THE TAMIL NADU TOWN AND COUNTRY PLANNING ACT, 1971
(Tamil Nadu Act 35 of 1972)

An Act to provide for planning the development and use of rural and urban land in the State of Tamil Nadu and for purposes connected therewith.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-second year of the Republic of India as follows:-

CHAPTER – I.

PRELIMINARY

1. **Short title, extent and commencement – (1) This Act may be called the Tamil Nadu Town and Country Planning Act, 1971.**

   (2) It extends to the whole of the State of Tamil Nadu except the places declared to be cantonments under section 3 of the Cantonments Act, 1924 (Central Act II of 1924).
   (3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

2. **Definitions. – In this Act, unless the context otherwise requires,-**

(1) "agriculture" includes horticulture, fruit-growing, seed growing, dairy-farming, livestock-breeding, the use of land as grazing land, or any other use of land where such other use is ancillary to any agricultural purposes; but does not include the use of any land attached to a building for the purpose of a garden to be used along with such building; and "agricultural" shall be construed accordingly;

(2) "amenities" include streets, open spaces, parks, recreational grounds, play-grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;

(3) "appropriate planning authority" or "planning authority" means a "regional planning authority", a local planning authority" or a "new town development authority", constituted under section 11;

(4) "area of bad lay-out or obsolete development" means an area consisting of land which is badly laid out or of obsolete development, together with other lands contiguous or adjacent thereto, and which is defined by a development plan as an area of bad lay-out or obsolete development;

(5) "arterial road" means any highway which connects towns with one another and facilitates movement of goods and people from one town to another;

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(6) “Board” means the Tamil Nadu Town and Country Planning Board constituted under section 5;

(7) “building” includes-

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall) and any other structure whether of masonry, bricks, mud, wood, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations;

(c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods; and

(d) the garden, grounds, carriages and stables, if any, appurtenant to any building;

(8) “building-line” means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend;

(9) “building operations” includes-

(a) erection or re-erection of a building or any part of it;

(b) roofing or re-roofing of a building or any part of a building or an open space;

(c) any material alteration or enlargement of any building which involves alteration or enlargement, as the case may be, of more than one-tenth of the extent of the cubical contents of such building;

(d) any material change in the use of a building including the conversion of the use of any part used for human habitation into a greater number of such parts;

(e) any such alteration of a building as is likely to affect its drainage or sanitary arrangements or affect in material respects its structural stability; and

(f) construction of a door opening on any street or land not belonging to the owner;

(10) “commerce” means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever and includes the running of, with a view to making profit, hospitals, nursing homes, infirmaries, educational institutions, and “commercial”, shall be construed accordingly;

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(11) “commercial use” includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office, whether attached to industry or otherwise;

(12) “company” means-

(a) any company as defined in the Companies Act, 1956 (Central Act 1 of 1956), including any foreign company within the meaning of section 591 of that Act;

(b) any body corporate; or

(c) any firm or association (whether incorporated or not), carrying on business in the State of Tamil Nadu whether or not its principal place of business is situated in the said State;

(13) ‘development” means the carrying out of all or any of the works contemplated in a regional plan, master plan, detailed development plan or a new town development plan prepared under this Act, and shall include the carrying out of building, engineering, mining or other operations in, or over or under land, or the making of any material change in the use of any building or land:

Provided that for the purposes of this Act, the following operations or uses of land shall not be deemed to involve development of the land, that is to say,-

(a) the carrying out of any temporary works for the maintenance, improvement or other alteration of any building, being works which do not materially affect the external appearance of the building;

(b) the carrying out by a local authority of any temporary works required for the maintenance or improvement of a road, or works carried out on land within the boundaries of the road;

(c) the carrying out by a local authority or statutory undertaker of any temporary works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such; and

(e) the use of any land for the purpose of agriculture, gardening or forest (including afforestation) and the use for any purpose specified in this clause of this proviso of any building occupied together with the land so used;

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(14) “development authority” means a regional planning authority or a local planning authority or a new town development authority constituted under this Act;

(15) “development plan” means a plan for the development or re-development or improvement of the area within the jurisdiction of a planning authority and includes a regional plan, master plan, detailed development plan and a new town development plan prepared under the Act;

(16) “Director” means the Director of Town and Country planning appointed under section3;

(17) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of means of water-supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

(18) “Government” means the State Government;

(19) “highway” has the same meaning as in section 4of the National Highways Act, 1956 (Central Act XLVIII of 1956);

(20) “industrial use: includes the use of any land or building or part thereof for purposes of industry;

(21) “industry” includes the carrying on of any manufacturing process as defined in the Factories Act, 1948 (Central Act LXIII of 1948) and “industrial”, shall be construed accordingly;

(22) “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(23) “local authority” means-

(i) the Municipal Corporation of Chennai or of Madurai; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or

(iii) a Township Committee constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) or under any other law for the time being in force, or the Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940), or the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954), or, the Bhavanisagar Township Act, 1954 (Tamil Naddu Act XXV of 1954); or

(iv) a Panchayat Union Council or a Panchayat constituted under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958);

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(23-a) Chennai Metropolitan Planning Area: means the City of Chennai and such contiguous area of such City as the Government may, from time to time, specify by notification in the Tamil Nadu Government Gazette:

Provided that before issuing such notification under this clause the Government shall give any inhabitant or any local authority or institution in such contiguous area a reasonable opportunity for showing cause against the proposal and shall consider its objections or suggestions if any;

(24) "major street" means a main street connecting different localities;

(25) "means of access" includes any means of passage, whether private or public, for vehicles or for pedestrians and includes any street;

(25-a) "Metropolitan Development Authority" means the Chennai Metropolitan Development Authority established under section 9-A;

(26) "National Highway" means any highway declared to be a national highway under section 2 of the National Highways Act, 1956 (Central Act XLVII of 1956);

(27) "navigable canal" means any waterway or canal or any other source of a waterway or canal for the public carriage of persons, animals or goods by means of yachts or boats;

(28) "occupier" includes-

(a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, or building or part; and

(b) a rent-free occupant;

(29) "owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(30) " planning area" means any area declared to be a regional planning area, local planning area or a site for a new town under this Act;

(31) "plot" means a continuous portion of land held in one ownership other than land used, allotted or restored for any public purpose or any purpose connected with local administration carried on by any local authority;

(32) "private street" means any street, road, square, court, alley, passage or riding-path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

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(33) “public building” means any building to which the public or any class or section of the public are granted access or any building which is open to the public or any class or section of the public and includes any building-

(a) used as a –

(i) school or a college (whether or not the school or college is a private educational institution within the meaning of the Tamil Nadu Private Educational Institutions (Regulation) Act, 1966 (Tamil Nadu Act 23 of 1966), or a University or other educational institution;

(ii) hostel;

(iii) library;

(iv) hospital, nursing home, dispensary, clinic, maternity centre or any other like institution;

(v) club;

(vi) lodging house;

(vii) choultry;

(viii) coffee house, boarding house or hotel or an eating house;

(b) used by any association;

(c) ordinarily used by the –

(i) Central or any State Government or any local authority or any body corporate, owned or controlled by the Central or any State Government;

(ii) public or any class or section of the public for religious worship or for religious congregation;

(34) “public open space” means any land whether enclosed or not belonging to the Central or any State Government or any local authority or any body corporate, owned or controlled by the Central or any State Government on which there is no building or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is used for purpose of recreation, air or light;

(35) “public place” means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort or over which they have a right to pass;

(36) “public purpose” means any purpose which is useful to the public or any class or section of the public;

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(37) “public street” means any street, road, square, court, alley, passage or riding-path over which the public have a right of way, whether a thoroughfare or not, and includes,-

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Central or any State Government;

(38) “railway” has the same meaning as in clause (4) of section 3of the Indian Railways Act, 1890 (Central Act IX of 1890);

(39) “reconstitution of plots” means the alteration of plots by the making of a development plan otherwise than by the severance of land used, allotted or reserved for any public purpose;

(40) “reconstruction of a building” includes,-

(a) the re-erection, wholly or partially of a building after more than one-half of its cubical contents has been taken down or burnt down or has fallen down whether at one time or not;

(b) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within three metres of the ground adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down as to leave only the framework of the lowest storey;

(c) the conversion into a dwelling house, or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of dwelling-house into factory;

(d) the re-conversion into a dwelling-house or a place of public worship or a factory of any building-

(i) the use whereof as a dwelling-house or a place of public worship or a factory has been discontinued; or

(ii) which has been appropriated for any purpose other than for use as a dwelling-house or a place of public worship or a factory;

(40-A) “regularisation fee” means a fee for exempting the development of any land or building or class of lands or buildings referred to in section 113-A;

(41) “relocation of population” means in relation to an area of bad lay-out or obsolete development or a slum area, the making available in that area or elsewhere, of accommodation for residential purposes or for carrying on business or other activities, together with amenities to persons living or carrying on business or other activities, in the said area who have to be so accommodated, so that the said area may be properly planned;

(42) “ring road” means any highway connecting different parts within the planning area in a ring or circular fashion;

(43) ‘slum area” means any built up area-

(a) where the buildings, by reason dilapidation, over crowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities or any combination of these factors, are detrimental to safety, health or morals, and

(b) defined by a development plan as a slum area;

(44) “statutory undertaker” means-

(a) a person-

(i) licensed under Part II of the Indian Electricity Act, 1910 (Central Act IX of 1910) to supply electricity; or

(ii) who has obtained sanction under section 28 of that Act to engage in the business of supplying electricity;

(b) a railway administration as defined in the Indian Railways Act, 1890 (Central Act IX of 1890);

(c) a telegraph authority as defined in the Indian Telegraph Act, 1885 (Central Act XIII of 1885);

(d) the Tamil Nadu Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);

(e) the Tamil Nadu State Housing Board constituted under section 3 of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961); or

(f) the Tamil Nadu Slum Clearance Board established under section 34 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil nadu Act 11 of 1971);

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(45) “street alignment” means a line dividing the lands comprised in and forming part of a street from the adjoining land;

(46) “Tribunal” means the Tribunal constituted under section 71 and having jurisdiction.

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CHAPTER – II.

CONSTITUTION AND INCORPORATION OF THE TAMIL NADU TOWN AND COUNTRY PLANNING AUTHORITIES.

3. Appointment of Director of Town and Country Planning and other officers.- The Government shall appoint a Director of Town and Country planning and such number of officers as they think fit.

4. The Town and Country Planning Authorities.- There shall be the following classes of Town and Country Planning Authorities for the purposes of this Act, namely:-

(a) The regional planning authority;

(b) The local planning authority; and

(c) the new town development authority.

5. Constitution of the Board.- (1) The Government may constitute for the State, a Board called the Tamil Nadu Town and Country Planning Board.

(2) The Board shall consist of a Chairman who shall be the Minister-in-charge of Town and Country Planning and of the following members, namely:-

(a) the Minister-in-charge of Local Administration;

(b) such Secretaries to the Government in the department dealing with the following subjects, namely:-

(i) Town and Country Planning;

(ii) Local Administration;

(iii) Health;

(iv) Industries;

(v) Housing;

(vi) Revenue;

(vii) Agriculture;

(vii-a) Public Works;

(viii) Finance; and

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(ix) Education;

as the Government may appoint in this behalf or such other officers as may be deputed in this behalf, from time to time, by such Secretaries;

(c) the Chairman of the Tamil Nadu State Housing Board constituted under section 3 of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961) or such other officer as the Chairman may nominate in this behalf, from time to time;

(d) the Chairman of the Tamil Nadu Slum Clearance Board established under section 34 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil Nadu Act 11 of 1971) or such other officer as the Chairman may nominate in this behalf, from time to time;

(e) three Chief Engineers respectively in-charge of-

(i) Public Health and Municipal Works;

(ii) Highways and Rural Works; and

(iii) Buildings;

(f) three members nominated by the Central Government to represent respectively the Ministries of that Government dealing with-

(i) Railways;

(ii) Civil Aviation; and

(iii) Transport and Communications;

(g) one member to be nominated by the Tamil Nadu Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);

(h) the Director of Town and Country Planning;

(i) the Joint Director of Town and Country Planning;

(j) four other members nominated by the Government of whom two shall be from the Members of the Tamil Nadu Legislative Assembly, one from the Members of the Tamil Nadu Legislative Council and one from the Members of Parliament representing the State of Tamil Nadu;

(k) the President of the Chamber of Municipal Chairman;

(l) the President of the Tamil Nadu Panchayat Unions Association.

(3) The Director of Town and Country Planning or such officer as the Government may appoint in this behalf shall be the Member-Secretary of the Board.

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(4) The term of office of, and the manner of filing casual vacancies among the members of the Board referred to in clauses (f), (g) and (j) of sub-section (2) shall be such as may be prescribed.

6. Functions and powers of the Board.- (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the Board shall be to guide, direct and assist the planning authorities, advise the Government in matters relating to planning and the development and use of rural and urban land in the State and to perform such other functions as the Government may, from time to time, assign to it.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may and shall, if so required by the Government-

(a) direct the preparation of development plans by planning authorities, undertake, assist and encourage the collection, maintenance and publication of statistics, bulletins and monographs on planning and its methodology;

(b) prepare and furnish reports relating to the working of this Act;

(c) perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

(3) The Board may exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act.

7. Appointment of committees by the Board.- (1) For the purpose of the assisting the Board in exercising such of its powers, discharging such of its duties or performing such of its functions as may be specified by it, the Board may constitute one or more committees.

(2) Any committee constituted under sub-section (1) shall consist of such members as may be specified by the Board and shall also include the Chairman.

(3) The Board shall have the power to co-opt as a member of any committee constituted under sub-section (1) any person who is not a member of the Board.

8. Incorporation of Town and Country Planning Authorities.- Every regional planning authority, local planning authority or the new town development authority shall be a body corporate and shall have perpetual succession and a common seal and, subject to such restriction or qualification imposed by or under this Act or any other law may sue or be sued in its corporate name, or acquire, hold or dispose of property, movable or immovable, or enter into contracts and do all things necessary, proper or expedient for the purpose of its constitution.

9. Appointment of officers and servants of the planning authorities.- (1) Every planning authority may appoint such officers and servants as it considers necessary for the efficient performance of its functions.

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(2) The remuneration and other conditions of service of the officers and servants appointed under sub-section (1) shall be such as may be prescribed by regulations.

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CHAPTER – II-A.

CONSTITUTION AND INCORPORATION OF THE METROPOLITAN DEVELOPMENT AUTHORITY FOR THE CHENNAI METROPOLITAN PLANNING AREA AND SPECIAL PROVISIONS RELATING THERETO.

