

MINUTES OF THE 56th MEETING OF THE MONITORING COMMITTEE HELD ON
03.02.2016 AT 3.00 PM IN THE MAIN CONFERENCE HALL AT CMDA

Members Present:

1. Thiru Dharmendra Pratap Yadav, I.A.S.,
Vice-Chairman (i/c), CMDA and
Convenor, Monitoring Committee
2. Dr. B. Chandra Mohan, I.A.S.,
Commissioner,
Greater Chennai Corporation
3. Thiru G. Govindaraj, I.A.S.
Collector,
Chennai District.
4. Thiru. Ramesh C. Kudwala, I.P.S.
ADGP/Director,
Directorate of Fire & Rescue Services
5. Thiru R. Santhanam, I.A.S. (Retd.)
6. Thiru M.G. Devasahayam, I.A.S. (Retd.)
7. Thiru. Suresh Kuppuswamy,
Architect
8. Prof. (Dr.) S.R. Masilamani,
Head of Dept. – Dept. of Planning
School of Architecture & Planning,
Anna University.
9. Tmt. Tara Murali
Architect.

Representatives:

1. Thiru.V. Ponnambalavanan,
Superintending Engineer (Co-ordn.) CMWSSB
2. G. Mahesh Kumar,
Executive Engineer, TANGEDCO

Special Invitees:

1. Thiru A. Karthik, I.A.S.,
Member-Secretary, CMDA
2. Tmt. S. Chitra,
Member & Chief Planner, CMDA
3. Thiru.M. Sivashanmugam,
Chief Planner (MSB),CMDA
4. Tmt. M. Geetha,
Chief Planner (Reg.Unit), CMDA
5. Thiru P. Selvadurai,
Chief Planner (EC), CMDA
6. Thiru G.A. Baskara Rajan,
Senior Law Officer, CMDA
7. Thiru C.K. Balasubramanian
Senior Planner(APU), CMDA
8. Thiru R. Magudapathy,
Deputy Planner (Reg.I, II, I&I Divisions),CMDA
9. Tmt.R.K. Vedhavathi,
Deputy Planner (Reg.III & MSB Divisions), CMDA
10. Thiru R. Ashok Babu,
Asst. Planner (Reg.I,II & I&I Divisions), CMDA
11. Tmt.D. Sukirtha
Asst. Planner (Reg.III & MSB Divisions), CMDA.

Agenda CMDA - Reg. Unit – Leave of absence at the 56th Monitoring

Item Committee Meeting

56.01

Leave of absence was granted to the following members for the 56th
Monitoring Committee Meeting.

1. Thiru. Vikram Kapur, I.A.S.,
Principal Secretary & Managing Director,
CMWSSB

2. Dr. M. Saikumar, I.A.S.,
Chairman cum Managing Director,
TANGEDCO
3. Thiru Durganand Balsavar,
Architect and Urban Planner

Agenda Item 56.02 Minutes of the 55th meeting of the Monitoring Committee – Confirmation of the minutes and Action taken report – subject placed before the Monitoring Committee.

Minutes Confirmed.

Agenda Item 56.03 CMDA – Reg.Unit – Reg.III Divn. – Regularisation of existing unauthorized BF(pt.) + Stilt(pt.) and deviated GF+3F commercial building 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.113-A(6) – Remarks of the Govt. – Examined – Subject placed before Monitoring Committee for decision – Reg.

Minutes The Monitoring Committee on going through the file for the regularisation of unauthorized **BF(pt.) in GF+3F Commercial-cum-residential building at Door No.24, Desika Road in R.S.No.1648/31, Block No.34 of Mylapore village, Chennai** has directed CMDA to examine whether the individual commercial flats have been considered for regularisation in Reg.1999 scheme and dispose the file accordingly, based on merits at the level of Member-Secretary, CMDA.

Agenda Item 56.04 Reg. Unit – Reg.III Division – Regularization of Individual flat No.2B in GF of Block No.2 Gokulam Apartments comprised of two blocks of GF+3F residential building with 38 dwelling units at Plot No.244, Old No.35, New No.38, 2nd Main Road, Gandhi Nagar, Adyar, Chennai-20 in S.No.9, T.S.No.11, Block No.30 of Kottur village – Evidence furnished – Subject placed before the Monitoring Committee for decision – Reg.

