

MINUTES OF THE 51ST MEETING OF THE MONITORING COMMITTEE HELD ON
16.12.2014 AT 4.00 P.M. IN THE MAIN CONFERENCE HALL OF CMDA

MEMBERS PRESENT:

1. Thiru Dharmendra Pratap Yadav, 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 T.V.K. Murugan,
Chief Engineer/Commercial
TANGEDCO
9. Thiru S. Vijayasekar,
Joint Director (Northern Region),
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 N. Periasamy,
Deputy Planner,
Enforcement Cell

Agenda Item 51.01 Reg. Unit – Leave of absence at the 51st Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members to the 51st Monitoring Committee Meeting.

1. Dr. M. Saikumar, I.A.S.,
Chairman cum Managing Director,
TANGEDCO
2. Thiru Ramesh Kudawla, I.P.S.,
ADGP
Director of Fire and Rescue Services

Agenda Item 51.02 Reg. Unit – Reg. MSB Dvn. – Regularisation of an unauthorized construction of BF +GF+MF+4F+5th 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 – Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the Monitoring Committee for approval – Reg

Minutes The Monitoring Committee on going through the file resolved to accept that the unauthorized construction of BF+GF+MF+4F 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 had been completed before 28.02.1999, subject to removal of watchman room and toilet in the 5th floor part and other usual conditions including collection of applicable charges. The Demolition Notice of CMDA in letter no. EN2/1308/1994 dated 14.02.1994 and Stop Work Notice of Corporation of Chennai dated 04.11.1993 were accepted as credible evidences.

Agenda Item 51.03 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 35th Monitoring Committee – Usage of FF and MF – Correction of earlier minutes – Deferred in the 50th Monitoring Committee Meeting Subject again placed before the Monitoring Committee for approval – Reg.

Minutes The Monitoring Committee on going through the file resolved to accept the evidences furnished by the applicant in proof of the usage of 1st Floor and Mezzanine Floor for the purpose of Prayer Hall (Extended worship centre) and other religious welfare activities of the church. The Committee decided to amend the earlier minutes of the 35th Monitoring Committee Meeting in respect of the usage of 1st Floor and Mezzanine floor as for Institutional (Religious Welfare activities) purpose instead of Marriage Hall/Kalyana Mandapam indicated earlier . However other conditions stipulated in the 35th Monitoring Committee meeting (Item No.35....) holds good.

Agenda Item 51.04 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, Manidvipa Terrace, Venkatakrishna Iyer Road, in R. S. No. 4118/3, Block No. 89 of Mylapore Village – Particulars on evidence received – Examined – Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the MC for approval – Reg.

Minutes The Monitoring Committee on going through the file resolved to accept BF + Ground floor + 3 floors Commercial cum Residential building with 4 dwelling units at D.no. 14, Manidvipa Terrace, Venkatakrishna Iyer Road, in R.S. No. 4118/3, Block No. 89 of Mylapore Village had been completed before 28.02.1999. The Demolition Notice in letter no. ES2/13509/1996 dated 20.04.1998 & Show cause Notice no. ES2/13509/1996 dated 20.04.1998 for forfeiture of security deposit were accepted as credible evidences. Regularisation may be considered subject to usual conditions including collection of applicable charges and fees.

Agenda Item 51.05 Reg. Unit – Reg.III Division – Regularization of unauthorized construction of Individual building flat at 2nd 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 – Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the MC for decision- Reg.

Minutes The Monitoring Committee on going through the file resolved to accept that unauthorized construction of Individual flat at 2nd Floor (in GF + 3 Floors with 12 dwelling units) at D. No. 18, Sundararajan Street, Abiramapuram, in RS. No. 3658/3, Block No. 72 of Mylapore Village Chennai had been completed before 28.02.1999. The Property Tax Assessment Notice no. 84936 & 369272 dated 31.12.1999 issued by Corporation of Chennai was accepted as credible evidence. The Inspection report of CMDA dated 13.11.1999 was considered as supportive evidence. Regularisation may be considered subject to usual conditions including collection of applicable charges.

Agenda Item 51.06 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 – Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the MC for decision – Reg.

Minutes The Monitoring Committee on going through the file resolved to accept the deviated construction of Ground floor + 2 floors Residential building with 3 dwelling units at Door No. 5A/1, 2 & 3, Rani Annadurai Street, Mandaveli in R.S. No. 4122 part, Chennai- 28 had been completed before 28.02.1999. The Property Tax Assessment Notice no. 210623 & 251380 dated 01.03.1999 issued by Corporation of Chennai in favour of the applicants were accepted as credible evidences. Regularisation may be considered subject to usual conditions including collection of applicable charges.

**Agenda
Item
51.07**

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 – Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept the unauthorised and deviated construction of GF + 2 floors 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 had been completed before 28.02.1999. The Demolition Notice issued by CMDA in letter no. ES3/25562/1993 dated 03.01.1994 & Demolition Notice issued by Pallavaram Municipality in letter No. 44/91 dated 16.12.1992 were considered as credible evidences. Regularisation may be done subject to usual conditions including collection of applicable charges.