9-A. Establishment of the Chennai Metropolitan Development Authority. – (1) With effect from such date as the Government may, by notification in the Tamil Nadu Government Gazette, appoint in this behalf, there shall be established for the Chennai Metropolitan Planning Area and authority by the name of the Chennai Metropolitan Development Authority.

(2) The Chennai Metropolitan Development Authority established under sub-section (1) shall consist of-

(a) twelve persons appointed by the Government of whom-

(i) one shall be the Chairman;

(ii) one shall be the Vice-Chairman;

(iii) six shall be officers of the Government;

(iv) two shall be members of the State Legislature;

(v) one shall represent trade and industry in the Chennai Metropolitan Planning Area; and

(vi) one shall be the member-secretary.

(b) the Director;

(c) the Joint Director of Town and Country Planning or the Deputy Director of Town and Country Planning of the Chennai Metropolitan Planning Area to be nominated by the Government;

(d) the Commissioner, Municipal Corporation of Chennai

(e) the representatives of local authorities as specified below:-

(i) if there is only one local authority functioning in the Chennai Metropolitan Planning Area, two representatives nominated by the local authority;

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(ii) if there are two or more local authorities functioning in the Chennai Metropolitan Planning Area, such persons not exceeding four in number as are appointed by the Government who are members of such local authorities;

(f) the Chairman of the Tamil Nadu State Housing Board constituted under section 3 of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961) or such other officer as that Chairman may nominate in this behalf, from time to time; and

(g) the Chairman of the Tamil Nadu Slum Clearance Board established under section 34 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil Nadu Act 11 of 1971) or such other officer as that Chairman may nominate in this behalf from time to time.

(h) a whole-time Director of the Chennai Metropolitan Water Supply and Sewerage Board constituted under the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978) nominated by that Board, ex-officio.

9-B. Incorporation of the Metropolitan Development Authority.- The Metropolitan Development Authority shall be a body corporate and shall have perpetual succession and a common seal and, subject to such restriction or qualification as may be imposed by or under this Act or any other law, may sue or be sued in its corporate name or acquire, hold or dispose of property, movable or immovable, or enter into contracts and do all things necessary, proper or expedient for the purpose of its constitution.

9-C. Functions and powers of the Metropolitan Development Authority.- (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the Metropolitan Development Authority shall be-

(i) to carry out a survey of the Chennai Metropolitan Planning Area and prepare reports on the surveys so carried out;

(ii) to prepare a master plan or a detailed development plan or a new town development plan referred to, under sub-section (2) of section 17 or under section 20 or under section 18, as the case may be for the Chennai Metropolitan Planning Area;

(iii) to prepare an existing land use map and such other maps as may be necessary for the purpose of preparing any development plan;

(iv) to cause to be carried out such works as are contemplated in any development plan;

(v) to designate the whole of the Chennai Metropolitan Planning Area or any part thereof within its jurisdiction as a new town and to perform the following functions, namely:-

(a) to prepare a new town development plan for the area concerned; and

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(b) to secure the laying out and development of the new town in accordance with the new town development plan;

(vi) to perform such other functions as may be entrusted to it by the Government.

(2) The Metropolitan Development Authority may, by order entrust to any local authority or other authority as may be specified in such order, the work of execution of any development plan prepared by it.

(3) The Metropolitan Development Authority may, by order, authorise any local authority or other authority as may be specified in such order, to exercise any of the powers vested in it by or under the Act and may, in like manner, withdraw such authority; and the exercise of any power delegated in this behalf shall be subject to such restrictions and conditions as may be specified in such order.

9-D. Provisions of this Act shall apply to the Metropolitan Development Authority subject to certain modifications.- In regard to the Metropolitan Development Authority and to any development plan prepared by it, the provisions of this Act shall apply, subject to the following modifications, namely:-

(1) in section 2,-

(a) in clause (3), the expression " and include the Metropolitan Development Authority established under section 9-A shall be added at the end;

(b) in clause (14), after the expression "new town development authority", the expression "or the Metropolitan Development Authority" shall be inserted;

(c) in clause (30), for the expression "or a site for a new town", the expression "a site for a new town or the Chennai Metropolitan Planning Area" shall be substituted;

(2) in section 4, after clause (c), the following clause shall be added, namely:-

"(d) the Metropolitan Development Authority.";

(3) in section 16,-

(a) in the first paragraph, for the expression "Every local planning authority", the expression "The Metropolitan Development Authority" shall be substituted;

(b) the proviso shall be omitted;

(c) in the Explanation, for the expression "local planning authority", the expression "Metropolitan Development Authority" shall be substituted;

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(4) in section 17, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The Metropolitan Development Authority established under section 9-A shall, within such time as may be prescribed and after consulting the local authorities concerned, prepare and submit to the Government a plan hereinafter called the "master plan", for the Chennai Metropolitan Planning Area or any part of it.";

(5) in section 18, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) As soon as may be, after the designation for the site for a new town under the development plan prepared by the Metropolitan Development Authority, the said authority shall, within such time as may be prescribed, prepare and submit to the Government a plan hereinafter called the "new town development plan" for the site designated for the new town or any part of it";

(6) in section 19,-

(a) in sub-section (1), for the expression "A local planning authority", the expression, "The Metropolitan Development Authority" shall be substituted;

(b) in sub-section (2), for the expression "the local planning authority", the expression "The Metropolitan Development Authority" shall be substituted;

(7) in section 20, in clause (f) of sub-section (1) and clause (f) of sub-section (2), for the expression " the local planning authority: the expression "the Metropolitan Development Authority: shall be substituted;

(8) in section 21, for the expressions "The local planning authority" and "Director", the expressions "The Metropolitan Development Authority" and "Government" shall respectively be substituted;

(9) for section 22, the following section shall be substituted namely:-

"**22. Powers of Government to require the Metropolitan Development Authority to prepare a master plan, a new town development plan or a detailed development plan in respect of any area.-** Notwithstanding anything contained in sections 17, 18, 19 and 21, the Government may, by notification, require the Metropolitan Development Authority to prepare and submit to the Government before a fixed date, a master plan, a new town development plan or the detailed development plan in respect of any area.:";

(10) for section 24, the following section shall be substituted namely:-

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"24. Consent of Government to the publication of notice of preparation of plans.- (1) As soon as may be, after the master plan, the new town development plan or the detailed development plan has been submitted by the Metropolitan Development Authority to the Government, but not later than such time as may be prescribed, the Government may direct the Metropolitan Development Authority to make such modifications in master plan, the new town development plan or the detailed development plan, as they think fit and thereupon the Metropolitan Development Authority shall make such modifications and resubmit it to the Government.

(2) The Government shall, after the modifications, if any directed by them, have been made, give their consent to the appropriate planning authority to the publication of a notice under section 26 of the preparation of the regional plan, the master plan or the new town development plan.";

(11) in section 26,-

(a) for the marginal heading, the following marginal heading shall be substituted, namely:-

"Notice of the preparation of the master plan, the new town development plan or the detailed development plan.";

(b) for the expression "appropriate planning authority" wherever it occurs, the expression "Metropolitan Development Authority" shall be substituted;

(c) for the expression "the regional plan, the master plan or the new town development plan". in both the places where it occurs, the expression "the master plan, the new town development plan or the detailed development plan" shall be submitted;

(12) for section 28, the following section shall be substituted, namely:-

"28. Approval by Government.- As soon as may be, after the submission by the Metropolitan Development Authority, of the master plan, the new town development plan or the detailed development plan, but not later than such time as may be prescribed, the Government may, after consulting the Director, either approve the said plan or may approve it with such modifications, as they may consider necessary, or may return the said plan to the Metropolitan Development Authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval within such time as the Government may specify in this behalf.";

(13) in section 30,-

(a) in the marginal heading, for the expression "regional plan, master plan and new town development plan", the expression "master plan, new town development plan and detailed development plan" shall be substituted;

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(b) in sub-section (1), for the expression “a regional plan, a master plan or a new town development plan”, the expression “a master plan, a new town development plan or a detailed development plan” shall be substituted;

(c) in sub-section (2), for the expression “the regional plan, the master plan or the new town development plan”, the expression “the master plan, the new town development plan or the detailed development plan” shall be substituted;

(14) for section 32, the following section shall be substituted, namely:-

“32. Variation, revocation and modification of master plan, new town development plan.- A master plan, new town development plan or detailed development plan of the Metropolitan Development Authority approved under section 28 may, at any time, be varied or revoked by a subsequent master plan, new town development plan or detailed development plan, as the case may be, prepared and approved under this Act.

(2) Once in every five years after the date on which the master plan for the Chennai Metropolitan Planning Area comes into operation, the Metropolitan Development Authority may, and if so directed by the Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the local authorities concerned, review the master plan and make such modifications in such plan wherever necessary and submit the modified regional plan for the approval of the Government.

(3) The provisions of section 26,28 and 30 with such modifications as may be necessary shall apply to such modified master plan.

(4) The Government may, at any time, by notification in the Tamil Nadu Government Gazette, vary or revoke, the master plan, the new town development plan or the detailed development plan, as the case may be, prepared and approved under this Act.”

(15) in Chapter V,-

(a) for the expressions “New Town Development Authority”, “a new town development authority”, “new town development authority” and “A new town development authority” wherever they occur, the expression “Metropolitan Development Authority”, “the Metropolitan Development Authority”, Metropolitan Development Authority” and “The Metropolitan Development Authority” shall, respectively, be substituted;

(b) in section 40, in sub-section (1), for the expression “for securing the development of the new town in accordance with the new town development plan approved by the Government under this Act”, the expression “for securing the effective

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implementation of any of the development plans of the Metropolitan Development Authority" shall be substituted;

(c) in section 41, for the expression "within the area of the new town", the expression" within the Chennai Metropolitan Planning Area" shall be substituted;

(d) in section 42, for the expressions "any new town development authority" and "in relation to the new town", the expressions "the Metropolitan Development Authority" and "in relation to the Chennai Metropolitan Planning Area" shall, respectively be, substituted;

(e) in section 44, in sub-sections (1) and (3), for the expression "for the promotion and execution of works in the new town development plan made under this Act: in both the places where it occurs, the expression "for the discharge of functions assigned to it under this Act" shall be substituted.

(f) section 46 shall be omitted;

(16) in section 76,-

(a) for the expressions "Director" and "planning authority" wherever they occur, the expressions "Government" and "Metropolitan Development Authority" shall, respectively be, substituted;

(b) in sub-section (1), in the first proviso, for the expression "if he is satisfied", the expression "if they are satisfied" shall be substituted;

(c) in sub-section (3), in clause (a), in item (iii), for the expression "as he may think fit", the expression 'as they may think fit" shall be substituted;

(d) in sub-section (5), in the proviso, for the expression "in his discretion", "as he thinks fit" and "to his satisfaction", the expressions "in their discretion", "as they think fit" and "to their satisfaction" shall, respectively, be substituted;

(17) in section 77,-

(a) for the expressions "Director" and "the planning authority concerned" wherever they occur, the expressions "Government" and "the Metropolitan Development Authority" shall, respectively, be substituted;

(18) in section 79,-

(a) for the expression "prescribed authority" wherever it occurs, the expression "Government" shall be substituted;

(b) in sub-section (1), for the expression "planning authority", the expression "Metropolitan Development Authority" shall be substituted;

(c) in sub-section (2), for the expression "if it is satisfied", the expression "if they are satisfied' shall be submitted;

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(19) section 80 shall be omitted;

(20) in section 81, in sub-section (1), the expression “and 80” shall be omitted;

(21) in section 91, in sub-section (1), for the expression “except the power of the Government to make rules”, the expression “except the power of the Government to hear any appeal under section 76 and the power to make rules” shall be substituted.

9-E. Relation with the Chennai Metropolitan Water Supply and Sewerage Board.- (1) Notwithstanding anything contained in this Act, the Chennai Metropolitan Development Authority shall fully consult and collaborate the Chennai Metropolitan Water Supply and Sewerage Board constituted under the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978) with respect to any provision regarding water supply or sewerage services and matters connected therewith that may be included in any development plan prepared or to be prepared under this Act for the Chennai Metropolitan Planning Area or any part thereof.

(2) With respect to any such development plan, the execution of or the carrying out of any work under such plan shall, in so far it relates to water supply and sewerage service or matters connected therewith, be entrusted to and be the sole responsibility of the Chennai Metropolitan Water Supply and Sewerage Board, and if any work under such plan is in the process of being executed or carried out on the date of coming into force of this section, the Chennai Metropolitan Development Authority shall continue and complete such work in accordance with section 27 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978(Tamil Nadu Act 28 of 1978).

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CHAPTER – III.

PLANNING AREAS, PLANNING AUTHORITIES AND PLANS

10. Declaration of regional planning areas, local planning areas and their amalgamation and sub-division and inclusion from other regions and local areas.-

(1) The Government may, by notification in the Tamil Nadu Government Gazette,-

(a) from time to time declare their intention to specify any area in the State (other than the Chennai Metropolitan Planning Area) to be a regional planning area after taking into consideration –

(i) the population of such area which shall not less than the minimum and more than the maximum as may be prescribed;

(ii) the development of such area for industrial or commercial purposes; or

(iii) such other matters as may be prescribed;

(b) from time to time declare their intention to specify any area in the State (other than Chennai Metropolitan Planning area) to be a local planning area after taking into consideration-

(i) the population of such area which shall not be less than the minimum and more than the maximum as may be prescribed.

(ii) the development of such area for industrial or commercial purposes;

(iii) the fact whether such area has been reserved or designated in a regional plan as the site for a new town; or

(iv) such other matters as may be prescribed;

(c) from time to time declare their intention to specify any area as the site for a new town, after taking into consideration-

(i) the population of such area which shall not be less than the minimum and more than the maximum as may be prescribed;

(ii) the development of such area for industrial or commercial purposes;

(iii) the fact whether such area has been reserved or designated in a regional plan as the site for a new town; or

(iv) such other matters as may be prescribed;

and copies for such notification shall be sent to the local authorities which are situated in the area so specified.

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Explanation.- For the purpose of this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.]

(2) Every notification published under sub-section (1) shall define the limits of the area to which it relates or the area designated, as the case may be.

(3) Any inhabitant or any local authority or institution in the areas in respect of which any notification has been published under sub-section (1) may, within two months from the date of the publication of the notification in the Tamil Nadu Government Gazette, submit any objection or suggestion in writing to anything contained in that notification to the Government and the Government shall consider all such objections or suggestions.

(4) After the expiry of two months from the date of publication of the notification in the Tamil Nadu Government Gazette and after considering the objections or suggestions, if any, the Government may, by notification in the Tamil Nadu Government Gazette-

(a) declare the area with or without any modification to be a regional planning area, or a local planning area or the site for a new town, as the case may be; and

(b) specify the name of the regional planning area or the local planning area or the new town , as the case may be.

