

MINUTES OF THE 45th MEETING OF THE MONITORING COMMITTEE
HELD ON 21.08.2012 AT 4.00 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. Thiru T. Karthikeyan, I.A.S.,
Commissioner,
Corporation of Chennai
3. Prof. Suresh Kuppaswamy,
Anna University.
4. Thiru Durganand Balsaver,
Architect and Urban Planner.
5. Dr. A.Srivathsan,
Architect and Urban Planner

Representatives

6. Thiru R. Karthikeyan
Executive Engineer,
TANGEDCO,
Anna Nagar
7. Thiru S. Vijayasekar,
Deputy Director,
DFRS

Special Invitees

8. Thiru. R.Venkatesan, I.A.S.,
Member-Secretary, CMDA.
9. Thiru. B.S. Ravindran,
Member & Chief Planner (MRP & Reg), C.M.D.A.
10. Thiru B. Nagalingam,
Senior Planner (EC), CMDA.
11. Thiru, G.A. Baskara Rajan,
Senior Law Officer, CMDA.

Agenda Item No.45.01 CMDA – Reg. Unit – Leave of absence of the 45th Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members of the 45th Monitoring Committee Meeting :

1. Thiru Rajeev Ranjan, I.A.S.,
Chairman/TANGEDCO
2. Thiru Apurva Varma, I.A.S.,
Managing Director,
CMWSSB
3. Tmt. S. Jayandhi, I.A.S.,
Collector,
District of Chennai
4. Thiru Bolonath, I.P.S.,
Director of Fire and Rescue Services
5. Thiru. M.G.Deva Sahayam, I.A.S., (Retd.)

Agenda Item No.45.02 The minutes of the 44th meeting of the Monitoring Committee – Placed for confirmation.

Minutes Confirmed.

Agenda Item No.45.03 Action Taken on the minutes of the 44th meeting – Placed before the Monitoring Committee for information

Minutes Recorded.

Earlier in minutes 44.12 and 44.13 Monitoring Committee decided as follows:

- i. Corporation of Chennai may take up enforcement action in Chennai City area and to have dedicated manpower for enforcement action.

- ii. CMDA may take enforcement action outside city area in CMA. Within the enforcement Cell set up separate wings may be earmarked for Completion Certificate and Enforcement action. If necessary additional man power may be requested.

In this regard, Monitoring Committee directed to take up action and to submit action taken report by Corporation of Chennai and CMDA in the next Monitoring Committee meeting.

Agenda Item No.45.04 CMDA – Legal Cell – Hon'ble High Court of Madras order dt.4.6.12 in W.P.No.20618/10, W.P.No.23936/10 and W.P.No.3885/2010 and others filed by Consumer Action Group and Thiru T. Solomon and others and Batch cases – Placed before the Monitoring Committee for information

Minutes Recorded.

Agenda Item No.45.05 CMDA – Legal Cell – Tamil Nadu Ordinance No.6 of 2012 – Amendments to Town and Country Planning Act 1971 – Section 113-C – Placed before the Monitoring Committee for information

Minutes Non-official members expressed concern that before the promulgation of Tamil Nadu Ordinance No.6 of 2012 on 16.07.2012, the issue was not consulted in the Monitoring Committee meeting. Earlier Tamil Nadu Government informed the Supreme Court that Regularisation Scheme is one time affair with the cut-off date 28.02.1999. Whereas, now the Government have promulgated the Ordinance to exempt the buildings developed on or before 01.07.2007. The non-official members expressed that this Ordinance may not help in preventing deviated/unauthorized developments and may be against taking enforcement activities on deviated/unauthorized buildings.

It was explained that the Government appointed Justice Mohan Committee in G.O.Ms.No.190, H & UD Dept., dated 1.6.2007. Scope of the Committee was to go into various aspects of Tamil Nadu Town and Country Planning Act 1971 and to suggest modification, amendments and improvements to the Tamil Nadu Town and Country Planning Act,

1971. After detailed deliberations and consultations, the Justice Mohan Committee submitted the report during July 2010 to the Government regarding the review of Tamil Nadu Town and Country Planning Act 1971. Some of the recommendations of Justice Mohan Committee like locking and sealing provisions and levy of infrastructure and amenity charges have already been introduced in the Tamil Nadu Town and Country Planning Act by way of amendments.

