Supreme court of India order dated 11.11.2011 in SLP(C) Nos.18792 to 18794 of 2011 - Placed before the Monitoring Committee for information and discussion.

Minutes Recorded.

The Senior Law Officer expressed the opinion that CMDA and Chennai Corporation should not take any kind of enforcement action including issue of notices on any building till the hearing and orders passed by the Hon’ble High Court in pursuant to the Hon’ble Supreme Court order, dated 11.11.2011.

The Committee studied the Hon’ble Supreme Court order dated 11.11.2011 and is of the firm view that the position of status quo is to be maintained only in respect of the buildings located in T. Nagar area. Hence, the Committee is of the view that CMDA and Chennai Corporation and other organizations can proceed with enforcement action on the unauthorized buildings in other areas following the due process of Law.

**Agenda
Item
No.42.26**

CMDA – Reg.Unit – Reg. MSB Division – Regularisation of GF+5 Floor Commercial building at Door No.27, Ranganathan Street, Chennai in T.S.No.5569, Block No.128 of T. Nagar Village – Subject placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee called for the file and on going through the file resolved to reject the regularization of GF + 5 Floor Multi-storied commercial building at Door No.27, Ranganathan Street, Chennai in T.S.No.5569, Block No.128 of T. Nagar Village. The Monitoring Committee examined copy of the property tax assessment notice No.2 (GRS No.D127/00067, dated 1.3.1999) for GF + 2F and others for the assessment period of 2/1998-99 for built up area of 16,500 sq.ft., the TNEB Letter No.G249/CE/Comml./EE3/AEE2/F.Monitoring Committee/D.86/07, dated 13.08.2007 and copy of the CMWSSB's water and sewerage tax remitted for the period of 1/93-94 to 1/98-99. As per TNEB letter 6 service connections were given before 28.2.1999 for GF + 5 Floors and 1 service connection (common) was effected on 13.1.2004. As per CMDA's inspection dated 28.9.99, GF + 3 Floors were occupied by textile shop and 4th floor was used for stay of sales girls and 5th floor (PVC roof) was used for stay of sales boys. As per Corporation of Chennai property tax work sheet the area assessed during 2/1998-99 was for 16,500 sq.ft. as against the Reg. plan area of 28,426 sq.ft. The evidences were examined by the Monitoring Committee and decided that credible evidence for having completed the entire building prior to the cut-off date 28.2.99 was not established. The Monitoring Committee also took note of the latest E.C. inspection remarks that the 4th floor building now used as provision stores instead of stay for sales girls. The applicant has not furnished any credible evidence for having completed the 4th floor & 5th floor on or before the cut-off date 28.2.99. The Regularisation Scheme application for GF + 5 floors building is rejected.

General:

Considering the positive impact of the latest enforcement action on major unauthorized buildings that was possible mainly because of coordinated action by different agencies and organizations and the civil society, the Committee underlined the need to keep this momentum going by adopting the following three principles viz.

- (i) keep committed to subject major unauthorized buildings-particularly the Commercial buildings, to stringent enforcement action;
- (ii) showing sustained progress in this herculean task;
- (iii) maintaining the momentum and keep the process going following the due process of Law with required strengthening measures to do so.

The Committee observed that pursuing enforcement action involves cross reference of files, processes of collecting and verifying several documents from different Divisions like Legal Cell, Appeal Division, Regularization Unit etc. As these are interrelated and interconnected activities to proceed with enforcement action, the Committee suggested sustained and focused efforts on computerisation of these processes with cross linkage for referral and digitization of maps of the approval plans and other referral documents.

The Committee requested the Director of Fire and Rescue Services to submit a status report urgently on the fire safety of the individual buildings in T.Nagar that are covered in the T.Nagar Survey Report and fitness of these buildings to function as commercial establishments from the point of view of fire safety and public safety.

Such report which can be brought to the notice of the Hon'ble High Court may be submitted within a week as inspection and other fire safety reports said to have been readily available with the Department.

While taking cognizance of the reports about loss of employment of workers in T.Nagar due to enforcement action, the Committee while expressing sympathy with the workers reminded that the potential for fire hazard and threat to human life in T.Nagar covering Usman Road and Ranganathan Street is very high, which has to be given higher weightage than temporary loss of livelihood.

The Committee decided to review the matters relating to further course of enforcement action in the next Monitoring Committee meeting after hearing in the High Court on 30.11.2011.

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

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PERSONNEL MANAGER/REG.UNIT