(5) The Government may, after consulting the Director and regional planning authorities or local planning authorities concerned, amalgamate two or more regional planning areas or local planning areas into one such area, or sub-divide a regional planning area or a local planning area into different such areas and constitute them as separate regional planning areas or local planning areas, as the case may be, or include any such sub-divided areas in any other regional planning area or local planning area, as the case may be, and notify the same in the Tamil Nadu Government Gazette.

(6) The Government may, by notification in the Tamil Nadu Government Gazette, direct that any of the rules and orders made, regulations and directions issued and powers conferred under this Act and in force in any regional planning area or local planning area with which or in which any other area is amalgamated or included shall apply to the area so amalgamated or included under this section to such extent and subject to such modifications, additions and restrictios, as may be specified in such notification.

(7) (a) When two or more regional planning areas or local planning areas are amalgamated or a regional planning area or local planning are is sub-divided into different areas and constituted as separate regional planning areas or local planning areas, as the case may be, or any such sub-divided area is included in any other regional planning area or local planning area, the Government shall after consulting the Director,

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regional planning authority or the local planning authority or other authorities concerned, frame a scheme-

(i) declaring that the assets and liabilities of the concerned regional planning authorities or the local planning authorities shall vest in the amalgamated regional planning authorities or the local planning authorities, as the case may be;

(ii) determining what portion of the assets and liabilities of the regional planning authorities or the local planning authorities whose areas are sub-divided shall vest in the regional planning authorities or the local planning authorities constituted for each sub-division or in the regional planning authorities or the local planning authorities in whose area the sub-divided areas are included.

(b) The scheme framed under clause (a) shall be published in the Tamil Nadu Government Gazette, and upon such publication the assets and liabilities to which such scheme relates, shall vest in accordance with such scheme.

11. Constitution of town and country planning authorities.- (1) As soon as may be, after declaration of a regional planning area, a local planning area or the designation of a site for a new town under section 10, the Government may, in consultation with the Director, constitute for the purpose of the performance of the functions assigned to them, an authority called the "regional planning authority", the "local planning authority", or the "new town development authority", as the case may be, for that area having jurisdiction over it:
Provided that, in case where the local planning area consists of the area under jurisdiction of a single local authority, the Government may declare such local authority as the local planning authority for that area

(2) The regional planning authority constituted under sub-section (1) shall consist of-

(a) the Chairman to be appointed by the Government;

(b) the Deputy Director of Town and Country Planning of the region;

(c) such persons not exceeding four in number who are members of the local authorities functioning in the whole or any part of the region appointed by the Government.

(d) three other persons to be appointed by the Government of whom two shall be members of the State Legislature representing a constituency which consists of, or comprises in, or relates to, the regional area; and

(e) a Member-Secretary to be appointed by the Government.

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(3) The local planning authority constituted under sub-section (1) other than the local authority which has been declared as the local planning authority under the said sub-section shall consist of-

(a) the Chairman to be appointed by the Government;

(b) the representatives of local authorities as specified below:-

(i) in cases where there is only one local authority functioning in a local planning area and such local authority has not been declared as the local planning authority, two representatives nominated by that local authority and the Chief Executive Officer of that local authority;

(ii) in other cases where there are two or more local authorities functioning in a local planning area, such persons not exceeding four in number who are members of the local authorities functioning in the whole or part of the area, appointed by the Government;

(c) three other persons to be appointed by the Government of whom one shall be a member of the State Legislature representing a constituency which consist of, or comprises in, or relates to, the local area; and

(d) a Member-Secretary to be appointed by the Government.

(4) The new town development authority constituted under sub-section (1) shall consist of-

(a) the Chairman to be appointed by the Government;

(b) the Chairman of the regional planning authority concerned or a member of the regional planning authority nominated by him;

(c) the Deputy Director of Town and Country planning of the region concerned;

(d) such persons not exceeding four in number nominated by the Government of whom one shall be a member of the State Legislature representing a constituency which consists of, or comprises in, or relates to, the new town; and

(e) a Member-Secretary to be appointed by the Government.

12. Functions and powers of the appropriate planning authorities – (1) Subject to the provisions of this Act and the rules made thereunder, the functions of-

(a) every local planning authority shall be –

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(i) to carry out a survey of the region and prepare reports on the surveys so carried out;

(ii) to prepare an existing land use map and such other maps as may be necessary for the purpose of preparing a regional plan;

(iii) to prepare a regional plan;

(iv) to carry out or cause to be carried out such works as are contemplated in the Master Plan and Detailed Development Plan.

(b) every local planning authority shall be-

(i) to carry out a survey of the local planning area and prepare reports on the surveys so carried out;

(ii) to prepare a present land use map and such other maps as may be necessary for the purpose of preparing a master plan or a detailed development plan;

(iii) to prepare a master plan and a detailed development plan;

(iv) to carry out or cause to be carried out such works as are contemplated in the master plan and detailed development plan;

(c) every new town development authority shall be-

(i) to prepare a new town development plan for its area;

(ii) to secure the laying out and development of the new town in accordance with the new town development plan;

(iii) to carry out building and other operations;

(iv) to provide water, electricity, gas, sewerage and other services, amenities and facilities.

(2) The appropriate planning authority shall also perform any other function which is supplemental, incidental or consequential to any of the functions specified in sub-section (1) or which may be prescribed. It may further exercise all such powers as may be necessary or expedient for the purposes of carrying out it functions under this Act.

13. Cessation of powers of local authorities in the designated area.- On the constitution of a new town development authority for any new town, the local authority or authorities functioning, within the area designated under this Act as a site for the new

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town, immediately before such constitution shall cease to exercise the powers and discharge the duties and perform the functions which the said new town development authority is competent under this Act.

14. Temporary association of persons with the appropriate planning authority for particular purposes.- (1) The appropriate planning authority may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may consider necessary in performing any of its functions under this Act.

(2) Any person associated with the appropriate planning authority under sub-section (1) for any purpose shall have the right to take part in the discussions of the said authority relevant to that purpose but shall not have the right to vote and shall not be a member for any other purpose.

15. Regional plans.- (1) As soon as may be, after the declaration of a regional planning area under section 10 and after the constitution of the appropriate planning authority under section 11, the regional planning authority shall, within such item as may be prescribed and after consulting the Director, prepare and submit to the Government, a plan hereinafter in this Act called the "regional plan" for the regional planning area or any part of it.

(2) The regional plan may propose or provide for all or any of the following matters, namely:-

(a) the manner in which the land in the region shall be used and in particular, the general locations of land and the extent to which the land may be used for residential, industrial, commercial, agricultural and recreational purposes or as forest or for mineral exploitation;

(b) the identification of urban and rural growth centre and new town sites;

(c) transport and communication, such as roads, highways, railways, waterways, canals and air-ports including their development.

(d) water-supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas;

(e) demarcation, conservation and development of areas of natural scenic beauty, forest, wild life, natural resources and landscaping;

(f) demarcation of objects and buildings of archaeological or historical interest or of natural beauty, or actually used for religious purposes or regarded by the public with veneration;

(g) areas required for military and defence purposes;

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(h) prevention of erosion, provision for afforestation, or reforestation, improvement and redevelopment of water front areas, rivers and lakes;

(i) irrigation, water-supply and hydro-electric works, flood control and prevention of river pollution; and

(j) such other matters as may be prescribed.

16. Preparation of present land and building use map.- Every local planning authority shall, within such time as may be prescribed prepare a present land and building use map hereinafter called "the map indicating the present use of lands and buildings in the planning area:

Provided that if any local authority has been declared as the local planning authority of any area under sub-section (1) of section 11 and such local authority has prepared a map of the area before the date of commencement of this Act in that area, then, the map already prepared by such local authority shall be deemed to be a map prepared under this section.

Explanation.- For the purpose of this section, the present land and building use shall be the predominant use to which the land or the building, as the case may be, is put to in the date of preparation of the map by the local planning authority.

17. Master plans. – (1) As soon as may be, after the declaration of a local planning area under section 10 and after the constitution of the appropriate planning authority under section 11, the local planning authority shall, within such time as may be prescribed and after consulting the regional planning authority and the local authorities concerned, prepare and submit to the Government, a plan hereinafter called the "master plan", for the local planning area or any part of it and such other area or areas contiguous or adjacent to the local planning area, as the Government may direct to be included in the master plan.

(2) The master plan may purpose or provide for all or any of the following matters, namely:-

(a) the manner in which the land in the planning area shall be used;

(b) the allotment or reservation of land for residential, commercial, industrial and agricultural purposes and for parks, play-fields and open spaces;

(c) the allotment and reservation of land for public buildings, institutions and for civic amenities;

(d) the making of provision for national highways, arterial roads, ring roads, major streets, lines of communication including railways, airports and canals;

(e) the traffic and transportation pattern and traffic circulation pattern;

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(f) the major road and street improvements;

(g) the areas reserved for future development, expansion and for new housing;

(h) the provision for the improvement of areas of bad layout or obsolete development and slum areas and for relocation of population;

(i) the amenities, services and utilities;

(j) the provision for detailed development of specific areas for housing, shopping, industries and civic amenities and educational and cultural facilities;

(k) the control of architectural features, elevation and frontage of buildings and structures;

(l) the provision for regulating the zone, the location, height, number of storeyes and size of buildings and other structures, the size of the yards and other open spaces and the use of buildings, structures and land;

(m) the stages by which the master plan shall be carried out; and

(n) such other matters as may be prescribed.

18. The new town development plan.- (1) As soon as may be, after the designation of the site for a new town under section 10 and after the constitution of the appropriate planning authority under section 11, the new town development authority shall, within such time, as may be prescribed and after consulting the Director, prepare and submit to the Government, a plan hereinafter called the "new town development plan" for the site designated for the new town or any part of it.

(2) The new town development plan may propose or provide for all or any of the matters contained in sub-section (2) of section 17 and such other matters as may be prescribed.

19. Declaration of intention to make or adopt a detailed development plan.-

(1) A local planning authority may, by resolution, decide.-

(a) to prepare a development plan to be called the "detailed development plan" in respect of any land within its planning area; or

(b) to adopt with or without modifications a detailed development plan proposed by all or any of the owners of any such land.

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(2) The resolution under sub-section (1) shall be published by the local planning authority in the prescribed manner by notification in the District Gazette concerned and such notification shall contain such particulars as may be prescribed and specify the time and place where a plan of the area may be inspected.

20. Contents of detailed development plan.- (1) detailed development plan may propose or provide for all or any of the following matters, namely:-

(a) the laying out or relaying out of land, either vacant or already built upon, as building sites;

(b) the construction, diversion, extension, alteration, improvement or closure of lanes, streets, roads and communications;

(c) the construction, alteration, removal or demolition of buildings, bridges and other structures;

(d) the acquisition by purchase, exchange or otherwise of any land or other immovable property within the area included in the detailed development plan whether required immediately or not;

(e) the redistribution of boundaries and the reconstitution of plots belonging to owners of property;

(f) the disposal by sale, exchange, lease or otherwise of land acquired or owned by the local planning authority;

(g) transport facilities;

(h) water-supply;

(i) lighting;

(j) drainage, inclusive of sewage and of surface draining and sewage disposal.

(k) the allotment or reservation of land for streets, roads, squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals, dispensaries, public buildings and public purposes of all kinds and defining and demarcating of, the reconstituted plots or the areas allotted to or reserved for, the above mentioned purposes;

(l) the construction of buildings generally and housing or rehousing of persons displaced by the detailed development plan;

(m) the demarcation of places or objects and buildings of archaeological or historical interest or natural scenic beauty or actually used for religious purposes or

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regarded by the public with veneration, or the protection of canal, tank or river sides, coastal areas and other places of natural or landscape beauty;

(n) the imposition of conditions and restrictions in regard to the character, density, architectural features and height of buildings, the building or control lines for roads, railway lines and power supply lines and the purposes to which buildings or specified areas may or may not be appropriated and the provision and maintenance of sufficient open spaces about buildings;

(o) the advance to the owners of land or buildings comprised within the detailed development plan upon such terms and conditions as may be provided by the said plan, of the whole or part of the amount required for the erection of buildings or for carrying out the works, alterations or improvements in accordance with the detailed development plan; and

(p) such other matters as may be prescribed.

(2) Without prejudice to the generality of the foregoing provisions, every detailed development plan shall contain the following particulars, namely:-

(a) the plan showing the lines of existing and proposed streets;

(b) the ownership of all lands and buildings in the area covered by the plan;

(c) the area of all such lands, whether public or private;

(d) the full description of all details of the plan;

(e) the description of all lands either acquired or to be acquired for matters mentioned in sub-section (1);

(f) the particulars regarding the number and nature of houses to be provided by the local planning authority in cases where the detailed development plan provides for any housing or rehousing, the approximate extent of land to be acquired, the details of the land to be acquired and all matters supplemental, incidental or consequential to such housing or rehousing; and

(g) the zoning regulations and regulations for enforcing or carrying out the provisions of the plan.

21. Preparation and submission of the detailed development plan.- The local planning authority shall, within such time as may be prescribed and after consulting in the prescribed manner, the owners of lands and buildings in the area, prepare and submit a detailed development plan to the Director.

22. Powers of Government to require a regional planning authority or a local planning authority or a new town development authority to prepare a regional

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plan or a master plan or a new town development plan in respect of any area.- Notwithstanding anything contained in sections 15, 17 and 18, the Government may, by notification, require a regional planning authority or a local planning authority or a new town development authority to prepare and submit to the Government before a fixed date a regional plan or a master plan or a new town development plan, as the case may be, in respect of any area.

23. Powers of Director to require local planning authority to prepare detailed development plan in respect of any area.-

Notwithstanding anything contained in sections 19 and 21, the Director in respect of any area, after making such inquiry as he may deem necessary, by notification, require a local planning authority, to prepare and submit to him before a fixed date, a detailed development plan.

24. Consent of Government to the publication of notice of preparation of plans.- (1) As soon as may be, after the regional plan, the master plan or the new town development plan has been submitted to the Government, but not later than such time as may be prescribed, the Government may direct the appropriate planning authority to make such modifications in the regional plan, the master plan or the new town development plan, as they think fit and thereupon the appropriate planning authority shall make such modifications and resubmit it to the Government.

(2) The Government shall, after the modifications, if any directed by them, have been made, give their consent to the appropriate planning authority to the publication of a notice under section 26 of the preparation of the regional plan, the master plan or the new town development plan.

25. Consent of the Director to the publication of notice of preparation of the detailed development plan.- (1) As soon as may be, after the detailed development plan has been submitted tot he Director but not later than such time as may be prescribed, the Director but not later than such time as may be prescribed, the Director may direct the local planning authority to make such modifications in the detailed development plan as he thinks fit in the public interest and thereupon the local planning authority shall make such modifications and resubmit it to him,

(2) The Director shall, after the modifications, if any, directed by him, have been made, give his consent to the local planning authority to the publication of a notice under sub-section (1) of section 27, of the preparation of the detailed development plan.