It was also explained that the High Court in order dated 04.06.2012 in W.P. No.20618/2010, W.P.No.23936/2010 and W.P.No.3885/2010 etc., passed orders that “.....If there is delay in placing the Bill before the Assembly, the Government may come out with an Ordinance. We, therefore allow six weeks time to enable the Government to come out with the final amendments in respect of the aforesaid Act. Needless to say that the amendments, which are to be brought into force, shall be subject to the judicial review by this Court.....”

Accordingly, the Tamil Nadu Ordinance No.6 of 2012 was promulgated on 16.7.2012 by the Government.

Further it was explained that the Sec.113-C newly inserted, though exempt any building developed on or before 01.07.2007, specific guidelines have to be made and it will not be blanket relief to the violations but providing only limited solution to developments such as, FSI violation shall not exceed 50% of the allowable limit and extent of violation in respect of minimum road width required shall not exceed 20%. Activity in the building shall be in conformity to the land use zoning, parking as per standards prescribed in the Development Control Rules shall be made available within the premises under reference or in the vicinity not exceeding a distance of 250 metres from the site under ref. and adequate fire safety measures should have been taken etc., Further it was explained that Rules have not come into force on the Sec.113-C and this Ordinance will not interfere with the Reg. Scheme applications and also under Building Regularisation Scheme the

buildings completed on or before 28.02.1999 only are regularisable and all cases rejected by the Monitoring Committee have been rejected and not even in single case the cut-off date 28.02.1999 was exempted.

The non-official members are of the view that this cut-off date 01.07.2007 prescribed in the Tamil Nadu Ordinance 6 of 2012 clashes with the cut off date 28.02.1999 prescribed in the High Court orders dated 23.08.2006. The non-official members expressed concern and have promised to convey their views shortly.

Agenda Item No.45.06 CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of BF+GF+5F Commercial building 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 Monitoring Committee for decision – Regarding

Minutes Deferred

Agenda Item No.45.07 CMDA – Reg. Unit – Reg.II Division – Regularisation of GF+3 floors residential building with 6 dwelling units at Door No.23 C, South Thirumalai Nagar Main Road, T.S. No.49, Block No.1 of Malligaicherry Village, Villivakkam, Chennai – Evidence on completion of building before 28.2.1999 – Examined – Placed before the Monitoring Committee for decision

Minutes Deferred

Agenda Item No.45.08 CMDA – Reg. Unit – Regularisation Dn.III – Special building – Regularisation of deviated construction Ground floor + 3 floors Residential building at Door No.1, Prithvi Avenue, Abiramapuram, Alwarpet, Chennai-18 in R.S.No.3672/30, Block No.72 of Mylapore Village – Opportunity given – Particulars received – Examined and placed before the Monitoring Committee for decision

Minutes Deferred

Agenda Item No.45.09 CMDA –Reg. Unit – MSB Reg. Division – Regularisation of commercial building of BF+GF+FF+Service Floor + 2nd Floor to 7th Floor (Restaurant cum Lodge) at Door No.41, Thirumalai Pillai Road, T.S.No.8672, Block No.117 of T. Nagar – Appeal to Government against Rejection under Sec.113-A(6)– Subject placed before Monitoring Committee for decision – Regarding

Minutes Deferred

Agenda Item No.45.10 CMDA – Reg. Unit – Reg. MSB Dvn. – Regularisation of unauthorized/deviated construction of residential building of GF + 4F at D.No.69, Medavakkam Tank Road in R.S.No.3180/1, Block No.55 of Purasawalkam Village – Appeal to Government against rejection under Sec.113-A(6) – Subject placed before MC for decision - Reg

Minutes Deferred

Agenda Item No.45.11 CMDA – Reg. Unit – MSB Reg. Division – Regularisation of unauthorized/deviated construction of GF+5 Floors (Block A & B) Hotel cum Lodge building at Door No.20 & 21, Cuddappa Rangiah Street in R.S.No.562/2 and 566, Block No.13 of Vepery village, Chennai-3 – Evidence furnished – Examined – Regularisation Rejected – Appeal to Govt. against rejection under Sec.113-A(6) – Remarks sought by Government – Subject placed before Monitoring Committee for decision – Regarding

