

REVISED MINUTES OF THE 48TH MEETING OF THE MONITORING COMMITTEE
HELD ON 04.01.2013 AT 4.00 P.M. IN THE MAIN CONFERENCE HALL OF CMDA

MEMBERS PRESENT:

1. Thiru K. Phanindra Reddy, I.A.S..
Vice-Chairman (i/c), CMDA and Convenor, Monitoring Committee
2. Thiru Vikram Kapur, I.A.S.,
Commissioner,
Corporation of Chennai
3. Prof. Suresh Kuppaswamy,
Anna University
4. Dr. A. Srivathsan,
Architect and Urban Planner
5. Thiru Durganand Balsavar,
Architect and Urban Planner

Representatives:

6. Thiru S. Sampath,
Superintending Engineer (CORDN),
CMWSSB
7. Thiru V. Jeyakumar,
Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Adyar
8. Thiru C. Rajendran,
APA to Collector,
District of Chennai
9. Thiru S. Vijayasekar,
Deputy Director,
DF & RS

Special Invitees:

10. Thiru R. Venkatesan, I.A.S.,
Member-Secretary, CMDA
11. Thiru S. Selvakumar,
Chief Planner, Reg./CMDA
12. Thiru B. Nagalingam,
Senior Planner (EC), CMDA
13. Thiru G.A. Baskara Rajan,
Senior Law Officer, CMDA

Agenda Item No.48.01 CMDA – Reg. Unit – Leave of absence of the 48th Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members of the 48th Monitoring Committee Meeting:

1. Thiru M.G. Devasahayam, I.A.S.,(Retd.)
2. Thiru K. Gnanadesikan, I.A.S.,
Chairman,
TANGEDCO
3. Tmt. R. Seethalakshmi,
D.R.O.,
Chennai Collector i/c
4. Dr. B. Chandra Mohan, I.A.S.,
Managing Director i/c
CMWSSB
5. Thiru Bholonath, I.P.S.,
DGP/Director of Fire and Rescue Services

Agenda Item No.48.02 Minutes of the 47th Meeting of the Monitoring Committee – Confirmation of the minutes and Action Taken Report – Subject placed before the Monitoring Committee

Minutes Recorded.

The non official members of the Monitoring Committee pointed out that the new Regularisation Scheme 2012 goes against the principles and cut off date set by the 2006 High Court order. The members felt that extending the cut off date from July 27, 1999 to July 1, 2007 is not sanctioned by the Court.

The Government, after notifying the scheme, has recently published the guidelines and rules to implement it. The members felt that this move clearly shows that the State Government and the CMDA have decided to go ahead with the regularisation despite the non-official members protesting against it.

The non official members further stated that a few days back, the CMDA had called for applications for regularisation under the 2012 scheme. The Committee members think that in this situation they cannot process the regularisation application under the 1999 scheme, which was the only scheme sanctioned by the High Court. The members felt that this move by the CMDA further violates not only the court order but also creates a big confusion on the ground and sends a wrong message about the Government's unwillingness to enforce the rules.

The non official members have decided to file a report in the High Court and seek direction from it.

The non official members took only one agenda for business. It processed an appeal application as directed by the Court and offered their remarks. They did not participate in other deliberations or processing of 22 appeal cases.

It was clearly indicated to the non official members that the Hon'ble High Court in its order dt.23.8.2006 have constituted the Monitoring Committee to oversee the process of 1999 Reg. Scheme. Further, it was explained that the newly inserted section 113-C of Town and Country Planning Act, though exempt any building developed on or before 01.07.2007, specific guidelines and rules have been notified for Exemption. It will not be a blanket relief to the violations but providing only limited solution to the development such as FSI violation not exceeding 50% of the allowable limit, setback violation not exceeding 50% and road width violation not exceeding 20%, subject to payment of GLV depending on the violations. The activity in the building shall be in conformity to the land use zoning and parking as per standards prescribed in the Development Control Rules existed as on 1.7.2007 or in the vicinity not exceeding a distance of 250 mtrs. from the site under reference and adequate fire safety measures. Further, it was explained that the Exemption under section 113-C will not interfere with the Reg. Scheme Applications 1999 and the Monitoring Committee can continue to function as per the directions of the Hon'ble High Court.

Subsequently the Monitoring Committee in the presence of official members discussed other Agenda pertaining to Reg. Appeal cases and general issues and the minutes are as follows:

Agenda Item No.48.03 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of M/S Muthukumaran Institute of Technology at Mangadu & Chikkarayapuram Villages - Appeal petition against rejection under Sec.113-A(6) – Subject placed before Monitoring Committee for decision – Regarding

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of M/S Muthukumaran Institute of Technology at Mangadu & Chikkarayapuram Villages as the appellant has not furnished any credible evidence to prove that the buildings were constructed prior to 28.2.1999.