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26. Notice of the preparation of the regional plan, the master plan or the new town development plan.- (1) As soon as may be, after the appropriate planning authority has received the consent of the Government under sub-section (2) of section 24 to the publication of the notice, the appropriate planning authority shall publish the notice in the Tamil Nadu Government Gazette, and in leading daily newspapers of the region of the preparation of the regional plan, the master plan or the new town development plan, as the case may be, and the place or places where copies of the same may be inspected, inviting objections and suggestions, in writing, from any person in respect of the said plan within such period as may be specified in the notice:

Provided that such period shall not be less than two months from the date of publication of the notice in the Tamil Nadu Government Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the appropriate planning authority shall allow a reasonable opportunity of being heard to any person including representatives of Government departments and authorities, who have made a request for being so heard and make such amendments to the regional plan, the master plan or the new town development plan, as the case may be, as it considers proper and shall submit the said plan with or without modifications to the Government.

27. Notice of the preparation of the detailed development plan.- (1) As soon as may be, after the local planning authority has received the consent of the Director under sub-section (2) of section 25 to the publication of the notice, the local planning authority shall publish the notice in the Tamil Nadu Government Gazette, and in leading daily newspapers of the region of the preparation of the detailed development plan and the place or places where copies of the same may be inspected, inviting objections and suggestions, in writing, from any person in respect of the said plan within such period as may be specified in the notice:

Provided that such period shall not be less than two months from the date of publication of the notice in the Tamil Nadu Government Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the appropriate planning authority shall allow a reasonable opportunity of being heard to any person including representatives of Government departments and authorities, who have made a request for being so heard and make such amendments to the detailed development plan, as it considers proper and shall submit the said plan with or without modifications to the Government.

28. Approval by Government.- As soon as may be, after the submission of the regional plan, the master plan or the new town development plan but, not later than such time as may be prescribed, the Government may, after consulting the Director, either approve the said plan or may approve it with such modifications, as they may consider necessary, or may return the said plan to the appropriate planning authority to modify the plan or to prepared a fresh plan in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval.

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29. Approval by the Director.- As soon as may be, after the submission of the detailed development plan, but not later than such time as may be prescribed, the Director may, either approve the said plan or may approve it with such modifications, as he may consider necessary, or may return the said plan to the local planning authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Director may issue in this behalf and resubmit it to him for approval.

30. Coming into operation of regional plan, master plan and new town development plan.- (1) The approval of the Government to a regional plan, a master plan or a new town development plan under section 28 shall be published by the Government by a notification in the Tamil Nadu Government Gazette and in leading daily newspapers of the region and such notification shall state the place and time at which the said plan shall be open to the inspection of the public.

(2) A notification published under sub-section (1) shall be conclusive evidence that the regional plan, the master plan or the new town development plan, as the case may be, has been duly made and approved. The said plan shall come into operation from the date of the publication of such notification in the Tamil Nadu Government Gazette.

31. Coming into operation of the detailed development plan.- (1) Immediately after the detailed development plan has been approved by the Director, the local planning authority shall publish a notice in the Tamil Nadu Government Gazette and in the leading daily newspapers of the region of the approval of the detailed development plan and such notice shall state the place or places and time at which the said plan shall be open to the inspection of the public.

(2) A notice published under sub-section (1) shall be conclusive evidence that the detailed development plan has been duly made and approved. The said plan shall come into operation from the date of publication of such notice in the Tamil Nadu Government Gazette.

32. Variation, revocation and modification of regional plans, master plans and new town development plan.- (1) A regional plan, master plan or new town development plan approved under section 28 may, at any time, be varied or revoked by a subsequent regional plan, master plan or new town development plan, as the case may be, prepared and approved under this Act.

(2)(a) Once in every ten years after the date on which the regional plan for an area comes into operation, the regional planning authority may, and if so directed by the Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the Director, review the regional plan and make such modifications in such plan wherever necessary and submit the modified regional plan for the approval of the Government.

(b) Once in every five years after the date on which the master plan for an area comes into operation, the local planning authority may, and if so directed by the

Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the regional planning authority and the local authorities concerned, review the master plan and make such modifications in such plan wherever necessary and submit the modified master plan for the approval of the Government.

(3) The provisions of section 36, 28 and 30 with such modifications as may be necessary shall apply to such modified regional plan or the master plan, as the case may be.

(4) The Government mat, at any time by notification in the Tamil Nadu Government Gazette, vary or revoke the regional plan, a master plan or a new town development plan, as the case may be, prepared and approved under this Act.

33. Variation and revocation of detailed development plan.- (1) A detailed development plan approved under section 29 may, at nay time, be varied or revoked by a subsequent plan prepared and approved under this Act.

(2) The provisions of sections 27, 29 and 31 with such modifications as may be necessary shall apply to such subsequent plan referred to under sub-section (1).

(3) The Government may, at any time, by notification in the Tamil Nadu Government Gazette, vary or revoke the detailed development plan prepared and approved under this Act.

34. Detailed town planning schemes prepared under the Tamil Nadu Town Planning Act, 1920, deemed to be detailed development plans under this Act.- Every detailed town planning scheme notified, submitted or sanctioned under the Tamil Nadu Town Planning Act, 1920 (Tamil Nadu Act VII of 1920) together with any variation made thereto shall, for purposes of this Act, be deemed to be a detailed development plan made under the Act and all actions taken under the said Act in respect thereof shall be seemed to have been taken under this Act.

34-A. Special provision for sanction of building plan in certain cases.- Notwithstanding anything contained in this Act or in any other law relating to local authorities for the time being in force, or in any detailed development plan, made or deemed to be made under this Act, the Municipal Corporation of Chennai may sanction any buildings plan,-

(i) providing for the construction of more than one dwelling-house on any one site; or

(ii) providing for the construction of any building with variation in regard to requirement of plot extent or plot coverage or open space.

35. Special provision in respect of development plan.- Notwithstanding anything contained in this Act or in any other law relating to local authorities for the time being in force or in the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908), any development plan prepared under this Act may, among other matters as provided for

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in the foregoing provisions, also propose or provide for all or any of the following matters, namely:-

(i) the suspension, restriction or modification, so far as may be necessary for the proper carrying out of such development plan, of any provision in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), or any other law relating to local authorities for the time being in force, or in any rule, by-law or regulation made under the said Acts or laws and in force in the area included in such development plan;

(ii) the suspension, restriction or modification, so far as may be necessary for the proper carrying out of such development plan, of any provision in the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908), affecting the conversion of holdings or portions thereof into building-land in the area included in such development plan.

Explanation.- Tamil Nadu Act I of 1908: The word "holdings" in this clause shall have all same meaning as in the Tamil Nadu Estates Land Act, 1908

(iii) the determination of the size and shape of every reconstituted plot for rendering it suitable so far as may be,. for planning purposes including building purposes;

(iv) the formation of any reconstituted plot by the alteration of the boundaries of the plot in the original size.

(v) the conversion with the consent of the owners, of ownership held severally or jointly, of two or more plots in the original size, with or without alteration of boundaries, into common ownership of such plots as reconstituted plots;

(vi) the allotment of a plot to any owner dispossessed of any land in furtherance of any development plan; and

(vii) the transfer with the consent of the owners, of the ownership of a plot from one person to another.

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CHAPTER - IV.

ACQUISITION AND DISPOSAL OF LAND.

36. Power to acquire land under the Land Acquisition Act.- Any land required, reserved or designated in a regional plan, master plan, detailed development plan or a new town development plan, as the case may be, shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act I of 1894) and may be acquired under the said Act as modified in the manner provided in this Act.

37. Power to purchase or acquire lands specified in the development plan.- (1) Where after the publication of the notice in the Tamil Nadu Government Gazette of preparation of a regional plan, master plan, detailed development plan or a new town development plan, as the case may be, any land is required, reserved or designated in such plan, the appropriate planning authority may, either enter into agreement with any person for the acquisition from him by purchase of any land which may be acquired under section 36 or make an application to the Government for acquiring such land under the Land Acquisition Act, 1894 (Central Act I of 1984):

Provided that if the value of such land exceeds fifty thousand rupees the appropriate planning authority shall not enter into such agreement without the previous approval of the Government.

(2) On receipt of an application made under sub-section (1), if the Government are satisfied that the land specified in the application is needed for the public purpose specified therein, they may make a declaration to that effect in the Tamil Nadu Government Gazette, in the manner provided in section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894), in respect of the said land. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section 6 of the said Act:

Provided that no such declaration in respect of any particular land covered by a notice under section 26 or section 27 shall be made after the expiry of three years from the date of such notice.

(3) On the publication of such declaration, the Collector of the district within whose jurisdiction the land is situate, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply

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to the acquisition of the said land with the modification that the market value of the land shall be the market value prevailing on the date of publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27, as the case may be.

38. Release of land.- If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section2 6 or section 27- (a) no declaration as provided in sub-section (2) of section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or

(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.

39. Right to compensation.- (1) Any person whose property is injuriously affected by virtue of any of the provisions contained in any regional plan, master plan, detailed development plan or a new town development plan made under this Act shall, if he prefers a claim for the purpose to the Tribunal with such particulars and within such period as may be prescribed, be entitled to obtain compensation in respect thereof as determined by the Tribunal:

Provided that property shall not be deemed to be injuriously affected by reason of any of the provisions inserted in any development plan which impose any condition or restriction in regard to any of the matters specified in clause (f) of sub-section (2) of section 15, or in clauses (k) and (l) of sub-section (2) of section 17 or in clauses (m) and (n) of sub-section (1) of section 20, as the case may be.

(2) If, at any time after the day on which any regional plan, master plan, detailed development plan, or a new town development plan has come into force, such plan is varied, or revoked, any person who has incurred any expenditure for the purpose of complying with such plan, shall, if he prefers a claim for the purpose to the Tribunal with such particulars and within such time as may be prescribed, be entitled to obtain compensation in respect thereof as determined by the Tribunal, if by reason only of the variation or revocation of such plan, such expenditure has ceased to be in any way beneficial to him.

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CHAPTER –V.
SPECIAL PROVISIONS REGARDING NEW TOWN DEVELOPMENT AUTHORITY

40. Disposal of land by new town development authority.- (1) Subject to any direction given by the Government under this Act, a new town development authority may dispose of any land acquired by it, to such persons, in such manner, and subject to such terms and conditions as it considers expedient for securing the development of the new town in accordance with the new town development plan approved by the Government under this Act:

Provided that, a new town development authority shall not have power, except with the consent of the Government, to sell any land or to grant a lease of any land for a term of more than ninety-nine years, and the Government shall not give consent to any such disposal of land, unless they are satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient.

(2) The powers of a new town development authority in regard to the disposal of land acquired by it under this Act shall be so exercised as to secure, so far as practicable that persons who were living or carrying on business or other activities on land so acquired shall, if they desire to obtain a plot or accommodation on land so acquired and are willing to comply with any requirements of the new town development authority as to its development and use, have an opportunity to obtain a plot or accommodation suitable to their reasonable requirements on terms settled with due regard to that price at which any such land has been acquired from them.

(3) Nothing in this Act shall be construed as enabling a new town development authority to dispose of land by way of gift, mortgage or charge, but, subject as aforesaid, reference in this Act to the disposal of land shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

41. Power to make agreement for provision of services.- A new town development authority may make any agreement or enter into any contract with any local authority., local planning authority or statutory body in order to secure the provision of services, such as water supply, drainage including sewerage, electricity, gas within the area of the new town, subject to the power of the Government to modify or disallow such agreement or contract.

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42. Contributions by new town development authority towards expenditure of local authority and statutory body.- Without prejudice to the generality of the powers conferred on a new town development authority under this Act, any new town development authority may, with the consent of the Government, contribute such sums as the Government may determine towards expenditure incurred or to be incurred by any local authority, local planning authority or statutory body in the performance, in relation to the new town of any of their statutory functions, including expenditure so incurred in the acquisition of land.

43. Advances and payments by Government to the new town development authority.- (1) For the purpose of enabling a new town development authority to defray expenditure properly chargeable to capital account including the provision of working capital, the Government may, make advances to the new town development authority repayable over such periods and on such terms as may be approved by the Government.

(2) For the purpose of enabling a new town development authority to defray any other expenditure, the Government may, make grants to the new town development authority of such amounts as they may decide in this behalf.

44. Power of the new town development authority to borrow and lend.- (1) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the new town development authority may, for the promotion and execution of works in the new town development plan made under this Act, borrow money from the public or from any corporation owned or controlled by any State Government or by the Central Government.

(2) Whenever the borrowing of any sum of money has been approved by the Government, the new town development authority may, instead of borrowing such sum or any part thereof from the public, take credit from any bank or any corporation owned or controlled by any State Government or by the Central Government on a cash account to be kept in the name of the new town development authority to the extent of such sum or part thereof, and may, with the previous sanction of the Government, grant mortgages of all or any of the properties vested in the new town development authority by way of security for such credit

(3) Subject to such conditions and limitations as may be prescribed and with the previous approval of the Government, the new town development authority may, for the promotion and execution of works in the new town development plan made under this Act, enter into financial arrangements with any bank or other financial institutions approved by the Government or with the life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act XXXI of 1956).

(4) Subject to the provisions of this Act and to such conditions and limitations as may be prescribed, the new town development authority may, out of its funds, grant loans and advances on such terms and conditions as it may determine, to any co-operative society registered or deemed to be registered under the law relating to co-operative

societies for the time being in force in the State of Tamil Nadu or to any institution or person for the construction of houses and buildings or other uses.

45. Transfer of undertaking of new town development authority.- Without prejudice to the power of a new town development authority under this Act to dispose of any of its property, a new town development authority may, by an agreement made with any local authority, or local planning authority and with the prior approval of the Government, transfer to that local authority or local planning authority any part of its property upon such terms as may be provided for by the agreement and after following such procedure as may be prescribed.

46. Combination and transfer of functions of new town development authority.- (1) If it appears to the Government in the case of any area designed under this Act as the site for a new town that there are exceptional circumstances which render it expedient that the functions of a new town development authority under this Act should be performed by the new town development authority established for the purposes of any other new town instead of by a separate new town development authority established for the purpose, they may, in lieu of establishing such a separate new town development authority by order, direct that the said functions shall be performed by the new town development authority, established for the said other new town.

(2) If it appears to the Government that there are exceptional circumstances which render it expedient that the functions of a new town development authority established for the purposes of a new town should be transferred to the new town development authority established for the purposes of any other new town, they may, by order, provide for the dissolution of the first mentioned new town development authority and for the transfer of its functions, property, rights and liabilities to the new town development authority established for the purposes of the said other new town.