Minutes As per the Guidelines given in 55th MC meeting in General subject item no. (ii) this subject can be disposed at the level of Member-Secretary, CMDA.

Agenda Item 56.05 Reg. Unit – Reg.III Division – Regularization of GF+2F Residential-cum-Commercial building at Door No.41/B, CP Ramasamy Road, Alwarpet, Chennai-18 in S.No.3637/29 of Mylapore village, Chennai.28 – Evidence furnished - Subject placed before the MC for decision- Reg.

Minutes The Monitoring Committee on going through the file resolved to accept that GF+2F Residential-cum-Commercial building at **Door no.41/B, C.P. Ramasamy Road, Alwarpet, Chennai – 18 in S. No. 3637/29 of Mylapore Village, Chennai -28** had been completed before 28.02.1999. The Corporation of Chennai property tax assessment order C.R.S. No. Z-142/02539, dated 01.03.1999 dated with working sheet was accepted as credible evidence.
Regularisation may be considered subject to re-assessment and remittance of the arrears in the property tax with reference to the actual floor area applied for regularisation and other usual conditions including collection of applicable charges and fees.

Agenda Item 56.06 CMDA – Reg. Unit – Reg.III Dn. – Regularisation of individual residential flat at FF (rear side) in GF + 3Floor with 8 dwelling units at Old Door No.25 in S. No. 3647/4 pt. in Abiramapuram 3rd Street, Chennai - 18 – Evidence furnished – Subject placed before Monitoring Committee for decision – Regarding.

Minutes As per the Guidelines given in 55th MC meeting in General subject item no.(ii) this subject can be disposed at the level of Member-Secretary, CMDA.

Agenda Item 56.07 CMDA – Reg.Dn.III – Regularisation of deviated construction of GF+FF and unauthorized construction of 2F & 3F pt. Commercial building (Nursing home) at Door No.6, Chokkalingam Street, Mandaveli in

R.S.No.4116/20, Block No.89, R.A.Puram of Mylapore Village, Chennai-28- Evidence furnished – Examined – Placed before Monitoring Committee for decision

Minutes The Monitoring Committee on going through the file resolved to accept that the **deviated construction of GF+FF and unauthorized construction 2F & 3F pt. Commercial building (Nursing home) at Door No.6, Chokkalingam Street, Mandaveli in R.S.No.4116/20, Block No.89, R.A.Puram of Mylapore Village, Chennai-28** had been completed before 28.02.1999. The Corporation of Chennai property tax assessment order C.R.S.No. Z 142/02539, dated 01.03.1999 dated with working sheet was accepted as credible evidence. Regularisation may be considered subject to re-assessment and remittance of the arrears in the property tax with reference to the actual floor area applied for regularisation and other usual conditions including collection of applicable charges and fees.

Agenda Item 56.08 CMDA – Reg.Unit – Reg.I&I Divn. – Regularisation of unauthorised construction of GF+MF industrial building for manufacturing of Ayurvedic medicine at Plot No.79 in S.No.197/3B & 4C of Injambakkam village in Reg.2000 scheme in Reg.No.14695,dt.26.12.2000 – Subject placed before the Monitoring Committee for decision.

Minutes The Monitoring Committee on going through the file resolved to accept that the **industrial building of GF+Mezzanine Floor for manufacturing of Ayurvedic medicine at Plot No.79 in S.No.197/3B & 4C of Injambakkam village** had been completed before 28.02.1999. The Deputy Inspector of Factories endorsement No. NIMU/4201/89, dt.11.04.'89 in the plan submitted by the applicant for the above said construction was accepted as credible evidence. The regularisation may be considered subject to removal of additional construction of one room for laboratory purpose at first floor and A.C.sheet shed for two wheeler parking at North Eastern side in setback space which was constructed

after the cut-off date 28.02.1999 along with collection of regularisation fee & other applicable charges with usual conditions including furnishing of latest Consent Order from TNPCB.

