

MINUTES OF THE 50TH MEETING OF THE MONITORING COMMITTEE HELD
ON 19.11.2014 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.,
Principal Secretary/Commissioner,
Corporation of Chennai
3. Dr. B. Chandra Mohan, I.A.S.,
Managing Director
CMWSSB
4. Tmt. E. Sundaravalli, I.A.S.,
Chennai District Collector
5. Thiru. M. G. Devasahayam I.A.S. (Retd.)
6. Prof. Suresh Kuppuswamy,
7. Thiru Durganand Balsavar,
Architect and Urban Planner

Representatives:

8. Thiru G. Magesh Kumar,
Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Egmore
9. Thiru S. Vijayasekar,
Joint Director,
DF & RS

Special Invitees:

10. Thiru A. Karthik I.A.S.
Member -Secretary, CMDA
11. Thiru S. Selvakumar
Chief Planner, CMDA,
12. Dr. S. Rajasekarapandian
Chief Planner (Reg.), CMDA
13. Thiru G.A. Baskara Rajan,
Senior Law Officer, CMDA
14. Thiru S. Kumanan,
Senior Planner (EC), CMDA

Agenda Item 50.01 Reg. Unit – Leave of absence at the 50th Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members to the 50th Monitoring Committee Meeting.

1. Thiru K. Gnanadesikan, I.A.S.,
Chairman,
TANGEDCO
2. Thiru Ramesh Kudawla, I.P.S.,
ADGP/Director of Fire and Rescue Services

The Vice-Chairman i/c, Chennai Metropolitan Development Authority welcomed the members of the Monitoring Committee and requested Member-Secretary, CMDA to offer opening remarks on the 50th Monitoring Committee Meeting and requested the members to share their views and remarks on the scenario of enforcement mechanism in the Chennai Metropolitan Area and prioritise of the Agendas which can be taken up for discussion.

General:

The members expressed serious concern on the existing scenario of large number of deviated / violated buildings and the existing enforcement mechanism that finds it difficult to cope up with the uphill task of effective enforcement and fulfilment of expectation of the public to curb the unauthorised developments. While the members agreed that there was a good beginning in curbing the unauthorised developments in the implementation of Hon'ble High Court order dated 23.08.2006 like insistence of Completion Certificate for the Special and Multi-Storeyed Buildings for effecting service connections, the same is not the case with ordinary buildings where the tendency of constructing additional floors, converting stilt floor space meant for parking into regular use, conversion of building usage from lower order to higher order and other deviations in terms of setbacks and other parameters over and above the approved ordinary buildings after obtaining approval from Local Bodies is still continuing which adversely affect the environment, put pressure on the infrastructure that result in congestion. On ground, the regulatory authorities viz. CMDA, Corporation of Chennai and other Local Bodies find it difficult to take

enforcement action effectively and curb the tendency of carrying out of unauthorised developments due to various reasons like shortage of manpower and lack of effective mechanism and procedures to detect the violations in time and pursue stringent enforcement action and lack of co-ordinated mechanism among Government Agencies like service providing agencies. Enforcement does not mean only locking and sealing and demolition of buildings but it also means denial of service connections to such unauthorised buildings and make the buildings non functional in a normal situation. This kind of approach requires involvement of various agencies for a co-ordinated and sustained action with a specific focus. But unfortunately such system is yet to be evolved and put in place in Chennai Metropolitan Area. The Committee was informed that the Chennai Corporation is proposing to insist Completion Certificate for the ordinary buildings also. While briefly narrating this initiative, the Commissioner, Corporation of Chennai gave a brief account of recent initiatives taken in Chennai Corporation towards early identification of unauthorised construction and pursuance of enforcement action at the earlier stage of construction. The Commissioner, Corporation of Chennai stated about the setting up of a dedicated Town Planning Cell to look after issue of planning permission and enforcement action under the control of Regional Offices of IAS cadre and providing technical personnel for exclusive purpose of issue of planning permission and enforcement action. The Commissioner also touched upon the introduction of online system of obtaining planning permission which also helps in pursuance of enforcement also.