(3) Without prejudice to the provisions of this Act relating to the variation of orders made thereunder, an order under this section providing for the exercise of functions in relation to purposes of another new town, or for the transfer of such functions to such a new town development authority, may modify the name and constitution of that new town development authority, in such manner as appears to the Government to be expedient, and for the purposes of this Act that new town development authority shall be deemed to have been established for the purposes of each of those new town.

(4) Before making an order under this section providing for the transfer of functions from or to a new town development authority or for the exercise of any function to such new town development authority, the Government shall consult with that new town development authority.

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CHAPTER – VI.

CONTROL OF DEVELOPMENT AND USE OF LAND.

47. Use and development of land to be in conformity with development plan.- After the coming into operation of any development plan in any area, no person other than any State Government or the Central Government, or any local authority shall use or cause to be used, any land or carry out any development in that area otherwise than in conformity with such development plan:

Provided that the continuance of the use of any land for the purpose and to the extent for, and to which it is being used on the date on which such development plan comes into operation, may be allowed for such period and upon such terms and conditions as may be specified in such development plan.

48. Restrictions on buildings and lands, in the area of the planning authority.- On or after the date of the publication of the resolution under sub-section (2) of section 19 or of the notice in the Tamil Nadu Government Gazette under section 26, no person other than any State Government or the Central Government or any local authority, shall, erect any building or make or extend any excavation or carry out any mining or other operation, in, on, over or under any land or make any material change in the use of land or construct, form or layout any work except with the written permission of the appropriate planning authority and in accordance with the conditions, if any, specified therein.

49. Application for permission.- (1) Except as otherwise provided by rules made in this behalf, any person not being any State Government or the Central Government or any local authority intending to carry out any development on any land or building on or after the date of the publication of the resolution under sub-section (2) of section 19 or of the notice in the Tamil Nadu Government Gazette under section 26, shall make an application in writing to the appropriate planning authority for permission in such form and containing such particulars and accompanied by such documents as may be prescribed.

(2) The appropriate planning authority shall, in deciding whether to grant or refuse such permission, have regard to the following matters, namely:-

(a) the purpose for which the permission is required;
(b) the suitability of the place for such purpose;
(c) the future development and maintenance of the planning area

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(3) When the appropriate planning authority refuses to grant a permission to any person, it shall record in writing the reasons for such refusal and furnish to that person, on demand, a brief statement of the same.

50. Duration of permission.- Every permission for development granted under section 49 shall remain in force for a period of three years from the date of such permission:

Provided that the appropriate planning authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period for such time as it may think proper; but such extended period shall, in no case, exceed three years:

Provided further that any expiry of permission shall not bar any subsequent application for fresh permission under this Act.

51. Exemption for works in progress.- Nothing contained in section 48 shall apply to the erection of any building or to the making or extension of any excavation or to the carrying out of any mining or other operation or to the making of any material change or to the construction, formation or laying out of any means of access or of works commenced before the date of the publication of the resolution under sub-section (2) of section 19 or of the notice in the Tamil Nadu Government Gazette under section 26.

52. Obligation to acquire land or building on refusal of permission or on grant of permission in certain cases.- (1) Where any person, interested in the land or building required or reserved or designated in any development plan, is aggrieved by any order in appeal made under this Act refusing to grant permission or granting permission subject to conditions and if he claims-

(a) that the land or building has become incapable of reasonably beneficial use in the existing state, or

(b) in a case where permission was granted subject to conditions, that the land or building cannot be rendered capable of reasonably beneficial use by carrying out the permitted development in accordance with those conditions, he may, within two months from the date of the order in appeal, made under this Act and in the manner prescribed, serve on the Government, a notice (hereinafter referred to as "acquisition notice" requiring the Government to acquire his interest in the land or building.

(2) A copy of such notice shall, at the same time, be served on the appropriate planning authority.

(3) After receiving the notice under sub-section (1), the Government shall appoint any person not below the rank of a District Revenue Officer who shall, after giving a reasonable opportunity to the person serving the acquisition notice and to the appropriate planning authority to be heard, submit a report thereon to the Government. After receiving such report, the Government shall, -

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(a) (i) if they are satisfied that the conditions specified in clause (a) or (b) of sub-section (1) are not fulfilled, or

(ii) if the order made in appeal under this Act was passed on the ground that the provisions of this Act, rules or regulations that may be applicable have not been complied with,

pass an order refusing to confirm the notice;

(b) if they are satisfied that the conditions specified in clause (a) or (b) of sub-section (1) are fulfilled regarding the land or building or any part of the land or building, shall pass an order,-

(i) confirming the notice, or

(ii) directing the appropriate planning authority to grant such permission to develop the land or building or grant the permission subject to such conditions as will keep the land or building capable of reasonable beneficial use.

(4) If within the period of one year from the date on which an acquisition notice is served under sub-section (1), the Government have not passed any order under the foregoing sub-section, the notice shall be deemed to have been confirmed at the expiration of the aforesaid period.

(5) Upon confirmation of the notice under sub-section (3) or (4), the Government shall proceed to acquire the land or building or that part of the land or building in respect of which the notice has been confirmed within one year from the date of confirmation of the acquisition notice.

53. Compensation for refusal of permission or grant of permission subject to conditions in certain cases.- (1) Where an order in appeal made under this Act refusing to grant permission, or granting permission subject to conditions, relates to any of the following developments-

(a) the re-erection of a building which has been destroyed or demolished so long as the extent of the original building is not exceeded by more than one-tenth of the plinth area;

(b) the enlargement, improvement or other alteration of any building which is in existence on the date of coming into operation for the first time of a development plan relating to the area so long as the extent of the original building is not exceeded by more than one-tenth of the plinth area;

(c) the carrying out on land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement, improvement or alteration of a building for human habitation or of building used for the purpose of marketing of the produce of land;

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(d) where any part of any building or other land which on the date of coming into operation for the first time of a development plan relating to the area is used for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one tenth of the plinth area of the part of the building used for that purpose on that day or as the case may be, one-tenth of the area of the land so used on that date, the owner may, within such time and in such manner as may be prescribed, claim upon the appropriate planning authority if it has not been served an acquisition notice or if the acquisition notice is not confirmed by the Government under section 52, compensation for such refusal or for grant of permission subject to conditions:

Provided that no compensation shall be claimed if such refusal or grant of permission subject to conditions was based on any provision of any development plan.

(2) The compensation shall be equal to-

(a) where permission is refused, the difference between the value of the land or building, as the case may be, as if the permission had been granted and the value of the land or building in its existing state;

(b) where permission is granted subject to conditions, the difference between the value of the land or building, as the case may be, as if the permission had been granted unconditionally and the value of such land or building with the permission granted subject to conditions.

(c) If the owner does not accept the compensation and gives notice within such time as may be prescribed of his refusal to accept, the appropriate planning authority shall refer the matter for adjudication of the Tribunal and the decision of the Tribunal, thereon shall, subject to any appeal, revision or review as provided for in this Act, be final and binding on the owner and the appropriate planning authority.

54. Power of revocation and modification of permission to development.- (1) If it appears to an appropriate planning authority that it is expedient, having regard to the development plan prepared, that permission for any development granted under this Act or any other law, should be revoked or modified, the said planning authority may, after giving the person concerned an opportunity of being heard against such revocation or modification, by order, revoke or modify the permission to such extent as may be necessary:

Provided that-

(a) where the permission relates to the carrying of building or other operation, no such order shall affect such of the operations as have been previously carried out, or be passed after those operations have been completed;

(b) where the permission relates to a change of use of land or building, no such order shall be passed at any time after the change has taken place.

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(2) When permission is revoked or modified under sub-section (1), and if the owner claims from the appropriate planning authority, within such time and in such manner, as may be prescribed, compensation for the expenditure incurred in carrying out the development after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification, the said planning authority shall, after giving the owner reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

(3) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the appropriate planning authority shall refer the matter for adjudication of the Tribunal, and the decision of the Tribunal thereon shall, subject to any appeal, revision or review as provided for in this Act, be final and binding on the owner and the appropriate planning authority.

55. Bar of claim to compensation in certain cases.- (1) Nothing contained in this Act shall be deemed to confer upon any person any right to obtain any compensation in respect of any development made by him on or after the date of the publication of the resolution under sub-section (2) of section 19 or of the notice in the Tamil Nadu Government Gazette under section 26, as the case may be, without obtaining the permission as required under section 49 in respect of such development.

(2) Where any property is alleged to be injuriously affected by reason of any of the provisions contained in any development plan, no compensation shall be paid in respect thereof, if or in so far as the provisions are such as would have been enforceable without any compensation under any law, rule or regulation or bye-law at the time in force.

56. Power to require removal of unauthorised development-

(1) Where any development of land or building has been carried out-

(a) without permission required under this Act; or

(b) in contravention of any permission granted or of any condition subject to which permission has been granted; or

(c) after the permission for development of land or building has been duly revoked; or

(d) in contravention of any permission which has been duly modified, the appropriate planning authority may, within three years of such development, serve on the owner, a notice requiring him within such period, being not less than one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice-

(i) in cases specified in clause (a) or (c) above, to restore the land to its condition before the said development took place;

(ii) in cases specified in clause (b) or (d) above, to secure compliance with the permission or with the conditions of the permission, as the case may be.

(2) In particular, any such notice may, for the purposes aforesaid, require-

(i) the demolition or alteration of any building or works;

(ii) the carrying out on land, of any building or other operations;

(iii) the discontinuance of any use of land or building:

Provided that, in case the notice requires the discontinuance of any use of land or building, the appropriate planning authority shall serve a notice on the occupier also.

(3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner prescribed, apply for permission under section 49 for the retention of the land, or any buildings or works or for the continuance of any use of the land or building to which the notice relates.

(4) (a) The notice shall not be of any effect pending the final determination or withdrawal of the application.

(b) (i) The foregoing provisions of this Chapter shall so far as may be, apply to an application made under sub-section (3).

(ii) If such permission applied for is granted on that application, the notice shall not take effect, or if such permission applied for is not granted, the notice shall have full effect, or if such permission is granted for the retention only of some buildings or works, or for the continuance of use of only a part of the land or building, the notice shall not take effect regarding such buildings or works or such part of the land or building, but shall have full effect regarding other buildings or works or other parts of the land or building, as the case may be.

(5) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission, the notice or so much of it as continues to have effect, is not complied with, the appropriate planning authority may-

(a) prosecute the owner for not complying with the notice; and in case where the notice requires the discontinuance of any use of land or building, any other person, who uses the land or building or causes or permits the land or buildings to be used in contravention of the notice; and

(b)(i) in the case where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission as modified by taking such steps as the appropriate planning authority may consider necessary including

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demolition or alteration of any building or works or carrying out of any building or other operations; and

(ii) the appropriate planning authority concerned may recover the cost of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

57. Power to stop unauthorised development.- (1) Where any development as described in clauses (a) to (d) of sub-section (1) of section 56 is being carried out , but has not bee completed, the appropriate planning authority may serve on the owner and the person carrying out the development, a notice requiring the development to be discontinued from the time of service of such notice.

(2) Where a notice under sub-section (1) has been served, the provisions of sub-sections (3) to (5) of section 56 shall apply with such modifications as may be necessary:

Provided that the provisions of clause (a) of sub-section (4) of section 56 shall not apply to the notice served under sub-section (1) and the notice shall continue to have effect and the development shall not be continued during the period in which the final determination or disposal of application for permission under section 49 is pending.

58. Development undertaken on behalf of any State Government or Central Government or local authority.- (1) When any department of any State Government or the Central Government or any local authority intends to carry out development of any land or building, the officer-in-charge thereof shall inform, in writing, the planning authority concerned the intention to do so, giving full particulars thereof, and accompanied by such plans and documents atleast thirty days before undertaking such development:

Provided that in case where any local authority is the local planning authority under this Act, it shall inform the fact of any such proposed development to the regional planning authority concerned within whose jurisdiction such local authority is situated.

(2) Where a planning authority concerned or the regional planning authority concerned, as the case may be, raised any objection to the proposed development on the ground that the development is not in conformity with the provisions of any development plan under preparation or for any other material consideration, the officer of the State Government, Central Government or any local authority, as the case may be shall-

(i) either make necessary modifications in the proposals for development to meet the objections raised by the planning authority concerned, or

(ii) submit the proposals for development together with the objections raised by the planning authority concerned to the Government for decision.

(3) The Government, on receipt of the proposal for development together with the objections of the planning authority concerned shall, in consultation with the Director, either approve the proposals with or without modifications or direct the officer to make

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such modifications in the proposals as they consider necessary in the circumstances and the officer concerned shall be bound to make such modifications as proposed by the Government.

CHAPTER – VII.

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGES

59. Levy of development charges: (1) Subject to the provisions of this Act and the rules made thereunder, every planning authority including a local authority, where such local authority is the planning authority, shall levy charges (hereinafter called the development charges) on the institution of use or change of use of land or building or development of any land or building for which permission is required under this Act in the whole area or any part of the planning area within the maximum rates specified in section 60.

Provided that the rates of development charges may be different for different parts of the planning area and for different uses:

Provided further that the previous sanction of the Government has been obtained for the rates of levy.

(2) When a planning authority, including a local authority, where such local authority is the planning authority, shall have determined to levy development charges for the first time or at a new rate, such authority shall, forthwith, publish a notification in the Tamil Nadu Government Gazette specifying the rates of levy of development charges.

(3) The development charges shall be leviable on any person who undertakes or carries out any such development or institutes or changes any such use.

(4) Notwithstanding anything contained in sub-sections (1) and (2), no development charges shall be levied on development, or institution of use or of change of use of, any land or building vested in or under the control or possession of the Central or any State Government or of any local authority.

60. Rates of development charges.- (1) (a) For the purposes of assessing the development charge, the use of land and building shall be classified under the following categories:-

(i) industrial;

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(ii) commercial;
(iii) residential;
(iv) agricultural; and
(v) miscellaneous

(b) In classifying the use of land and building under any of the categories mentioned in clause (a), the predominent purpose for which such land and building are used shall be the main basis for such classification.

(2) The rates of development charges shall be determined on the proposed use of land or building-

(a) in the case of development of land, at a rate to be prescribed per hectare for that area;

(b) in the case of development of building, at a rate to be prescribed per square metre of floor are for that area:

Provided that such rats shall not exceed one lakh rupees per hectare in the case of development of land and twenty-five rupees per square metre in the case of development of building.

Provided further that where the land appurtenant to a building is used for any purpose independent of the building, development charge may be levied separately for the building and the land.