Agenda Item No. 56.09 Reg. Unit – Reg.II Dn. - Regularization of BF(pt.) + GF + 3 Floors residential building with 1 dwelling unit at Old Door No.11, New Door No.2, R.S.No.782, Block No.19, Vepery, Chennai – Evidence furnished – Placed in 55th Monitoring Committee meeting – Deferred for Re-examination – Examined - Subject again placed before the Monitoring Committee for decision – Reg.

Minutes The Monitoring Committee on going through the file resolved to reject the regularisation of **BF(pt.) + GF+ 3F building at Old Door No.11, New Door No.2, R.S.No.782, Block No.19, Vepery, Chennai** for the reason that in the regularisation application printed format, the applicant has filled in the usage of the entire building as commercial, whereas in the regularisation plan submitted, the applicant has indicated residential, commercial and institutional as follows (i.e.,)

Basement Floor – Commercial ; Ground Floor – Commercial ; First Floor – Commercial; Second Floor – Residential; Third Floor – Institutional. Further, during the earlier inspection on 13.08.1999 and the latest inspection on 16.10.2015 also, the exact usage could not be ascertained, as the building lies vacant and un-occupied for any of the mentioned usages for several years.

In view of the discrepancy, the request of the applicant indicated in the Regularisation Application and in the Regularisation Plan and Inspection plan, the regularisation of the building is rejected.

Agenda Item 56.10 CMDA – Reg. Unit – Reg.MSB Dn. – Regularisation of BF+5F+6Floors (pt) of Commercial-cum-Residential building at Door No.26, 27, Santhome High Road, Chennai – 600 004 in R.S. No.2424 & 2425/1 , Block No.49 of Mylapore Village – subject placed before the 54th MC

held on 21.08.2015 – Rejected – Violation of Rule 9(1) (A) of the application assessment of Regularisation fee (CMA) 1999 – Secretary, H & UD, directed CMDA to re-examine the case –Remarks furnished – Subject placed before Monitoring Committee for decision – Regarding

Minutes The Monitoring Committee offered a Personal Hearing, as per the directions of the High Court in its order dated:25.01.2016 on W.P.No.4539 of 2015 to the Petitioners and the private Respondents with regard to the construction of BF+5F+6Floors(pt.) of Commercial-cum-Residential building at Door No.26, 27, Santhome High Road, Chennai – 600 004 in R.S. No.2424 & 2425/1 , Block No.49 of Mylapore Village. Advocate Thiru Mohan of M/s.Sai, Bharath & Ilan represented as Counsel for the Petitioners, Marina Square Flat Owners Association before the M.C. and on behalf of the private Respondents M/s.Ferdous Estates Private Ltd. Advocate Thiru. Vijayanand appeared as Counsel.

Contentions of the Petitioner Association:

1. The Regularisation Applicant M/s. Ferdous Estates Pvt. Ltd. have violated norms by i) unauthorised functioning of school and business establishments in Basement Floor; ii) unauthorised construction of 4th, 5th and 6th (part) Floors, including cell phone tower in 6th Floor; iii) exceeded permissible F.S.I. of 1.5 in a CRZ area
2. There is a Supreme Court of India ruling dated 11.03.2004 on Civil Appeal Nos.960-961 of 2002 in which the Appeals have been dismissed stating that constructions raised in violation to Coastal Regulation Zone(CRZ) regulations cannot be lightly condoned and upheld the High Court view in its impugned judgement which directed the construction be demolished. Copy of the said Supreme Court ruling furnished.

Contentions of the Private Respondent:

1. The Apartment Complex named Marina Square has not been constructed in violation of any of DCR norms, including F.S.I. or CRZ, as the abutting road which is Santhome High Road has an average width of 80 feet.

2. The Marina Square Apartment Complex has been constructed prior to the cut off date for 1999 Regularisation Scheme i.e., 28.02.1999.
3. There is a ruling of the Supreme Court of India, which states that subsequent amendments cannot be applied retrospectively. However, copy of the same was not furnished.
4. There are other Multistoried Buildings in the same road which are Govt. as well as Private owned.