**Agenda
Item
51.08**

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 – Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the MC for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept the unauthorised construction of Ground floor + 2 floors Residential building with 2 dwelling units at Plot No. 14, Lakshmanaperumal Nagar in R.S. No. 232/1D pt, (Pattah S.No.232/179) of Kottivakkam Village had been completed before 28.02.1999. The Stop Work Notice of CMDA issued in Notice no. EC1/27856/1996 dated 08.01.1997 and refusal letter of CMDA in Lr. No. A2/3413/1997 dated 12.03.1997 were accepted as credible evidences. Regularisation may be considered subject to usual conditions including collection of applicable charges and fees.

**Agenda
Item
51.09**

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 - Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the Monitoring Committee for decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept the unauthorised construction of 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 had been completed before 28.02.1999. The Property Tax Assessment Notice no. Z/076/00161 dated 01.03.1999 for the period of 2/98-99 was accepted as credible evidences. Regularisation may be considered subject to usual conditions including collection of applicable charges and fees.

**Agenda
Item
51.10**

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 - Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the Monitoring Committee for decision-Reg

Minutes

The Monitoring Committee on going through the file resolved to accept the unauthorised/deviated construction of Residential building of 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 had been completed before 28.02.1999. The Property Tax Assessment Notice no. C1/123/00439 dated 08.03.2001 issued for the period of 2/98-99 was accepted as credible evidences. Regularisation may be considered subject to usual conditions including collection of applicable charges and fees.

However, the applicant shall get the floor area of the building re-assessed for the difference in area of 175 sq.ft., and remit the arrears from 2/98-99 till date to Corporation of Chennai and furnish the re-assessed report along with arrears remitted receipt to CMDA before issue of advice letter for payment of Regularisation Fee.

**Agenda
Item
51.11**

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 - Deferred in the 50th Monitoring Committee Meeting - Subject again placed before the Monitoring Committee for suitable decision – Reg.

Minutes

The Monitoring Committee on going through the file resolved to accept the deviated construction of Residential building of GF+2 Floors with 9 dwelling units at D.No.33, “Sri Gotha Vilas”, Damodaran Street, T. Nagar, Chennai-17, T.S.No.9004 & 7375, Block No.130 of T. Nagar Village had been completed before 28.02.1999. The Property Tax Assessment Notices issued by Corporation of Chennai for each of the 9 Individual flats for the period of 2/98-99 were accepted as credible evidences. The Inspection report of CMDA dated 12.11.1999 was considered as supportive evidence. Regularisation may be considered subject to usual conditions including collection of applicable charges and fees.

**Agenda
Item
51.12**

CMDA – Reg. Unit – Regularisation Dvn. I & I – Regularisation of Ground Floor + 2 Floors and additional construction of Ground Floor AC sheet roof structures (Industrial – Garments) at D.No.A7 & A8, Guindy Industrial Estate in T.S.No.35 pt. & 87 pt. Block No.3 part of Adyar Hamalet village – Opportunity given – Particulars received – Examined and placed before the Monitoring Committee

Minutes

The Monitoring Committee on going through the file resolved to defer the subject to seek clarification from Chief Inspector of Factories on whether the building comprising GF + 2 Floor as shown in the plan endorsed by him was already constructed on the date of issue or it was only proposed development as the evidence

furnished by the applicant in the form of copy of factory plan approved by Joint Chief Inspector of Factories in Lr. No. ã.K./3107/98 dated 08.04.1998 for GF+2Floors does not indicate whether the building shown in the plan was existing or proposed at the time of issue of the said letter.

**Agenda
Item
51.13**

Minutes of the 50th meeting of the Monitoring Committee meeting held on 19.11.2014 – Confirmation of the minutes and Action Taken Report – Subject placed before the Monitoring Committee

Minutes

Confirmed with the following additional clarification pertaining to the minute under the Item `General`.

1. CMDA, Chennai Corporation and other Local Bodies should strive to indentify unauthorised construction at the early stage and initiate enforcement action following the principle of prevention is better than cure.
2. The latest development of insertion of Section 113-C of the Town and Country Planning Act, 1971 is pertaining to exemption of developments completed on or prior to 01.07.2007 whereas the Monitoring Committee has been constituted by the High Court to oversee the implementation of High Court order dated 23.08.2006 pertaining to Regularisation of buildings completed prior to 28.02.1999 for which applications have been received. The Monitoring Committee continue to function under the mandate of the High Court Order dated 23.08.2006.

Action taken on the minutes of 50th Monitoring Committee recorded.

**Agenda
Item
51.14**

EC Dvn. – Issue of Completion Certificate for obtaining service connections – Details placed before the Monitoring Committee for information – Reg

Minutes

Recorded.