61. Assessment of development charges.- (1) Any person who intends to carry out any development or institute or change any use of any land or building for which permission is required under this Act, whether he has applied for such permission or not, or who has commenced carrying out any such development or has carried out such developments or substituted or changed any such use shall apply to the appropriate planning authority or to the executive authority of the local authority, as the case may be, within such time and in such manner as may be prescribed, for the assessment of development charges payable in respect thereof.

(2) The appropriate planning authority or the executive authority of the local authority, as the case may be, shall on such application being made or if no such application is made, after serving a notice in writing on the person liable to such payment and after calling for a report in this behalf from the concerned Town Planning Officer, determine whether or not, and if so, what development charge is leviable in respect of that development or institution of use or change of use and fix a date by which such payment shall be made and, interest at the rate of six percent per annum upon any amount outstanding shall be payable from that date.

(3) The appropriate planning authority or the executive authority of the local authority, as the case may be, after taking into consideration the report aforesaid and after

giving such person an opportunity to be heard, shall then assess the amount of development charges payable by such person concerned and give to such person a notice in writing of such assessment:

Provided that-

(a) where permission under this Act has not been granted for carrying out the said development, the appropriate planning authority or the executive authority of the local authority may postpone the assessment of the development charges;

(b) where the application relates to the carrying out of any development, the appropriate planning authority or the executive authority of the local authority may refuse to assess the amount of development chares payable by such person concerned, unless it is satisfied that the applicant has an interest in the land or building, sufficient to enable him to carry out such development or that the applicant is able to obtain such interest and that the applicant shall carry out the development within such period as the appropriate planning authority or the executive authority of the local authority may determine;

(c) where the application relates to the institution or change of any use, the appropriate planning authority or the executive authority of the local authority may refuse to assess the amount of development changes in respect thereof, unless it is satisfied that the use will be instituted within such period as it consider appropriate.

62. Power of local authority to collect development charges.- Every local authority in the area of a planning authority shall, in regard to the planning area lying within the jurisdiction of such local authority, collect all development charges due under this Act in respect of any development in that area:

Provided that in case where the local authority is the planning authority, the development charges shall be collected by such local authority.

63. Recovery of development charges.- (1) development charges payable in respect of any land or building shall be a first charge on such land or building, subject to the prior payment of land revenue, if any, due to the Government thereon.

(2) All development charges payable in respect of any land or building by any person shall, together with interest due upto the date of realisation, be recoverable by the local authority concerned from such person or his successor in interest in such land or building, as arrears of land revenue.

63-A. Apportionment of development charges in certain cases.- Where any development charges are levied or recovered under the provisions of this Chapter in respect of the use or change of use of land or building or development of any land or building in the Chennai Metropolitan Planning Area, and if any such charge or any part thereof is relatable to provision for or improvement of water-supply or sewerage service, the Chennai Metropolitan Development Authority shall pay over to the Chennai Metropolitan Water Supply and Sewerage Board constituted under the Chennai

Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978), such charge or part thereof:

Provided that if there is any doubt or dispute about the amount to be paid over, the matter shall be referred to the Government whose decision thereon shall be final;

CHAPTER – VIII.
FINANCE.

64. State Town and Country Planning and Development Fund.- (1) Government may constitute a State Town and Country Planning and Development Fund for the purpose of furthering the town and country planning functions under the Act.

(2) The Government may, from time to time, allocate moneys from the Consolidated Fund of the State to this fund.

(3) Moneys from this fund may be advanced by the Government as grants or loans on such terms and conditions as the Government may determine, to the planning authorities for the performance of their functions under this Act, which may include-

(a) Preparation of development plans;
(b) execution of the development plans in full or in part; and
(c) any purpose incidental to the preparation or execution of development plans.

(2) The said fund shall be vested in, and administered and audited by such authority and in such manner as may be prescribed.

65. Funds.- (1) Every planning authority shall maintain a separate Fund called "the Planning and Development Fund Account" (hereinafter called as the "Fund Account").

(2) The Fund Account may be initially established by the planning authorities with the grants, advances or loans obtained from the Government or from the State Town and Country Planning and Development Fund.

(3) Every local authority shall contribute such moneys not exceeding ten per centum of the general fund of such local authority to the Fund Account of the planning authority as the Government may specify from time to time.

(4) All development charges allocated and moneys received under this Act shall be credited to this Fund.

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66. Subventions and loans to the Board and the planning authorities.- The Government may, from time to time, make subventions or advance loans to the planning authorities for the purposes of this Act on such terms and conditions as the Government may determine.

67. Utilisation of Funds.- (1) Every planning authority shall utilise the moneys from the Fund Account for meeting-

(a) the expenditure incurred in the administration of this Act;

(b) the cost of acquisition of land for purposes of development;

(c) the expenditure for any development of works contemplated in any development plan;

(d) the expenditure for such other purposes as may be required by the planning authority;

(e) the expenditure for such other purposes as the Government may direct.

(2) No part of the Fund Account shall be appropriated, transferred or otherwise utilised by the planning authority for any purpose other than of making and execution of any development plan or for any purpose incidental to the making or execution of any such development plan.

68. Budget of the planning authority.- (1) Every planning authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing showing its estimated receipts and expenditure under the Fund Account and shall forward to the Government such number of copies thereof as may be prescribed.

(2) The Government shall, on receipt of such budget estimate, in consultation with the Director either approve the same with or without modifications or direct the planning authority to make such modifications as they consider necessary.

69. Accounts and Audit.- (1) Every planning authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The account of every planning authority shall be audited annually by such auditor as the Government may appoint in this behalf and any expenditure incurred in connection with such audit shall be payable from out of the Fund Account.

(3) The auditor appointed under sub-section (2) shall, in connection with such audit, have such rights, privileges and authority as may be prescribed; and in particular, such auditor shall have the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the planning authorities.

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(4) The accounts of every such planning authority as certified by such auditor together with the audit report thereon shall be forwarded to the Director before such date as the Government may specify in this behalf who shall consolidate the reports and submit the same to the Government through the Board.

(5) Every planning authority shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

70. Annual reports.- (1) The Board shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and before such date as may be prescribed.

(2) Every planning authority shall prepare for every year a report of its activities during that year and submit the report to the Director in such form and before such date as may be prescribed and the Director shall consolidate the reports and submit the same to the Government through the Board.

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CHAPTER – IX.
TRIBUNAL AND ITS STAFF AND FUNCTIONS.

71. Constitution of Tribunal.- (1) The Government may constitute as many Tribunals as may be necessary for-

(a) deciding disputes relating to levy or assessment of development charges;

(b) determining the amount of compensation and other question relating to the payment of compensation;

(c) deciding disputes in respect of matters mentioned in clause (k) of sub-section (1) of section 20; and

(d) deciding disputes in respect of matters mentioned in section 35.

(2) The Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of Subordiante Judge.

(3) The Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

(4) Each Tribunal shall have jurisdiction over such area, as the Government may, by notification, from time to time, determine.

72. Officers and servants of Tribunal.- The Tribunal may, with the previous sanction of the Government, appoint such officers and servants as it considers necessary for carrying on its business, and the remuneration and other conditions of service of such officers and servants shall be such as may be prescribed.

73. Inquiry into claims and award of compensation.- (1) The Tribunal shall proceed to inquire in the prescribed manner into every claim preferred under section 39.

(2) The Tribunal shall after such inquiry, determine the amount of compensation payable.

(3) If any question is referred by the appropriate planning authority to the Tribunal for its decision under section 53(3) or 54(3), the Tribunal shall decide such question and determine the amount of compensation.

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(4) The Tribunal shall give to the claimants or their representatives, notice in writing of the amount of compensation determined under sub-section (2) or sub-section (3).

74. Method of awarding compensation.- (1) In determining the amount of compensation, the Tribunal shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 (Central Act I of 1894), and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) If, in any case, the exercise of any right in the property is injuriously affected for a time only, the compensation shall be awarded only in respect of the period during which the exercise of such right in the property is so injuriously affected.

(3) The amount of compensation determined under this Act shall be paid by the appropriate planning authority to the person or persons entitled thereto, at his or their option,-

(a) in cash in such annual instalments with interest at such rate as may be prescribed, or

(b) in saleable or otherwise transferable promissory notes or other securities or stock certificates of the Government, or

(c) partly in cash or partly in such securities specified in clause (b), as may be required by the person or persons concerned.

(4) The option referred to in sub-section (3) shall, subject to the provisions of section 75, be exercised by such person or persons concerned before the expiry of a period of one month from the date of communication of the order relating to the payment of compensation and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised. Any person who omits or fails to exercise the option referred to in sub-section (3) within the time specified above shall be deemed to have opted for payment in securities and stock certificates referred to in clause (b) of sub-section (3). The amount of compensation payable in instalments shall be paid and the securities and the stock certificates referred to in clause (b) of sub-section (3) shall be issued within two months from the date of receipt by the appropriate planning authority of the option referred to above or where no such option has been exercised from the date before which such option ought to have been exercised.

75. Limitation of compensation in certain cases.- (1) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other Act, he shall not be entitled to compensation in respect of that matter or thing under both the Acts, nor shall he be entitled to any larger compensation under this Act than he would be entitled to under the other Act.

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(2) The planning authority concerned who has been ordered to pay any compensation to any person under section 74, may, within three months from the date of communication of any order of payment of the compensation in respect of property injuriously affected, make an application to the Government to sanction the withdrawal or modification of all or any of the provisions of any development plan or the cancellation or the variation or revocation of the development plan which gave rise to the claims for compensation and give notice of such application to the owner of such property.

(3) If the Government accord such sanction, the order of compensation shall stand cancelled, and the planning authority concerned shall pay the costs, if any, ordered by the Tribunal in connection with the claim for compensation.

(4) Nothing contained in this section shall affect the right of the owner of the property to make a fresh claim for compensation in respect of any modified development plan sanctioned by the Government under sub-section (3), provided that if his property is proved to be injuriously affected by such modified development plan.

(5) No order of compensation in respect of property injuriously affected shall be enforceable within three months from the date thereof, or if notice has been given under sub-section (2), pending the orders of the Government on the application made under the said sub-section.

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CHAPTER – X
APPEAL, REVISION AND REVIEW.

76. Appeal to the Director. – (1) Any person objecting to any decision or order taken or passed by the planning authority under the provisions of Chapter VII of this Act may, within a period of two months from the date on which the decision or order was communicated to him in the manner prescribed, appeal against such decision or order to the Director:

Provided that the Director may admit an appeal preferred after the expiration of the said period, if he is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period:

Provided further that no appeal shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of the development charges admitted by the appellant to be due.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) In disposing of an appeal, the Director may, after giving the appellant an opportunity for making his representations-

(a) in the case of an order of assessment of development charge-
- (i) confirm, reduce, enhance or annual such assessment;
- (ii) set aside such assessment and direct the planning authority to make a fresh assessment after such further inquiry as may be directed; or
- (iii) pass such other orders as he may think fit; or

(b) in the case of any other order or decision confirm, cancel or vary such order or decision.

Provided that at the hearing of any appeal against an order or decision of the planning authority, the planning authority shall have the right to be heard.

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(4) Where as a result of the appeal, any change becomes necessary in the order or decision appealed against, the Director may authorise the planning authority to amend such order or decision accordingly and on such amendment being made, any amount overpaid by the appellant shall be refunded to him without interest or the further amount of development charges, if any, due from him shall be collected in accordance with the provisions for this Act, as the case may be.

(5) Notwithstanding that an appeal has been preferred under sub-section (1), the development charge shall be paid in accordance with the order or decision of assessment against which the appeal has been preferred:

Provided that the Director may, in his discretion, give such directions as he thinks fit in regard to the payment of the development charges before the disposal of the appeal, if the appellant furnishes sufficient security to his satisfaction in such form and in such manner as may be prescribed.

(6) The Director may pass such interlocutory orders pending the decision on the appeal as the Director may deem fit.

(7) The Director may award costs in proceedings under this section to be paid either out of the Fund Account or by such party to the appeal, as the Director may deem fit.

77. Appeal to the Tribunal.- (1) Any person objecting to an order passed by the Director under sub-section (3) of section 76 may, within a period of two months from the date on which the order was communicated to him in the manner prescribed, appeal against such order to the Tribunal:

Provided that the Tribunal may admit an appeal preferred after the expiration of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed.

(3) In disposing of an appeal, the Tribunal may, after giving the appellant an opportunity of making his representation-

(a) in the case of an order or decision of assessment of development charge-

(i) confirm, reduce, enhance or annual such assessment;

(ii) set aside such assessment and direct the planning authority concerned to make a fresh assessment after such further inquiry as may be directed; or

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(iii) pass such other orders, as it may think fit; or

(b) in the case of any other order or decision, confirm, cancel or vary such order or decision:

Provided that at the hearing of any appeal against an order or decision of the Director, the planning authority concerned shall have the right to be heard.

(4) Where as a result of the appeal, any change becomes necessary in the order or decision appealed against, the Tribunal may authorise the planning authority concerned to amend such order or decision accordingly and on such amendment being made, any amount overpaid by the appellant shall be refunded to him without interest, or the further amount of development charges, if any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) Notwithstanding that an appeal has been preferred under sub-section (1), the development charges shall be paid in accordance with the order or decision of assessment against which the appeal has been preferred:

Provided that the Tribunal may, in its discretion, give such directions, as it thinks fit in regard to the payment of the development charges before the disposal of the appeal, if the appellant furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(6) The Tribunal may pass such interlocutory orders pending the decision on the appeal as the Tribunal may deem fit.

(7) The Tribunal may award costs in proceedings under this section to be paid either out of the Fund Account or by such party to the appeal as the Tribunal may deem fit.

78. Revision by the District Court.- The District Court may, of its own motion or on an application, call for an examine the record of any Tribunal in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceedings or the correctness, legality or propriety of any decision, or order passed thereon and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the District Court shall not pass any order prejudicial to any party unless such party has been given an opportunity of being heard.

Explanation.- For the purposes of this section, 'District Court' shall mean-

(i) in the City of Chennai, the City Civil Court; and

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(ii) in any other area, the Principal Civil Court of original jurisdiction.

79. Appeal to the prescribed authority.- (1) Any person aggrieved by any decision or order of the planning authority under section 49 or sub-section (1) of section 54 may appeal to the prescribed authority.

(2) An appeal under sub-section (1) shall be preferred within two months from the date on which the decision or order was communicated to him in the manner prescribed, but the prescribed authority may admit an appeal preferred after the said period of two months if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(3) In disposing of an appeal, the prescribed authority may, after giving the parties an opportunity of making their representations, pass such order thereon as the prescribed authority may deem fit.

(4) The decision or order of he prescribed authority on such appeal shall be final.

(5) The prescribed authority may pass such interlocutory orders pending the decision on such appeal as the prescribed authority may deem fit.

