

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th November 2008 and is hereby published for general information:—

ACT No. 61 OF 2008.

An Act further to amend the Tamil Nadu Town and Country Planning Act, 1971.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 2008.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu
Act 35 of
1972.

2. In section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as the principal Act),—

Amendment of section 56.

(i) in sub-section (1), the expression “within three years of such development” shall be omitted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2-A) If the owner or occupier, as the case may be, of land or building has not discontinued, the use of such land or building as required in the notice served under sub-section (1), within the time specified therein, the appropriate planning authority if *prima-facie* satisfied, may take action to discontinue the use of such land or building by locking and sealing the premises in such manner as may be prescribed irrespective of pendency of any application under section 49 or appeal under section 79 or any litigation before a court. The owner or occupier, as the case may be, of such land or building shall provide security for such sealed premises.”;

(iii) in sub-section (4), in clause (a), after the expression “The notice”, the expression “except the cases covered by clause (iii) of sub-section (2)” shall be inserted.

3. In section 57 of the principal Act,—

Amendment of section 57.

(1) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where the notice under sub-section (1) has been served, the owner or the person carrying out any development shall discontinue the development from the date of service of such notice and inform the fact of discontinuance to the appropriate planning authority.”;

(2) after sub-section (2), the following sub-sections shall be added, namely:—

“(3) If the owner or the person carrying out the development has not discontinued the development as required in the notice served under sub-section (1),—

(a) the appropriate planning authority may serve a notice on the owner requiring him within such period, being not less than seven days to remove that part of the building built subsequent to the notice served under sub-section (1). If the direction is not complied with, within the period specified therein, the appropriate planning authority may demolish that part of the building built subsequent to the notice served under sub-section (1) and reserve the right to recover the cost of any expenses incurred by it in this behalf from the owner, as an arrear of land revenue,

(b) the appropriate planning authority may also proceed to seize any construction material, tool, machinery, equipment, scaffolding, vehicle or any other thing used for such development and kept within the site for development,

(c) the material, tool, equipment, scaffolding, vehicle or any other thing so seized may be confiscated by such planning authority and sold by auction in such manner

as may be prescribed and the sale proceeds shall be credited to the Fund Account. No claim shall be made by the owner or any other person, on the material, tool, equipment, scaffolding, vehicle or any other thing confiscated and on the sale proceeds.

(4) Where the development as described in clauses (a) to (d) of sub-section (1) of section 56 is being carried out, the planning authority may also take action to discontinue the development by locking and sealing the premises, in such manner as may be prescribed, till the production of the planning permission from the appropriate planning authority as required under this Act.

(5) If the owner or the person carrying out the development has not complied with the requirement in the notices served under sub-section (1) or (3), within the period specified therein, the appropriate planning authority may prosecute the owner for not complying with the notice.

(6) If the development as described in clauses (a) to (d) of sub-section (1) of section 56 is discontinued, the provisions under sub-sections (3) and (4) of section 56 shall apply.”.

Insertion of
new section
80-A.

4. After section 80 of the principal Act, the following section shall be inserted, namely:—

“80-A. *Special Powers of Government.*—(1) Notwithstanding anything contained in section 80, the Government may, on application, call for and examine the records of the appropriate planning authority in respect of sealing of the premises under sub-section (2-A) of section 56 or under sub-section (4) of section 57 and if, in any case, it appears to the Government that any such action or decision should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application to the Government for the exercise of the powers under this section shall be preferred within thirty days from the date of sealing:

Provided further that such application for revision shall be disposed of by the Government within ninety days from the date of receipt of the application.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Government may pass such *interim* order, as they may deem fit, pending the exercise of the powers under sub-section (1) in respect thereof.”.

Amendment of
section 101.

5. In section 101 of the principal Act, after the expression “in any court of law”, the expression “and no injunction shall be granted by any court against the notices served to any person by the planning authority under section 56 or under section 57 of this Act” shall be added.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.