Observations of the Monitoring Committee:

1. The Marina Square Apartment Complex has proof of existence of construction prior to the cut off date of 28-02-1999 for BF+GF to Fifth Floor only and not the Sixth Floor part. Therefore, Sixth Floor is in violation of the 1999 Regularisation Scheme norms.
2. The qualifying road width for an MSB is minimum 60 feet, whereas the width of the abutting road i.e., Santhome High Road for the site under reference, is 38 feet only. The average width of the entire stretch of an abutting road cannot be applied as qualifying, under the road width norms of DCR for any building. Therefore, the building stands in violation of road width norms of DCR.
3. The Govt. Buildings indicated by the Advocate of M/s.Ferdous Estate Private Ltd. to be Multistoried Buildings are not Multistoried Buildings. They are Special Building Category only. As noted in the Agenda, there are no sanctioned Multistoried Buildings within 500m. on either side of the site under reference on both sides of the road.
4. As per the latest amendment dated 16-06-2015, in the Gazette Notification of the Ministry of Environment, Forests and Climate Change of Government of India, the F.S.I. for constructions qualifying under CRZ norms, should be kept as per 1991 level, which is 1.5 for constructions on the said location i.e., the site under reference is situated and wherein the road width is less than 60 feet which is the qualifying width for an MSB. Since the construction in the site under reference has come up for regularisation under the 1999 Regularisation Scheme with an

F.S.I. of 2.67, which is much more than the permissible F.S.I. of 1.5, the building stands in violation of the F.S.I. norms of DCR 4. In view of the above observations, the Monitoring Committee resolved that the Regularisation Application cannot be regularised and therefore, rejected.

**Agenda
Item
56.11**

CMDA – Regularisation Unit – Minutes of the 55th Monitoring Committee meeting held on 06.11.2015 under item Nos.(ii) & (iii) of Agenda subject “General”- No. of cases approved by Member-Secretary,CMDA – Agenda placed before Monitoring Committee for information.

Minutes

Recorded

GENERAL:

The general issues discussed and the decisions arrived at are as given below:-

1. The Director of Fire & Rescue Services(DF&RS) made a brief presentation on the details of disposal of Reg. MSB cases that have been cleared by Monitoring Committee. The Monitoring Committee resolved to issue the following directions to CMDA and DF&RS :
 - i) CMDA, Regularisation Unit to furnish the list of pending DF&RS cases to the Enforcement Cell (E.C) ;
 - ii) E.C. to issue De-Occupation notices to the occupants ;
 - iii) E.C. to erect a Board stating that the building is unsafe, as the DF&RS have not cleared the building with regard to Fire Safety measures.
 - iv) As stated by the Director, DF&RS, a team may be constituted to inspect and issue Warning Notices to all the occupants in such buildings
2. Opportunity Letters to be sent to all the remaining Reg. MSB Applicants
3. Master Plan Unit, CMDA to post the Contour maps of C.M.A. on to the website of CMDA

4. The Agenda note for each case put up to Monitoring Committee should highlight the issues that require Monitoring Committee's attention / decision.
5. There must be a clear cut policy on Reclassification proposals being processed in CMDA. The CMDA Officials explained that specific guidelines are being followed by the Reclassification Division for all Reclassification proposals.
6. With regard to the earlier delegation given by the MC for disposal of individual Reg. Applications at Member Secretary level, it may be modified to include Mixed Residential, Commercial, Industrial and Institutional usage also.
7. All MSB applications involving entire / part building (except residential flats which may be decided at Member-Secretary level) may be put up to MC for decision.
8. To prepare a Booklet comprising the following for issue of copies to the members of the Monitoring Committee in the ensuing meeting:
 - i) Govt. Orders / Gazette Notifications granting approval for all the four Reg. Schemes;
 - ii) 2006 High Court Order ; and
 - iii) Important directions / guidelines issued by the Monitoring Committee in all the 56 meetings held so far
9. The Monitoring Committee desired that a special meeting be held wherein the recommendations of the Justice Rajeswaran Committee may be presented. Prior to the meeting, the hard copy of the Justice Rajeswaran Committee's recommendations to be circulated in advance.

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

/True Copy forwarded by Order/

Personnel Manager (Reg. Unit)