(6) The prescribed authority may award costs in proceedings under this section to be paid either out of the Fund Account or by such party to such appeal as the prescribed authority may deem fit.

80. Revision.- (1) The Director may, of his own motion or on application, call for and examine the record of any officer subordinate to him and the Government may, of their own motion or on application, call for an examine the record of the Director, in respect of any proceeding not being a proceeding in respect of which any appeal or revision or review to the Director or the Tribunal or the District Court, as the case may be, is provided for by sections 76 to 78 and 81, to satisfy himself or themselves as to the regularity of such proceedings, or the correctness, legality or propriety of any decision or order made therein, and if, any case, it appears to the Director or Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly:

Provided that every application to the Director or the Government for the exercise of the powers under this section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

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

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(3) The Director or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or their power under sub-section (1) in respect thereof.

(4) The Director or the Government may award costs in proceedings under this section to be paid either out of the Fund Account or by such party to the application for revision as the Director or the Government may deem fit.

81. Review.- (1) The appellant or the applicant for revision or the respondent may apply for the review of any order passed under sections 76 to 78 and 80, on the basis of the discovery of new and important facts which, after the exercise of due diligence, were not then within his knowledge or could not be produced by him when the order was made, or on the basis of some mistake or error apparent on the face of the record or for any other sufficient reason:

Provided that no application for review shall be presented more than once in respect of the same order.

(2) Every application for review shall be presented within such time and in such manner as may be prescribed.

(3) The decision or order passed on the application for review shall be final.

(4) The authority competent to pass orders on the application for review may pass such interlocutory orders pending the decision on the application for review as it may deem fit.

(2) The authority referred to in sub-section (4) may award costs in proceedings under this section to be paid either out of the Fund Account or by such party to the application for review as it may deem fit.

82. Execution of orders passed in appeal, revision or review.- Any order passed by the Director, Tribunal, the District Court, the Government or the prescribed authority under the provisions of this Chapter shall be enforced by such authority and in such manner as may be prescribed.

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CHAPTER XI

PENALTIES

83. General provision regarding penalties specified in the Schedule.- (1) Whoever-

(a) contravenes any provision of any of the sections specified in the first column of Schedule I, or

(b) contravenes any rule or order made under any of the specified sections, or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections,

shall, on conviction, be punishable with fine which shall not less than the amount specified in the fourth column of the said schedule and not more than one thousand rupees.

(2) Whoever after having been convicted of-

(a) contravening any provision of the sections specified in the first column of schedule II, or

(b) contravening any rule or order made under any of the specified sections, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, continues to contravene the said provisions or to neglect to comply with the said direction or requisition, as the case may be,

shall on conviction be punishable, for each day after the previous date of conviction during which he continues so to offend with fine which shall not be less than twenty-five rupees and not more than fifty rupees.

Explanation.- The entries in the third column of Schedules I and II under the heading "subject" are not intended as definitions of the offences described in the sections, sub-sections or clauses mentioned or even as abstracts of those sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, sub-sections or clauses, as the case may be.

84. Disobedience of summons, requisitions, etc., and refusal to give information, etc.- Whoever –

(a) wilfully or without any reasonable excuse, disobeys any summons, requisitions or other lawful order or direction issued under or in pursuance of any of the provisions of this Act; or

(b) resists or obstructs any officer or authority in the exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to, such officer or authority by or under any of the provisions of this Act; or

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(c) being required by or under any of the provisions of this Act to make any return or to furnish any information-

(i) makes a false return or furnishes false information; or

(ii) wilfully, withholds or fails to furnish information, shall be punishable with imprisonment for a term which may extend to six months, or with fine which shall not be less than fifty rupees and not more than one thousand rupees, or with both.

85. Restoration of property to original state where it is dealt with in contravention of section 47 or 48.- (1) Where any person – (a) subject to the proviso to section 47, uses or causes to be used any land or carry out any development in that area otherwise than in conformity with such development plan;

(b) has erected any building or made or extended any excavation or carried out any mining or other operations or made any material change in the use of land or constructed, formed or laid out any work in contravention of section 48 or of any condition specified in any permission referred to in that section;

(c) the appropriate planning authority may, by order, require such person to restore the land or building to its original condition, or to bring the land or building in conformity with any condition specified in such permission within such period as may be specified in the order.

(2) If such person fails to comply with such order within the period specified in the order-

(a) the appropriate planning authority may itself take such measures as appears to it to be necessary to give effect to the order and recover the cost thereof from such person as an arrear of land revenue; and

(b) such person shall, without prejudice to the provisions of clause (a), be punishable-

(i) with fine which shall not be less than twenty-five rupees and not more than five hundred rupees; and

(ii) in the case of continuing failure, with fine which shall not be less than five rupees and not more than one hundred rupees for every day during which such failure continues.

86. General provision for punishment of offences. – Whoever contravenes any of the provisions of this Act, or of any rule or regulation made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable-

(a) for the first offence, with fine which shall not be less than five rupees and not more than fifty rupees; and

(b) for a second or any subsequent offence with fine which shall not be less than twenty rupees and not more than two hundred rupees.

87. Offences by companies. – (1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to proceeded against and punished accordingly.

Explanation:- For the purpose of this section, "director" in relation to a firm means a partner in the firm.

88. general provision for punishment for breach of provisions of the development plan.- (1) Where a development plan sanctioned under this Act has provided that any person who commits or knowingly permits a breach of any specified provision of such plan or who neglects or fails to comply with any such provision, shall be punishable under this section, the planning authority concerned shall send to any person who commits or knowingly permits a breach of any such provision of such plan or neglects or fails to comply with any such provision, a notice calling on him to discontinue the breach or cause to be discontinued or to comply with such provision of such plan.

(2) If, after the expiry of one month from the date of receipt of the notice by such person under sub-section (1), the breach or neglect or failure continues, such person shall, on conviction, be punishable-

(i) with fine which may extend to five hundred rupees; and
(ii) if the breach, neglect or failure continues after such conviction,

with fine which may extend to twenty-five rupees for every day during which the breach, neglect or failure continues after such conviction.

89. Cognizance of offences.- (1) No court shall take cognizance of any offence punishable under this Act or any rule or regulation or order made thereunder except upon a complaint in writing of the facts constituting such offence made by the planning

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authority or by a person expressly authorised in this behalf by such planning authority within three months from the date of the commission of the offence:

Provided hat nothing contained in this sub-section shall affect the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898), in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of first class shall try any offence punishable under this Act.

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CHAPTER – XII
MISCELLANEOUS

90. Power of Government to call for records and pass orders.- (1) The Government may, of their own motion or on application, call for and examine the record of any officer or authority in respect of proceedings not being a proceeding in respect of which any appeal, revision or review is provided for under this Act) to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision passed or order made therein; and if, in any case, it appears tot he Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any person unless he has had a reasonable opportunity of making his representation.

(2) No application to the Government for the exercise of their power under sub-section (1) shall be made-

(a) in respect of any proceeding of any officer or authority, or of any decision passed or order made in any such proceeding, unless an appeal, revision or review had already been preferred in respect of such proceeding, decision or order under this Act and such appeal, revision or review had been disposed of; or

(b) after the expiry of such period as may be prescribed.

(3) The Government may suspend the execution of any decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

91. Delegation of powers.- (1) The Government or the Director may, by notification, authorise any officer or authority to exercise any of the powers vested in them or him by this Act except the power of the Government to make rules and the power of the Director to hear any appeal preferred under section 76 and may, in like manner, withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and also to control and revision by the Government or the Director or by such officers as may be empowered by the Government or the Director in this behalf. The Government or the Director shall also have power to control and revise the acts and proceedings of any officer so empowered.

91-A. Delegation of powers by appropriate planning authority.- (1) The appropriate planning authority may, subject to such condition as may be prescribed, authorise by order, any committee or officer specified in such order to exercise any of the powers vested in such appropriate planning authority by this Act and may cancel such order.

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(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the order and also to control and revision by the appropriate planning authority.

92. Power of Government to issue orders and directions to subordinate officers.- The Government may issue to the planning authority or any other authority or officer not being the Tribunal or any other appellate authority) such orders and directions as in their opinion are necessary or expedient for carrying out the purposes of this Act and such planning authority or other authority or officer shall give effect to all such orders and directions.

93. Consultation with other authorities.- The Government, the planning authority or any other authority or officer, may, at their, its or his discretion, consult such authority or officer, as may be prescribed in exercising any power or discharging any duty or performing any function under or in pursuance of this Act.

94. Extension of the period of preferring claim, appeal or application.- Any claim under section 39 or any appeal under sections 76, 77 and 79 or any revision under section 78 or any application for review under section 81 may, notwithstanding anything contained in those sections, be admitted after the period specified for preferring such claim, appeal, revision or making such application for review by or under this Act, if the claimant, appellant or applicant satisfies the appellate authority, Tribunal, District Court or the prescribed authority, as the case may be, that he had sufficient cause for not preferring the claim or appeal or revision or making the application for review within such period.

95. Application of certain provisions of the Limitation Act, 1963.- The provisions of section 4 and sub-section (1) and sub-section (2) of section 12 of the Limitation Act, 1963 (Central Act 36 of 1963) shall, so far as may be, apply to any appeal under sections 76, 77 and 79 or revision under section 78 or any claim under section 39 or any application for review under section 81 of this Act.

96. Duties of Police Officers.- It shall be the duty of every Police Officer-

(a) to co-operate with the planning authority for carrying into effect and enforcing the provisions of this At or any rule or regulation made thereunder:

(b) to communicate without delay to the proper officer or servant of the planning authority any information which such Police Officer receives of a design to commit, or of the commission of, any offence against this Act or any rule or regulation made thereunder; and

(c) to assist the planning authority or any officer or servant of the planning authority reasonably demanding the aid of such Police Officer for the lawful exercise of any power vesting in the planning authority or any such officer or servant under this Act or any rule or regulation made thereunder.

97. Duties of Village Officers.- It shall be the duty of every village headman, every village accountant, every village watchman and every other village officer, by whatever designation known-

(a) to prevent the destruction, removal, alteration or displacement of, or damage, or injury to, or tampering with any survey mark, or any mark showing the planning boundary or control line; and

(b) when he becomes aware that any such mark has been destroyed, removed, altered, displaced, damaged, injured or tampered with, to report the fact to the nearest planning authority or to the proper officer or servant of such planning authority.

98. Power regarding discovery, production of evidence, etc. – (1) The planning authority or any officer authorised in this behalf by the Government shall, for the purpose of this Act, have the same powers as re vested in a Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit in respect of the following matters, namely:-

(a) discovery and inspection;
(b) enforcing the attendance of any person and examining him on oath
(c) compelling the production of books of account and other documents and
(d) issuing commissions,

(2) Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

99. Registration of document, plan or map in connection with development plan other than detailed development plan not necessary:- Nothing contained in the Registration Act, 1908 (Central Act XVI of 1908), shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with any development plan (other than the detailed development plan to which the said Act shall apply) which has come into force and any such document, plan or map shall, for the purposes of sections 48, 49 and 50 of that Act, be deemed to have been duly registered in accordance with the provisions of that Act:

Provided that, the documents, plans and maps relating to the development plan shall be accessible to the public in the manner prescribed.

100. Members, officers and servants of the Board, committees, planning authorities and Tribunal to be public servants.- All members, officers and servants of the Board and planning authorities, the members of the committees, the Tribunal and all other persons entrusted with the execution of any function under this Act, shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act

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or the rules or regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

101. Bar of jurisdiction of Courts.- Any decision or order of the Tribunal or the Government or the planning authority or other authority or of any officer under this Act shall, subject to any appeal or revision or review provided under this Act, be final and shall not be liable to be questioned in any Court of law.

102. Indemnity.- (1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under or in pursuance of this Act.

(2)(a) No suit, prosecution or the proceeding shall lie against any planning authority or other authority or officer or person for any act done or purporting to be done under or in pursuance of this Act or the rules or regulations made thereunder without the previous sanction of the Government;

(b) No planning authority or other authority or officer or person shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the exercise of the powers conferred, or discharge of the duties imposed or performance of the functions entrusted, by or under this Act or the rules or regulations made thereunder.

(3) No suit, prosecution or other legal proceedings shall be instituted against any planning authority or other authority or officer or person for any act done or purporting to be done under or in pursuance of this Act or the rules or regulations made thereunder after the expiration of six months from the date of the act complained of.

103. Validation of acts and proceedings.- (1) No act done or proceedings taken under this Act shall be questioned on the ground merely of-

(a) the existence of any vacancy in or any defect in the constitution, of the Board or any planning authority;

(b) any person having ceased to be a member of the Board or any planning authority;

(c) any person associated with any planning authority under section 14 having voted in contravention of the said section; or

(d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

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(2) Every meeting of the Board or any planning authority, the minutes of the proceedings of which have been duly signed as prescribed shall be taken to have been duly convened and to be free from all defects and irregularities.

104. Returns and reports.- The Board, planning authority or the officer of such Board or the planning authority shall furnish to the Government such returns, statistics, accounts and other information as the Government may, from time to time, require.

105. Act to override contract and other laws.- Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract.

106. Power of entry, etc. – For the purposes of making and execution of any development plan, the planning authorities or the persons appointed by the Government under this At, their subordinates and contractors shall have the same power to enter upon, survey and set up marks upon any land or building and to do all acts necessary for such purposes subject to the same conditions and restrictions as provided for municipal purposes under Part VI of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), and persons interfering with the exercise of such powers by the planning authorities or persons appointed by the Government, their subordinates or contractors shall be liable to the same penalties.

107. Service how to be effected.- When any notice, bill or other document is required by this Act, or any rule or regulation made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected-

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode, or by giving or tendering the same to some adult member or servant of his family; or

(c) if his address elsewhere is known, by forwarding such document to him by registered post under a cover bearing the said address; or

(d) if none of the means aforesaid is available, by causing a copy of such document to be affixed on some conspicuous part of the land or building, if any, to which the document relates.

108. Public notice how to be made known.- Every public notice given under this Act or any rule or regulation made thereunder shall be given in writing over the signature of such officer who may be authorised in this behalf by the appropriate planning authority and shall be widely made known in the locality to be effected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in leading daily newspapers, or by any two or more

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of these means, and by any other means that the appropriate planning authority may think fit.

109. Notices, etc. to fix reasonable time.- Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rules or regulations made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

110. Authentication of orders and documents of the Board and the planning authority.- All permissions, orders, decisions, notices and other documents of the Board and any planning authority shall be authenticated by the signature of the Secretary to the Board or the Chairman of the planning authority or such other officers as may be authorised by the Board, or the planning authority in this behalf.