Agenda Item No.48.04 CMDA – Reg. Unit – MSB Reg. Division – Regularisation of an individual commercial flat at GF in GF + 4th floor building at D. No. 76, Bazullah Road, T.S. No. 6967, Block No. 108 B of T. Nagar – Appeal petition against rejection – Subject placed before Monitoring Committee for decision – Regarding

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of an individual commercial flat at GF in GF + 4th floor building at D. No. 76, Bazullah Road, T.S. No. 6967, Block No. 108 B of T. Nagar for the following reasons:

- 1) The appellant has not furnished any credible evidence to prove that the building was constructed prior to 28.2.1999
- 2) As per the decision of the 41st Monitoring Committee Meeting individual commercial flat cannot be considered for Regularisation.

Agenda Item No.48.05 CMDA – Reg. Unit – MSB Reg. Division – Regularisation of BF+GF+MF+3F of commercial cum residential building at Door No.124, G.N. Chetty Road in T.S. No. 4829/5, Block No. 110, T. Nagar - Appeal against Rejection – Subject placed before Monitoring Committee for decision – Regarding

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of BF+GF+MF+3F of commercial cum residential building at Door No.124, G.N. Chetty Road in T.S. No. 4829/5, Block No. 110, T. Nagar as the appellant has not furnished any credible evidence including the property tax assessment working sheet for the period 2/1998-99 or prior to prove that the building was constructed prior to 28.2.1999.

Agenda Item No.48.06 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of GF+3F+4th Floor (pt) residential building at D. No.63, Bangaru Naicken Street, R.S. No.189/3, Block No. 6, Triplicane, Chennai – Appeal petition against rejection – Subject placed before Monitoring Committee for decision – Regarding

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 (pt) residential building at D. No.63, Bangaru Naicken Street, R.S. No.189/3, Block No. 6, Triplicane, Chennai as the appellant has not furnished any credible evidence to prove that 2nd floor (pt), 3rd floor (pt) and 4th floor (pt) have been completed prior to 28.2.1999. Also the appellant has encroached on to the adjacent plot which cannot be considered.

Agenda Item No.48.07 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of commercial building of BF+GF+4Floor +5th Floor part situated at Door No. 62/2, 62/3 of Usman Road, gaining direct access from Pinjala Subramanian Street, T. Nagar, Chennai – 17 in T.S. No. 6159/5, Block No. 136 of T. Nagar Village – Rejected - Appeal petition against rejection – Subject placed before Monitoring Committee for decision – Regarding

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of commercial building of BF+GF+4 Floor +5th Floor part at Door No. 62/2, 62/3 of Usman Road, gaining direct access from Pinjala Subramanian Street, T. Nagar, Chennai – 17 in T.S. No. 6159/5, Block No. 136 of T. Nagar Village as the appellant has not furnished any credible evidence including property tax assessment working sheet for the period 2/98-99 or prior to prove that the building has been completed prior to 28.2.1999 (The evidences furnished relates to adjoining site which is amalgamated with this building construed as part of adjoining building).

Agenda Item No.48.08 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of BF+GF+MF+1st Floor+MF+7F+8Fpt.+9F(pt) of Commercial building at D. No.781-785, Anna Salai, R.S. No. 22/1, Block No. 3, Nungambakkam – Appeal petition against rejection – Subject placed before Monitoring Committee for decision – Regarding

Minutes The Monitoring Committee on going through the file noticed that while the appeal is in process at Government, the appellant has informed that he would like to withdraw the appeal preferred before the Government. Accordingly, the Government in Lr.No.17611/UD-1/10-6, dt.12.9.2012 accepted the appellant's request and disposed the appeal as withdrawn. As such it is not required to forward the remarks to the Government - Recorded.

Agenda Item No.48.09 CMDA – Reg.Unit – Reg.I Division – Regularisation of residential building constructed at D.No.36/42, New Bangaru Naidu Colony, in R.S.No.217/1 part Virugambakkam village (West K.K.Nagar) – Regularisation rejected – Appeal to Government under section 113-A (6) – Subject placed before the MC for ratification – Reg

Minutes The Monitoring Committee ratified the action taken by CMDA in forwarding the Appeal remarks to Government considering the time bound order passed by the Hon'ble High Court.