In the light of the ground situation as prevailing now, the members emphasised and underlined the need for evolving effective process meant for effective enforcement action in the changed context and the emerging scenario of urbanisation in an unprecedented scale and pace. In this situation one school of thought on this matter is that the present manner of Enforcement will become irrelevant in the near future. This situation warrants out of box thinking and finding out effective ways and means in the form of new system, redefinition of the role of agencies easy process involving different actor/players and taking co-ordinated action in a focussed manner.

The members shared their experience to the effect that various models in this regard is available within our country as well as in other Countries like Singapore, Brazil, East Asia Countries and South Africa. In our country also such good models are available in Cities like Ahmedabad and Surat. Separate Team may be constituted to study the best practice in these cities. The members suggested the need for involving the key professionals in the development projects like Architects, Engineers and Licensed Surveyor as the key players in implementing the project as per approved plan and alerting the regulatory authorities in case of deviations and violations. In a nutshell, the members emphasised the need and urgency in evolving appropriate mechanism and processes for achieving a scenario of violation free developments in the City in the future and a parallel strategy / action plan to handle the existing urban scenario with massive stock of unauthorised buildings and developments with rampant violations causing lot of associated problems to the public, threatening public safety and comfort as well as strain on the network infrastructure.

In this regard the Committee decided to form a Sub-Committee drawing a few Monitoring Committee members and professionals to suggest regulations to ensure prevention of violations among ordinary buildings.

Regarding the first challenge in tackling the unauthorised developments and buildings that already come up which constitute the legacy, the Committee felt it is a difficult task. However ways and means has to be found out to tackle the situation and reduce the negative impact of this development and providing possible relief to the Citizens from this problem by implementing the Hon'ble High Court order dated 23.08.2006. The members also suggested possible ways of dealing with this legacy situation by exploring the feasibility of taking up re-development scheme in the old City areas apart from tackling the major unauthorised buildings. The members expressed that even though a huge mandate was cast on the Monitoring Committee for tackling the legacy situation as well as futuristic situation, there are many developments post 2006 which impact action on the legacy violations such as enactment of Amendment inserting Section 113-C, various court orders at different points of time staying enforcement action on different situations,

allowing buildings to obtain service connection without obtaining completion certificate etc., It was further noted that the Hon'ble High Court gave a ruling in one of the recent judgements to the effect that unauthorised developments that come up prior to 1.07.2007 are protected from the enforcement action pending the finality and outcome of Section 113-C as the Section has been upheld. The members raised a doubt on what will be the resultant enforcement action that is permitted to pursue legally on the proposal for regularisation of buildings which were rejected by the Monitoring Committee taking a stand that the building does not qualify for regularisation as it was not found to be completed prior to 28.02.1999 as stipulated by the Hon'ble High Court. Hence the Committee decides that all these issues should be brought out in the report to be submitted to the Hon'ble High Court in compliance of the latest court order. Till such time Monitoring Committee felt the enforcement action on the buildings completed after 01.07.2007 needs to be taken up vigorously.

The draft report that will be submitted before the Monitoring Committee for discussion and clearance for filing before the Hon'ble High Court should also cover

- i) various developments at different points of time having bearing on the implementation of the Hon'ble High Court order dated 23.08.2006.
- ii) major initiatives and directions given by the Monitoring Committee during the course of 50 Monitoring Committee meetings and the tangible results achieved on those directions like generation of survey reports on the major corridors to bring out the magnitude and scale of violations of buildings in these areas to serve as database for pursuing tangible enforcement action through regulatory authorities namely CMDA, Corporation of Chennai and other Local Bodies.
- iii) the report may also cover a brief summary of role played by the Monitoring Committee in giving suggestions to Master Plan, Development Regulations evolving Completion Certificate norms, procedures etc.. It may also present a brief summary of views and

stated stand of Monitoring Committee on various aspects of enforcement action, mechanism, institutions and systems in place during its course of functioning over this period of these meeting.