**Agenda
Item
51.15**

Draft Action Taken Report of the Monitoring Committee to be submitted to the Hon'ble High Court – Copy placed for discussion and finalisation – Reg.

Minutes

The Committee noted that the draft status report placed before the Committee comprehensively covers the proceedings of the Monitoring Committee in 50 meetings held so far, reflecting the views and stand of the Monitoring Committee on various matters relating to implementation of the High Court Order dated 23.08.2006, hurdles faced in the course of implementation of the mandate in general and stringent enforcement action in particular, analytical remarks of the Monitoring Committee on the deficiencies and shortcomings of the existing enforcement system and mechanism and the brief account of the suggestions and recommendations of the Monitoring Committee on the ways and means of improving the enforcement system, as a way forward.

However, the following changes and modifications are suggested for incorporation.

1. The mandate of the Monitoring Committee continues to be guided by the Hon'ble High Court order dated 23.08.2006. The later development like promulgation of Ordinances in 2007, 2008, 2009 and 2010 and subsequent development of insertion Section 113-C and implications of these legislations are independent of the Monitoring Committee.
2. Even though, the Monitoring Committee took note of these developments and their implications and thrust on the course of enforcement action pursued by the regulatory authorities, it did not recognise these developments as part of its operational framework for its functioning.

3. The para on allowing of the writ petitions directing the service agencies to extend service connections to the buildings without insisting completion certificates mandated by the Hon'ble High Court order dated 23.08.2006 may be amplified.

With necessary modification in the status report incorporating the above suggestions and improvement, the soft copy of the revised report may be sent to Monitoring Committee members for their remark. The emphasis in the report should be to provide gist of the decisions and actions initiated by the Monitoring Committee, bottlenecks faced and suggestions for future course of action. The remark of the members will be obtained and incorporated and the status report be filed on 22.12.2014 before the High Court. A copy of the minutes of the earlier Monitoring Committee meetings may be annexed to the report.

**Agenda
Item
51.16**

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

Minutes

The Committee went through the list of additional evidences suggested in the note to prove that the construction was completed prior to the cut off date. It was resolved that as of now different evidences received from the applicants are duly examined and decision taken on merit on case by case basis. The existing procedure may continue.

**Agenda
Item
51.17**

CMDA – Master Plan Unit – Special Buildings, Group Developments, Multi-storeyed Buildings –Development of Open Space Reservation Area – Recommendations of Second Master Plan (SMP) Land Use and Environment Committee is placed before the Monitoring Committee.

Minutes

The Monitoring Committee observed that there is a need to develop the Open Spaces to enhance the landscape beauty. But the guidelines have to be evolved for the development of Open Spaces.

The Chennai Corporation may be requested to evolve the guidelines for the development of Open Spaces. A view was expressed that the Developer may be given an option either for developing the open spaces and then handing over the same to the Local Bodies as per the approved standards prescribed by Chennai Corporation - or to pay charges for Development of open spaces. After deliberating the above issues, the Monitoring Committee recommended that the Development Regulation may be suitably amended for the development of open spaces by the applicant as per the guidelines to be evolved for the development of open spaces and the applicant may also be given an option to pay the development charges as prescribed by the competent authority for the development of open spaces in lieu of developing the open spaces by themselves.

**Agenda
Item
51.18**

CMDA - Master Plan Unit – Layout developments prescribing minimum width of abutting road – Recommendations of Second Master Plan (SMP) Land Use and Environment Committee is placed before the Monitoring Committee.

Minutes

Deferred. A Sub-Committee is constituted with Vice-Chairman, CMDA, Prof. Suresh Kuppusamy and Durganand Balsavar to discuss the amendment in detail and take decision.

**Agenda
Item
51.19**

CMDA - Master Plan Unit – Proposing maximum number of dwelling units for Special Buildings – Proposal for amendment to Development Regulations (DR) – Recommendations of Second Master Plan (SMP) Land Use and Environment Committee is placed before the Monitoring Committee.

Minutes

Deferred. A Sub-Committee is constituted with Vice-Chairman, CMDA, Prof. Suresh Kuppusamy and Durganand Balsavar to discuss the amendment in detail and take decision.

**Agenda
Item
51.20**

CMDA - Master Plan Unit – Making Completion Certificate mandatory for Ordinary Building - Subject placed before the Second Master Plan (SMP) Committee on Environmental and Land Use - Recommendations placed before the Monitoring Committee.

Minutes

The Principal Secretary and Commissioner, Chennai Corporation stated that obtaining Completion Certificate will be made mandatory for Ordinary buildings once the draft Tamil Nadu Common Building Rules, 2014 (TNCBR, 2014) are approved and adopted. In view of the above, the M.C. recommended that the amendment to Development Regulations is not necessary at this juncture.

Sd/xxx

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

TRUE COPY/FORWARDED/BY ORDER

PERSONNEL MANAGER (REG.UNIT)