Agenda Item No.48.10 CMDA - Reg. III Dn. – Regularization of existing residential GF + FF + 2 floor pt. building with two dwelling units at Door No.18, East Abhiramapuram 2nd Street in R.S.No. 3578/9, Block No. 9 of Mylapore Village Chennai –Rejected – Appeal to Govt. against rejection order under Section-113A(6) along with evidence furnished - Examined – Placed before the M.C. for decision.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularization of existing residential GF + FF + 2 floor pt. building with two dwelling units at Door No.18, East Abhiramapuram 2nd Street in R.S.No. 3578/9, Block No. 9 of Mylapore Village Chennai for the following reasons:

- 1) The evidences produced by the appellant do not prove that the entire building has been completed prior to 28.2.1999.
- 2) The site was re-inspected on 7.9.2010 and observed that the appellant has made additional construction and change of use from the earlier inspection report dt.24.11.1999.

Agenda Item No.48.11 CMDA - Reg.III Dn. – Regularisation of existing residential cum commercial Building comprising GF+2 floors at D.No.32, Mudichur Road in S.No.345/2A of West Tambaram, Chennai-45 – Evidence for completing building before 28.02.1999 not furnished - Rejected – Appeal to Govt. against rejection under Sec.113-A(6) to Govt. Evidence furnished at Appeal stage examined – Placed before M.C. for decision

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of existing residential cum commercial Building comprising GF+2 floors at D.No.32, Mudichur Road in S.No.345/2A of West Tambaram, Chennai-45 as the Show Cause Notice furnished by the appellant does not prove that the entire building has been completed prior to 28.2.1999.

Agenda Item No.48.12 CMDA – Reg.I&I Dn. – Regularisation of deviated and unauthorized construction of High School building a Plot No.B-65, Alagirisamy Street, K.K.Nagar in S.No.271 pt, 280pt, 281pt & 282 pt of Virugambakkam village, Chennai – Rejected – Appeal to Govt. against rejection under Section-113 A (6) – Placed before M.C. for decision.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of deviated and unauthorized construction of High School building a Plot No.B-65, Alagirisamy Street, K.K.Nagar in S.No.271pt,280pt,281pt & 282pt of Virugambakkam village, Chennai for the following reasons:

- 1) The appellant has not furnished any evidence to prove that all the blocks/buildings have been completed prior to 28.2.1999.
- 2) On inspection on 16.10.2012, it was noticed that the appellant has made additional construction after the earlier inspection dt.20.7.1999.

Agenda Item No.48.13 CMDA – Reg. Unit – Reg.I Division – Regularisation of unauthorized/deviated construction of Commercial cum Residential building GF + 2 Floors at D.No.18, New No.4, Plot No.31/A, Kavery Nagar, Aranganathan Sub way Road, Saidapet, Chennai-15 in S.No.38 part, 41 part and 48/5 part, Block No.30 of Mambalam Village – Regularisation rejected – Appeal to Government under section 113-A (6) – 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 unauthorized/deviated construction of Commercial cum Residential building GF + 2 Floors at D.No.18, New No.4, Plot No.31/A, Kavery Nagar, Aranganathan Sub way Road, Saidapet, Chennai-15 in S.No.38 part, 41 part and 48/5 part, Block No.30 of Mambalam Village for the following reasons:

- 1) The appellant has not furnished any evidence to prove that the building has been completed prior to 28.2.1999.
- 2) The appellant has made aerial encroachment by constructing a balcony of one feet wide on to the public road.

Agenda Item No.48.14 CMDA – Reg.Unit – Reg.I Division – Regularisation of Residential Building GF + 3 Floors with 6 dwelling units at D.No.8, Crescent Park Street, T. Nagar, Chennai-17, T.S.No.6355, Block No.139 of T. Nagar – Regularisation rejected – Appeal to Government under section 113-A(6) – Subject placed before the M.C. for decision – Regarding