The Committee decided that a draft report that required to be submitted before the Hon'ble High Court may be prepared and placed before the next Monitoring Committee for discussion and finalisation.

After detailed deliberations covering the issues relating to enforcement system as narrated above, the Committee taken up individual Agenda Items placed before the Committee for its consideration and took the following decisions on the Agendas.

Agenda Item 50.02	Minutes of the 49 th meeting of the Monitoring Committee meeting held on 14.06.2013 – Confirmation of the minutes and Action Taken Report – Subject placed before the Monitoring Committee.
Minutes	Confirmed with a correction to Sl. No. 4 of the members granted leave of absence. In this regard, the name mentioned as 'Thiru. Bholonath I.P.S. D.G.P, Director of Fire & Rescue' Services be substituted with 'Thiru. S.K. Upadgay I.P.S. , D.G.P/ Director of Fire and Rescue Services'.
Agenda Item 50.03	EC Dn. – Issue of Completion Certificate for obtaining service connections – Details placed before the Monitoring Committee for information- Reg.
Minutes	Recorded
Agenda Item 50.04	EC Dn. – Survey Report of L.B Road at Adyar and Thiruvanmiyur area – Action taken by CMDA on MSB buildings mentioned in the survey report – Placed before the Monitoring Committee.
Minutes	The Committee decided that the Survey report should be updated with follow up action like issue of notices and locking and sealing of the buildings. The updated report to be placed before the ensuing Monitoring Committee Meeting.

Agenda Item 50.05	EC Dn. – Survey Report with regard to commercial Buildings abutting 2 nd Avenue, Anna Nagar- Action taken on MSB buildings mentioned in the survey report – Placed before the Monitoring Committee.
Minutes	The Committee decided that the Survey report should be updated with follow up action like issue of notices and locking and sealing of the buildings. The updated report to be placed before the ensuing Monitoring Committee Meeting.
Agenda Item 50.06	EC Dn. – Survey Report with regard to Arcot Road, Kodambakkam - Action taken on MSB buildings mentioned in the survey report – Placed before the Monitoring Committee.
Minutes	The Committee decided that the Survey report should be updated with follow up action like issue of notices and locking and sealing of the buildings. The updated report to be placed before the ensuing Monitoring Committee Meeting.
Agenda Item 50.07	EC Dn. – No. of Locking, Sealing and Demolition Notice issued and no. of Locking & Sealing done during 01.06.2013 to 31.10.2014 by CMDA – Subject placed before Monitoring Committee for information – Reg.
Minutes	Recorded. CMDA shall pursue further enforcement action on the unauthorized / deviated buildings constructed after 01.07.2007.
Agenda Item 50.08	Reg. Unit – High Court orders dt.07.10.2014 on W.P. No. 28339 of 2014 – Subject placed before the Monitoring Committee for information and decision - Reg.
Minutes	Recorded
Agenda Item 50.09	Reg. Unit – Monitoring Committee constituted by Hon'ble High Court of Madras – Resignation of Dr. A. Srivathsari, Non Official Member from the Monitoring Committee – Intimated – Regarding.
Minutes	Recorded

**Agenda
Item
50.10**

Reg. Unit – Regularisation of Commercial Multi-storied and Special Buildings – Evidence accepted by Monitoring Committee – NOC from DF&RS and other particulars not furnished –To be rejected on non – Compliance – Subject placed before the Monitoring Committee for information – Reg.

Minutes

These are to be rejected as sufficient time has already been given.

**Agenda
Item
50.11**

Reg. Unit – Additional evidences suggested to prove that the development is completed prior to 28.02.1999- Subject placed before the Monitoring Committee for suitable decision — Reg.

Minutes

Deferred

**Agenda
Items:
50.12
to 50.26**

Remarks on appeal petitions forwarded by the Government on individual Regularisation rejected cases calling for remarks of the Monitoring Committee for disposal of appeal petitions.