111. Effect of other laws.- (1) The provisions of this Act shall be read subject to the provisions of the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978);

(2) Save as otherwise provided in this Act, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract;

(3) Subject to the provisions of sub-section (1) but notwithstanding anything contained in any other law-

(a) when permission for development in respect of any land or building has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval of sanction required under such other law for such development, has not been obtained;

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

112. Dissolution of planning authorities.- (1) Where the Government are satisfied that the purpose for which any planning authority was established under this Act have been substantially achieved so as to render the continued existence of planning authority unnecessary, the Government may, by notification in the Tamil Nadu Government Gazette, declare that the planning authority shall be dissolved with effect from such date as may be specified in the notification and the planning authority shall be deemed to be dissolved accordingly.

(2) From the said date-

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(a) all properties, funds and dues which are vested in or realisable by the planning authority shall vest in or be realisable by the Government.

(b) all liabilities which are enforceable against the planning authority shall be enforceable against the Government; and

(c) for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the planning authority shall be discharged by the Government.

113. Exemptions.- Notwithstanding anything contained in this Act, the Government may, subject to such conditions as they deem fit, by notification, exempt any land or building or class of lands or buildings from all or any of the provisions of this Act or rules or regulations made thereunder.

113-A. Exemption in respect of development of certain lands or buildings.- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government or any officer or authority authorised by the Government, by notification, in this behalf may, on application, by order, exempt any land or building or class of lands or buildings developed on or before 31st day of March 2002 in the Chennai Metropolitan Planning Area from all or any of the provisions of this Act or any rule or regulation made thereunder, by collecting regularisation fee at such rate not exceeding twenty thousand rupees per square metre, as may be prescribed. Different rates may be prescribed for different planning parameters and for different parts of the Chennai Metropolitan Area.

(2) The application under sub-section 91) shall be made on or before 30th day of June 2002 in such form containing such particulars and with such documents and such application fee, as may be prescribed.

(3) Upon the issue of the order under sub-section (1), permission shall be deemed to have been granted under this Act for such development of land or building.

(4) Nothing contained in sub-section (1) shall apply to any application made by any person who does not have any right over the land or building referred to in sub-section (1).

(5) Save as otherwise provided in this section, the provisions of this Act, or other laws for the time being in force and rules or regulations made thereunder, shall apply to the development of land or building referred to in sub-section (1).

(6) Any person aggrieved by any order passed under sub-section (1) by any officer or authority may prefer an appeal to the Government within thirty days from the date of receipt of the order.

(7) The fee collected under this section shall be credited to Government account in such manner as may be prescribed.

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113-B. Exemption in respect of development of certain lands.- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government or any officer or authority authorised by the Government, by notification, in this behalf may, on application, by order, exempt any land or class of lands developed on or before 31st day of March 2002 in the municipal areas of the Madurai, Coimbatore, Tiruchirappalli, Tirunelveli and Salem City Municipal Corporations from all or any of the provisions of this Act or any rule or regulation made thereunder, by collecting regularisation fee at such rate not exceeding twenty thousand rupees per square metre, as may be prescribed. Different rates may be prescribed for different planning parameters and for different parts of the municipal areas of the Madurai, Coimbatore, Tiruchirappalli, Tirunelveli and Salem City Municipal Corporations.

(2) The application under sub-section (1) shall be made on or before 31st day of December 2002 in such form containing such particulars and with such documents and such application fee, as may be prescribed.

(3) Upon the issue of the order under the sub-section (1), permission shall be deemed to have been granted under this Act for such development of land.

(4) Nothing contained in sub-section (1) shall apply to any application made by any person who does not have any right over the land referred to in sub-section (1).

(5) Save as otherwise provided in this section, the provisions of this Act, or other laws for the time being in force and rules or regulations made thereunder, shall apply to the development of land referred to in sub-section (1).

(6) Any person aggrieved by any order passed under sub-section (1) by an officer or authority may prefer an appeal to the Government within thirty days from the date of receipt of the order.

(7) The fee collected under this section shall be credited to Government account in such manner as may be prescribed.

114. Adjudication of disputes between planning authorities.- When any dispute exists between the planning authorities in regard to any matter arising under the provisions of this Act or the rules or regulations made thereunder or any other law and the Government are of opinion that the planning authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute and decide it themselves and the decision of the Government thereon shall be final.

115. Execution of work by occupier in default of owner.- If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, regulation or order made thereunder or of any development plan prepared under this At, the occupier of such building or land may, in

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compliance with such directions as may be given in this behalf by the planning authority concerned, execute the said work and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

116. Power of police officers to arrest person.- (1) If any police office not below the rank of a head constable sees any person committing an offence against any of the provisions of this Act or of any rule or regulation or order made thereunder, he shall, if the name and address of such person are unknown to him, and if the said person on demand declines to give his name and address, or gives name and address which such officer has reason to believe to be false, arrest such person

(2) No person arrested under sub-section (1) shall be detained n custody-

(a) after his true name and address are ascertained, or

(b) without the order of a Magistrate for any longer time, not exceeding twenty-four hours form the hour of arrest, than is necessary for bringing him before a Magistrate.

117. Government or persons appointed by them may exercise power or perform duty conferred or imposed on planning authority and disbursement of expenses.- (1) If in the opinion of the Government, any planning authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it by or under any of the provisions of this Act, or any rule or regulation made thereunder, the Government or any person or persons appointed in this behalf by the Government may exercise such power or perform such duty.

(2) Any expense incurred by the Government or by such person in exercising such power or performing such duty shall be paid out of the funds of the planning authority concerned; and if the planning authority concerned fails to pay the expenses, then the Government may make an order directing any person who, for the time being, has custody of any such funds to pay such expenses from such funds and such person shall be bound to obey such order.

118. Special provision in case of dissolution, etc., of local authority which is a planning authority under this Act.- Where any local authority which is a planning authority under this Act has been dissolved or superseded and in its place any person has been appointed to carry on the administration of such local authority under any law for the time being in force relating to such local authority, then, notwithstanding anything contained in this Act or in any other law for the time being in force relating to such local authority, the person so appointed in the place of such local authority shall be deemed to be a planning authority for the purposes of this Act, until such local authority has been duly reconstituted under such law relating to such local authority.

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119. Power of planning authority to make agreements.- A planning authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in any development plan subject to the powers of the Government to modify or disallow such agreement, and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the said plan comes into force.

120. Jurisdiction of planning authorities in respect of those local authorities areas included in any development plan.- When any area within the jurisdiction of any local authority is comprised in any development plan made or intended to be made by any planning authority, then, notwithstanding anything contained in any law for the time being in fore relating to such local authority, the planning authority shall exercise in connection with such development plan, all the powers conferred upon it by this Act or rule or regulation made thereunder or the said development plan and the local authorities concerned shall be bound to give all information that may be required by the planning authority for the purposes of this Act or rule or regulation made thereunder or the said development plan and to do nothing that will obstruct the lawful exercise of the powers of the planning authority thereunder.

121. Transfer of proceeding from one planning authority to another.- (1) The Government may, by notification in the Tamil Nadu Government Gazette and from a date to be specified in such notification, transfer any proceedings commenced under this Act in respect of any land or building by any planning authority having jurisdiction to any other planning authority having jurisdiction over such land or building.

(2) Before issuing a notification under sub-section (1), the Government shall communicate to the planning authorities affected, the grounds on which they propose to make the transfer, fix a reasonable period for them to show cause against the proposal and consider their objection, if any.

(3) The planning authority to whom a transfer of proceedings is made under sub-section (1) may continue such proceedings from the stage which it had reached on the date specified in the notification.

(4) When making a transfer or proceedings under sub-section (1), the Government, may direct the planning authority to whom the transfer is made, to reimburse the planning authority from whom the transfer is made, the net expenditure which the last mentioned planning authority may, upto the date of such transfer, have incurred on such proceeding.

(5) From the date specified in the notification under sub-section (1), all rights and assets which, for the purposes of the proceeding transferred by such notification, or vested in, and all obligations and liabilities which, for the same purposes are enforceable against the planning authority from whom the transfer is made, shall vest in or be enforceable against the planning authority to whom the transfer is made.

CHAPTER – XIII

RULES AND REGULATIONS.

122. Power to make rules.- (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the functions and powers of the Board and planning authorities;

(b) the term of office and conditions of service and the manner of filling causal vacancies of the members of the Board (other than the Chairman and official members of the Board) and the non/official members including the Chairman of the planning authorities;

(c) the qualifications and the disqualifications for being chosen as, and for being members of the Board or planning authorities;

(d) the time and place of holding and the procedure to be followed in the meetings of the Board;

(e) the functions and powers and the duties of the Director;

(f) the manner of nomination of representatives of local authorities in the planning authorities;

(g) the manner in which and the purposes for which any planning authority may associate with itself any person under section 14;

(h) the control and restriction in relation to the appointment of officers and other servants of the planning authorities;

(i) the time within which the Government or the Director to direct modifications in or to give consent for the publication of the notice of preparation of and approval to any development plan;

(j) the form and contents of the regional plan, master plan, detailed development plan and new town development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form and the manner of publication of the notices relating to such plans;

(k) the form in which any application for permission for development shall be made, the particulars to be furnished in such application and documents and plans which shall accompany such application;

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(l) the form of registration of application and the particulars to be contained in such form;

(m) the manner of filing and the fees to be paid for and the procedure to be followed in appeals;

(n) the manner in which an acquisition notice is to be served, the time within which claim for compensation under section 53 is tobe made and the procedure to be followed for assessment of such compensation;

(o) the procedure for the levy of development charge and exemption from it on any development or institution or change of any use of any land or building;

(p) the prescription, calculation, assessment and collection of the development charges;

(q) the form of the budget of planning authorities, the date on or before which it shall be prepared, the manner of preparing it, the number of copies that have to be sent to the Director;

(r) the form of the annual statement of accounts and balance sheet of planning authorities;

(s) the form of the annual report of the Board and the date on or before which it shall be submitted to the Government;

(t) the form of the annual report of the planning authorities and the date on or before which it shall be submitted to the Director;

(u) the manner and the constitution of provident funds for the whole time paid members and officers and other servants of planning authorities and the conditions subject to which such funds may be constituted;

(v) the specification of particulars of works or improvements relating to streets or roads provided for in any development plan that have to be made or carried out at the expense of the planning authority, the owners of the property or both;

(w) the procedure to be adopted by the planning authority or any other authority or person, in cases where owners commit default or delay in the carrying out of works or improvements, for carrying out such works or improvements and for recovering the cost from the owners liable therefor;

(x) the procedure tobe adopted for securing co-operation on the part of the planning authorities with the owners or persons interested in property proposed tobe comprised in any development plan by such means as may be expedient, the summoning, presiding and procedure of such conferences and all such matters;

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(y) the manner in which all documents and plans prepared under this Act shall be made, accessible to the public and the documents of which copies may be granted and the fees for such copies;

(z) the regulation of the procedure to be followed by the Tribunal;

(aa) the sanitary principles and building regulations to be observed in drawing up any development plan;

(bb) any other matter which has to be or may be prescribed;

(cc) the procedure for the collection of "regularisation fee and the prescription, calculation, assessment and collection of such fee.

(2-A) A rule under clause (cc) of sub-section (2) may be made so as to have retrospective effect on and from date not earlier than the 1st March 1999.

(3) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

123. Rules to be placed before the Legislative Assembly.- (1)(A) All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on particular day shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(2) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the assembly makes any modification in any such rule, or the assembly decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules.

124. Power to make regulations.- (1) Any planning authority may, with the previous approval of the Government, make regulations whether prospectively or retrospectively not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act or the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for-

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(a) the time and place of meeting of the planning authority, the procedure to be followed in regard to transaction of business at such meeting and the quorum necessary for the transaction of such business at a meeting;

(b) the powers and duties of the officers and servants of the planning authority;

(c) the salaries, allowances and conditions of service of officers and servants of the planning authority;

(d) the terms and conditions for the continuance of use of any land used otherwise than in conformity with a development plan;

(e) the maintenance of minutes of the planning authority and the transmission of copies thereof to Government;

(f) the person by whom and the manner in which payments, deposits and investments may be made on behalf of the planning authority;

(g) the custody of moneys required for the current expenditure of the planning authority and investment of moneys not so required;

(h) the maintenance of accounts.

(3) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

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CHAPTER – XIV.
REPEAL AND SAVING.

125. Repeal and saving.- (1) The Tamil Nadu Town Planning Act, 1920 (Tamil Nadu Act VII of 1920) (hereinafter referred to as the said Act) is hereby repealed.

(2) Notwithstanding such repeal-

(a) anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or scheme framed, certificate, permit or licenece granted or registration effected under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act; and

(b) the betterment fee in respect of any land which any local authority was, immediately before the commencement of this Act, entitled to levy, assess and recover under the said Act, may be levied, assessed and recovered by the local planning authority concerned under the said Act as if this Act had not been passed.

Schedule I

(See section 83)

Section	Sub-section of clause	Subject	Penalty
(1)	(2)	(3)	(4) Rs.
47	...	Failure to use and develop the land in conformity with the development plan	**75**
48	...	Erection of building or change in use of land without permission	**100**
49	...	Failure to apply for permission and get permission	**50**
56	(5)	Power to require the removal of unauthorised development	**50**
57	...	Power to stop the unauthorised development	**50**
62	...	Failure to comply to pay development charges	**100**
106	...	Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities	**100**

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Schedule II

(See section 83)

47	...	Failure to use and develop the land in conformity with the development plan
48	...	Erection of building or change in use of land without permission
49	...	Failure to apply for permission and get permission
56	(5)	Power to require the removal of unauthorised development
57	...	Power to stop the unauthorised development
62	...	Failure to comply to pay development charges
106	...	Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities

PROVISIONS NOT INCORPORATED IN THE ACT

Section 3 of the Town and Country Planning Act, 1981 (Tamil Nadu Act 40 of 1981) which was not incorporated in the Principal Act is as follows:-

Validation of certain building plans sanctioned by the Municipal Corporation of Chennai.- Notwithstanding anything contained in the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) (hereinafter referred to as the said Act or in any other law relating to local authorities for the time being in force, or in any detailed development plan, made or deemed to be made under the said Act, or in any judgment, decree or order of any court or other authority, any building plan, sanctioned during the period commencing on the 15th August, 1974 and ending with the 1st October, 1980, by the Municipal Corporation of Chennai providing for the construction of more than one dwelling-house on any one site or providing for the construction of any building with variation in regard to requirement of plot extent or plot coverage or open space shall be deemed to have been validly sanctioned by the said Municipal Corporation of Chennai in accordance with law, as if section 2 of this Act had been in force at all material times and any building constructed or under construction in pursuance of such building plan shall not be deemed to have been or to be undertaken or carried out unlawfully, on the ground that such construction provides for more than one dwelling-house or varies in regard to the requirement of extent of plot or plot coverage or open space.

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