Minutes	The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of Residential Building GF + 3 Floors with 6 dwelling units at D.No.8, Crescent Park Street, T. Nagar, Chennai-17, T.S.No.6355, Block No.139 of T. Nagar as the appellant has not furnished any evidence to prove that the building has been completed prior to 28.2.1999.
Agenda Item No.48.15	CMDA – Reg.III Dn. – Regularisation GF + 3F Residential building with 14 dwelling units at Kuppam Road in S.No.232/1D of Kottivakkam Village, Chennai – Rejected – Appeal to Govt. against rejection order under Section 113A(6) along with evidence furnished – Placed before the M.C. for decision
Minutes	The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation GF + 3F Residential building with 14 dwelling units at Kuppam Road in S.No.232/1D of Kottivakkam Village, Chennai for the following reasons: 1) The appellant has not furnished any credible evidence to prove that the entire building has been completed prior to 28.2.1999. 2) The site was re-inspected on 27.12.2011 and noticed that the applicant has made additional construction and also amalgamated additional land with structures after the previous inspection dated 2.12.1999.
Agenda Item No.48.16	CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of construction Stilt +4 floors building at D. No. 127, Panchaliamman Koil Street, (D.Nos.114,116,117,119 and 120 Pillayar Koil Street, Arumbakkam – Rejected - Appeal petition against rejection – Subject placed before Monitoring Committee for decision – Regarding
Minutes	The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of construction Stilt +4 floors building at D. No. 127, Panchaliamman Koil Street, (D.Nos.114,116,117,119 and 120 Pillayar Koil Street), Arumbakkam as the appellant has not furnished any credible evidence to prove that the building has been completed prior to 28.2.1999.
Agenda Item No.48.17	CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of BF+GF+4F Institutional building at Sastri Nagar, Koyambedu S. No. 160/2 T.S. No. 30, Block No.39 of Koyambedu Village – Rejected - Appeal petition against rejection – Subject placed before Monitoring Committee for decision – Regarding.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of BF+GF+4F Institutional building at Sastri Nagar, Koyambedu S. No. 160/2 T.S. No. 30, Block No.39 of Koyambedu Village for the following reasons:

- 1) The appellant has not furnished any credible evidence to prove that the building has been completed prior to 28.2.1999.
- 2) The appellant has not established the ownership for the site under ref.
- 3) The site lies within Koyambedu Wholesale Market Complex boundary/CMRL project.

Agenda Item No.48.18 CMDA – Reg.Unit – Reg.I Division – Regularisation of unauthorized/deviated construction of Commercial building of GF+2F at D.No.204, North Usman Road, T.S.No.4673/1, Block No.104 of T.Nagar Village – Regularisation rejected – Appeal to Government under section 113-A (6) – 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 unauthorized/deviated construction of Commercial building of GF+2F at D.No.204, North Usman Road, T.S.No.4673/1, Block No.104 of T.Nagar Village for the following reasons:

- 1) The appellant has not furnished any evidence to prove that the building has been completed prior to 28.2.1999.
- 2) The site was re-inspected on 7.11.2012 and noticed that the appellant has made additional construction and also amalgamated additional land with structures after earlier inspection dt.4.9.2001.

Agenda Item No.48.19 CMDA –Reg. III Dn. – Regularization of existing deviated GF + 3F residential building with 4 dwelling units at D.No.12, Kottivakkam Kuppam Road in T.S.No.117 Block No.42 of Thiruvanmiyur Village Chennai-41 – Rejected – Appeal to Govt. against rejection order under Section-113A(6) along with evidence furnished - Examined – Placed before the M.C. for decision.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularization of existing deviated GF + 3F residential building with 4 dwelling units at D.No.12, Kottivakkam Kuppam Road in T.S.No.117

Block No.42 of Thiruvanniyur Village Chennai-41 as the evidences furnished by the appellant does not prove that the entire building has been completed prior to 28.2.1999.

Agenda Item No.48.20 CMDA –Reg. III Dn. – Regularization of existing unauthorized BF Commercial building in BF+GF + 3F at Door No.24, Desika Road, in R.S.No. 1648/31, Block No. 34 of Mylapore Village Chennai –Rejected – Appeal to Govt. against rejection order under Section-113A(6) along with evidence furnished - Examined – Placed before the M.C. for decision.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularization of existing unauthorized BF Commercial building in BF+GF + 3F at Door No.24, Desika Road, in R.S.No. 1648/31, Block No. 34 of Mylapore Village Chennai as the evidences furnished by the appellant does not prove that the entire building has been completed prior to 28.2.1999.

Agenda Item No.48.21 CMDA – Reg.III Dn. – Regularisation of unauthorized construction of GF+3F residential building at floor No.5/1, Professor Sanjivi street, Mylapore in R.S.No.2306/11 of Mylapore village, Chennai – Rejected – appeal to govt. against rejection under section 113A(6) – Placed before Monitoring Committee for decision.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of unauthorized construction of GF+3F residential building at floor No.5/1, Professor Sanjivi street, Mylapore in R.S.No.2306/11 of Mylapore village, Chennai as the evidences furnished by the appellant does not prove that the entire building has been completed prior to 28.2.1999.