Minutes

It was explained that as per Para 32 (XII) of the High Court order dt.23.08.2006 the Monitoring Committee shall be consulted for application claiming exemption under Section 113-A of the Act. The committee discussed the issue in detail and took note that it likely to cause enormous delay in sending the appeal remarks to the Government, in case the procedure of getting clearance from the Monitoring Committee is needed for the remarks prepared by CMDA on the individual appeal petitions. In turn it will delay disposal of appeal petitions by the Government. Further, the delay in disposing of the Regularisation appeal petitions will delay in reaching the finality in disposal of the Regularisation applications and subjecting the buildings to the ultimate enforcement action.

Considering the above points the committee resolved that CMDA may finalize the remarks on the appeal petitions and submit to the Government, in case there is no credible evidence furnished by appellant at the appeal stage to prove that the building is completed prior to 28.02.1999, as the appeal on these cases is bound to be rejected by the Government in view of the Court order dated 23.08.2006. In

case, any credible evidence is found in the appeal stage and CMDA proposes to recommend the case for allowing the appeal, those cases alone be placed before the Monitoring Committee for scrutiny and decision by the Monitoring Committee, before recommending to the Government. Applying the above decision and guideline, all the appeal remark cases listed in the agenda may be sent to the Government. The guideline may be followed for all pending cases and future cases.

Agenda Item 50.27	Reg. Unit – Reg. MSB Dn. – Regularisation of an unauthorized construction of BF +GF+MF+4F+5 th F(pt) commercial building at Door No.308/179 (Navin House), Thambu Chetty Street, Chennai 1 in R.S. No. 4875, Block No. 43 of V.O.C Nagar Village, Chennai – Evidences Examined - Subject placed before the Monitoring Committee for approval – Reg.
Minutes	Deferred
Agenda Item 50.28	Reg. Unit – Reg. MSB Dn. – Regularisation of deviated / unauthorised construction of GF+FF+MF+2F of Church building at plot No. 3673 – D, 'P' Block III Avenue, Anna Nagar, Church No. 40 Subject approved by 35 th Monitoring Committee – Usage of FF and MF – Correction of earlier minutes – Subject placed before the Monitoring Committee for approval – Reg.
Minutes	Deferred
Agenda Item 50.29	Reg. Unit – Reg.III Division – Regularization of deviated construction BF +Ground floor + 3 floors commercial cum Residential building with 4 dwelling units at D. No. 14, Manivipa Terrace, Venkatakrishna Iyer Road, in R. S. No. 4118/3, Block No. 89 of Mylaproe Village – Particulars on evidence received – Examined – Subject placed before the MC for approval – Reg.
Minutes	Deferred
Agenda Item 50.30	Reg. Unit – Reg.III Division – Regularization of unauthorized construction of individual building flat at 2 nd Floor (in GF+3 Floors with 12 dwelling units) at D. No. 18, Sundarajan Street, Abiramapuram, in R.S. No. 3658/3, Block No. 72 of Mylapore Village Chennai – Evidences Examined – Subject placed before the MC for decision-Reg.
Minutes	Deferred

Agenda Item 50.31 Reg. Unit – Reg.III Division – Regularization of deviated construction of Ground Floor + 2Floors Residential building with 3 dwelling units at Door No. 5A/1,2 & 3, Rain Annadurai Street, Mandaveli in R.S. No. 4122 part, Chennai - 28 - Particulars on evidence received - Examined – Subject placed before the MC for decision – Reg.

Minutes Deferred

Agenda Item 50.32 Reg. Unit – Reg.III Division – Regularization of unauthorized and deviated construction of GF + 2Floors part with 7 dwelling units residential building at Door No. 5 Plot No. 28, Lakshmi Flats, Krishna Nagar, Second main Road in R.S. No. 31/1 of Hasthinapuram Village, Chennai - Evidence furnished – Subject placed before the MC for decision – Reg.