Minutes Deferred

Agenda Item No.45.12 CMDA – Regularisation Unit – MSB Dn. – Regularisation of unauthorized/deviated construction of GF+5th Floor of Commercial building at Door No.16/2, Umberson Street, Broadway, Chennai-108 in R.S.No.11426, Block No.93 of George Town – Evidence furnished – Examined – Regularisation Rejected – Appeal to Government against rejection under Sec.113-A(6) – Remarks sought by Government – Subject placed before Monitoring Committee for decision – Regarding

Minutes Deferred

Agenda Item No.45.13 CMDA – Reg. Unit – Reg. MSB Dvn. – Regularisation of an unauthorized deviated Residential building (now converted as commercial) of GF + 4 Floors at Plot No.E-30, 2nd Avenue, Besant Nagar in S.No.153 of Thiruvanmiyur Village – Appeal to Government against Rejection under Sec.113-A(6) – Subject placed before Monitoring Committee for decision – Regarding

Minutes Deferred

Agenda Item No.45.14 CMDA – Reg. Unit - Reg.I Division – Regularisation of GF+2 floors residential building with 9 dwelling units at Door No.2/5, Vijaya Street, Vadapalani, Chennai-26, T.S.No.1/16 and 1/17, Block No.1 of Kodambakkam Village – Regularisation rejected – Appeal to Government under section 113-A(6) – Subject placed before the MC for decision – Reg

Minutes Deferred

Agenda Item No.45.15 CMDA – Reg.III Dn. – Regularisation of Ground floor + 2 floors residential building at D.No.5 and Plot No.39, Seethammal Colony 2nd Main Road, S.No.3766/3 part of Mylapore village, Chennai – Rejected – Appeal to Government against rejection under section 113-A (6) – Placed before M.C. for decision.

Minutes Deferred

Agenda Item No.45.16 CMDA – Regularization Scheme – Enforcement Cell – Latest Status of the implementation on Action Points para 32 of the High Court Order dated 23.08.2006 – Placed before Monitoring Committee for information

Minutes With regard to the subjects of erring builders and officials responsible for the failure to enforce the planning laws, the Monitoring Committee considered that the action taken on Court order in para 32(vi) and (vii) is very slow and to be expedited.

Agenda Item No.45.17 CMDA - Enforcement Cell – Issue of Completion Certificate for obtaining service connections – Details placed before the Monitoring Committee for information

Minutes Recorded

Agenda Item No.45.18 CMDA – Enforcement Cell – Enforcement action against unauthorized/deviated 53 Multi-storeyed commercial buildings identified by CMDA after 27.07.2007 – Action taken – Status Report – Placed before the Monitoring Committee for information.

Minutes Recorded

Agenda Item No.45.19 CMDA – Enforcement Cell – Unauthorised/deviated buildings locked & sealed by CMDA – Details placed before the Monitoring Committee – for information

Minutes Recorded

Agenda Item No.45.20 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 Recorded

Agenda Item No.45.21 CMDA – EC (North) – Monitoring Committee suggested to carry out survey of Special and Multistoreyed commercial building by Corporation of Chennai – Survey report carried out – Report received – Placed before the Monitoring Committee – Reg

Minutes Monitoring Committee felt that 17 buildings listed out are not the complete list and even approval details have been given only with regard to four buildings. The 4th Avenue and 2nd Avenue, Anna Nagar survey report submitted needs to be comprehensive and accurate. Updated report by Corporation of Chennai incorporating with details, covering all Special and multistoreyed commercial buildings, as reported in T.Nagar Survey report, may be placed before Monitoring Committee.

Deputy Planner, Enforcement Cell, CMDA may cross check the 17 buildings listed and to give independent report on correctness.

**Agenda
Item
No.45.22**

CMDA – Enforcement Cell (Central) – Survey of MSB Residential/Commercial Buildings in Kodambakkam area – Minutes of the 44th Monitoring Committee meeting held on 30.3.2012 – Revised Kodambakkam Survey Report – Updated Report received from Corporation of Chennai – Placed before the Monitoring Committee for information - Reg

Minutes

Monitoring Committee expressed concern about the Kodambakkam survey report furnished that even after taking such a long period of time a quality report is not forthcoming. Report may be updated by Corporation of Chennai with regard to plot coverage as per norms/actual, number of floors details in approval details, details of action taken by Corporation of Chennai/CMDA, parking requirements/shortage and analytical details in remarks etc., as already reported in T. Nagar Survey Report and placed before the next Monitoring Committee meeting.

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

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PERSONNEL MANAGER(REG.UNIT)