Agenda Item No.48.22 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of Institutional building at D. No. 42/1 and 42/2, Srinivasa Nagar, Koyambedu S. No. 162/12 & 13,186/1&2 and 188 of Koyambedu Village –Public Notice dated 02.12.20 06 - Appeal petition against rejection under Sec.113-A(6) – Subject placed before Monitoring Committee for decision – Regarding. – Reg.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government Regularisation of Institutional building at D. No. 42/1 and 42/2, Srinivasa Nagar, Koyambedu S. No. 162/12 & 13,186/1&2 and 188 of Koyambedu Village for the following reasons:

- 1) The appellant has not furnished any credible evidence to prove that the building has been completed prior to 28.2.1999.

- 2) The appellant has not furnished the ownership document for the additional land bearing S.Nos.186/1 & 2 and 188 of Koyambedu Village. The two S.Nos. 186/1 & 2 and 188 of Koyambedu lie within KWMC area.

Agenda Item No.48.23 CMDA – Reg. Unit – MSB Reg. Division – Regularisation of GF+6F building at D. No. 8 & 9 Gangadeeswarar Koil Street, S. No. 740/1, of Purasawalkam Village – Rejected – Appeal preferred – Subject placed before the Monitoring Committee for decision – Regarding.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of GF+6F building at D. No. 8 & 9 Gangadeeswarar Koil Street, S. No. 740/1, of Purasawalkam Village for the following reasons:

- 1) The appellant has obtained approval from CMDA on 12.11.2002 for G+ 3 floors which itself is after 28.2.1999. Accordingly, the building was constructed only after the cut off date i.e. dt.28.2.1999.
- 2) During inspection on 13.10.2004 and 10.12.2004 the building was under construction.

Agenda Item No.48.24 CMDA – Reg. Unit – MSB Reg. Division – Regularisation of BF+GF+MF+6F Commercial building at New No.51, Old No.29/30, Dr. Radhakrishnan Salai, Mylapore in R.S. No. 1728/9, 1728/12, Block No.36 of Mylapore Village Chennai – Appeal petition against rejection under Sec.113-A(6) – Subject placed before Monitoring Committee for decision – Regarding – Reg.

Minutes The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of BF+GF+MF+6F Commercial building at New No.51, Old No.29/30, Dr. Radhakrishnan Salai, Mylapore in R.S. No. 1728/9, 1728/12, Block No.36 of Mylapore Village Chennai as the appellant has not furnished any credible evidence to prove that the building has been completed prior to 28.2.1999.

Agenda Item No.48.25 CMDA – Reg. Unit – Disposal of Regularisation Applications as on 30.11.2012 – Placed before the Monitoring Committee meeting for information.

Recorded.

Agenda Item No.48.26 CMDA – Reg. III Dvn. – Regularisation of unauthorized construction of individual flat residential building at 2nd floor (Out of GF+2f+3rd F pt. with 7 dwelling units) at Door No.43/5, Thatchi Arunachalam Street, R.S.No.2870, Block No.58, Mylapore Village, Chennai-4 – Evidence furnished – Examined - Placed before the Monitoring Committee for decision – Reg.

Minutes Deferred.

Agenda Item No.48.27 CMDA – Reg.III Dvn. – Regularisation of deviated construction of GF - +3 floors Residential building at Dr.No.1, Prithivi Avenue, Abiramapuram, Alwarpet, Chennai -18, R.S.No.3672/30, Block No.72, Mylapore Village – Opportunity given – Particulars received – Examined and placed before the Monitoring Committee meeting held on 12.9.2012 – As per the decision of Monitoring Committee revised Property tax Assessment obtained and scrutinized – Again placed before the M.C. for decision.

Minutes Deferred.

Agenda Item No.48.28 CMDA – Reg.Unit – Regularisation Dn. I&I – Office (I.T) building - Regularisation of unauthorized construction of 2 Blocks, Block 1 consisting of Ground Floor + 3 floors and Block 2 of GF at Door No.100 A, Radha Avenue, Lakshmi Nagar, Valasaravakkam, Chennai-87 in R.S.No.14/3 A2 & 21/2, of Valasaravakkam Village - Opportunity given – Particulars received – Examined and placed before the Monitoring Committee for decision.

Minutes Deferred.

Agenda Item No.48.29 CMDA - Enforcement Cell – Issue of Completion Certificate for obtaining service connections – Details placed before the Monitoring Committee for information.

Minutes Recorded.

Sd/-xxx
VICE-CHAIRMAN (i/c), CMDA &
CONVENOR, MONITORING COMMITTEE