Minutes Deferred

Agenda Item 50.33 Reg. Unit – Reg.III Division – Regularization of unauthorized construction of Ground Floor + 2Floors Residential building with 2 dwelling units at Plot No. 14, Lakshmanaperumal Nagar in R.S. No. 232/ID pt, (Pattah S. No. 232/179) of Kottivakkam Village – Particulars on evidence received - Examined – Subject placed before the MC for decision – Reg.

Minutes Deferred

Agenda Item 50.34 Reg. Unit – Reg. Dn. I - Regularization of an individual Residential flat at 2nd floor in a GF+2F building in T.S. No. 58, Block No. 20 of Pulliyur Village Door No. 9/12, Sherifuddin Sahib Street, Choolaimedu, Chennai – 600 094 - Evidences Examined - Subject placed before the Monitoring Committee for decision – Reg.

Minutes Deferred

Agenda Item 50.35 Reg. Unit – Reg.I Division - Regularisation of unauthorised/deviated construction of Residential building GF+2 Floors with 4 dwelling units at D.No.3, Muthalamman Koil Street, Kodambakkam, Chennai-24, T.S.No.36, Block No.63 of Kodambakkam Village – Evidences Examined - Subject placed before the Monitoring Committee for decision- Reg.

Minutes Deferred

Agenda Item 50.36	Reg. Unit – Reg. Division I – Regularization of Commercial cum Residential building of GF+2Floors at Door No.33, Sri Gotha Vilas, Damodaran Street, T. Nagar, Chennai – 17 in T.S. No. 9004 and 7375 Block No. 130 on T. Nagar Village – Evidence furnished – Examined and subject placed before the Monitoring Committee for suitable decision – Reg.
Minutes	Deferred
Agenda Item 50.37	Enforcement Cell – Survey Report with regard to Buildings abutting Lattice Bridge Road at Adyar and Thiruvanmiyur area – Action taken by Corporation of Chennai special buildings mentioned in the survey report – Placed before the Monitoring Committee.
Minutes	The Committee decided that the Survey report should be updated with follow up action like issue of notices and locking and sealing of the buildings. The updated report to be placed before the ensuing Monitoring Committee Meeting.
Agenda Item 50.38	Enforcement Cell – Survey Report with regard to Buildings abutting 2 nd Avenue, Anna Nagar – Action taken on special buildings mentioned in the survey report by Corporation of Chennai – Placed before the Monitoring Committee.
Minutes	The Committee decided that the Survey report should be updated with follow up action like issue of notices and locking and sealing of the buildings. The updated report to be placed before the ensuing Monitoring Committee Meeting.
Agenda Item 50.39	Enforcement Cell – Survey Report with regard to Buildings abutting Arcot Road in Kodambakkam report on Special buildings by Corporation of Chennai - Placed before the Monitoring Committee.
Minutes	The Committee took note that the unauthorized buildings developed prior to 01.07.2007 is protected for the time being from enforcement action as per the interim High Court order in W.P.No.23083/2014 filed by Kannan Balachandran versus state of Tamil Nadu represented by Secretary to Government and 14 others. Considering the Court Order the Committee resolved that CMDA and Chennai Corporation shall identify from these survey reports and in their respective list the buildings developed after 01.07.2007, if any and proceed with further enforcement action on those buildings.

Agenda Item 50.40	Enforcement Cell – Survey Report pertaining to Purasawalkam High Road – Received from Corporation of Chennai - Placed before the Monitoring Committee for information and discussion.
Minutes	Recorded. CMDA shall identify deviated / violated Multi-storied building in the survey report and initiate enforcement action on the buildings constructed after 01.07.2007. Similarly Chennai Corporation shall initiate action on the deviated / violated Special Building completed after 01.07.2007.

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

TRUE COPY/FORWARDED/BY ORDER

S. Sarathi 21/2/2014.
PERSONNEL MANAGER (REG.UNIT)

[Signature]
21/2/14