THE TAMIL NADU LAWS (SPECIAL PROVISIONS) ACT, 2007

ACT 39 OF 2007

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TAMIL NADU LAWS (SPECIAL PROVISIONS) ACT, 2007

ACT 39 OF 2007

[14th November 2007]

An Act to make special provisions for Chennai Metropolitan Planning Area for a period of one year and for matters connected therewith or incidental thereto.

Whereas, there had been rapid increase in the population owing to industrialisation, migration and various other factors, putting pressure on land and infrastructure in the Chennai Metropolitan Planning Area leading to unauthorised developments which are not in conformity with the first Master Plan for Chennai Metropolitan Planning Area in force, the Development Control Rules contained therein and the building rules, regulations and bye-laws;

And Whereas, the Government have constituted a committee headed by a retired Supreme Court Judge to look into all aspects of developments and to suggest necessary modifications to the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

And Whereas, it is expected that the recommendations of the Committee aforesaid may involve substantial amendments to the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and some with retrospective effect, and in particular to the provisions relating to construction and use of the premises, thereby changing the position as obtaining now under the said Act;

And Whereas, Chennai Metropolitan Development Authority has prepared the draft Master Plan-II for Chennai Metropolitan Planning Area, with the perspective year 2026 keeping in view the emerging new dimensions in urban development, which has been published inviting public objections and suggestions giving time up to 31-8-2007, and that the finalisation of the Master Plan-II for Chennai Metropolitan Planning Area, 2026 is likely to take some more time;

And Whereas, it is expected that the Master Plan-II for Chennai Metropolitan Planning Area, 2026, may change the present position in urban development;

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And Whereas, a comprehensive policy for the improvement of slum areas and resettlement of the people in slum area wherever necessary in the Chennai Metropolitan Planning Area is contemplated by the State Government;

And Whereas, a detailed study of the issues relating to unauthorised occupation by the vendors and hawkers in the public street is contemplated with a view to evolving a scheme for regulating their activities in terms of the Master Plan-II;

And Whereas, Action For Violation Of The Provisions Of The First Master Plan For Chennai Metropolitan Planning Area In Force And Development Control Rules Contained Therein, Before A Final View Is Taken In The Matter By The Government May Cause Avoidable Hardship And Irreparable Loss To A Large Number Of People Including Small Traders;

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:-

1. Short title, extent, commencement and duration.— (1) This Act may be called the Tamil Nadu Laws (Special Provisions) Act, 2007.

(2) It extends to the Chennai Metropolitan Planning Area.

(3) It shall be deemed to have come into force on the 27th day of July 2007.

(4) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser, section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891), shall apply as if this Act had then been repealed by a Tamil Nadu Act.

2. Definitions.— (1) In this Act, unless the context otherwise requires,-

(a) *"building rules, regulations and bye-laws"* means rules, regulations and bye-laws made under 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) and the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, relating to buildings;

(b) *"Chennai Metropolitan Planning Area"* means the Chennai Metropolitan Planning Area specified under clause (23-a) of section 2 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

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(c) *"detailed development plan"* means a detailed development plan approved under the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), in respect of any area covered under the Chennai Metropolitan Planning Area;

(d) *"Development Control Rules"* means the Development Control Rules for Chennai Metropolitan Planning Area;

(e) *"Government"* means the State Government;

(f) *"local authority"* means the Chennai City Municipal Corporation established under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or Municipalities or Town Panchayats (within Chennai Metropolitan Planning Area) established under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or Panchayat Unions or Village Panchayats (within Chennai Metropolitan Planning Area) established under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) or the Chennai Metropolitan Development Authority constituted under the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), legally entitled to exercise control in respect of the areas under their respective jurisdictions;

(g) *"Master Plan"* means the Master Plan for Chennai Metropolitan Planning Area, published under the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(h) *"public street"* means public street as defined in clause (37) of section 2 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(i) *"punitive action"* means action taken by local authority within Chennai Metropolitan Planning Area under the relevant law against unauthorised development and shall include demolition, whether in pursuance of Court orders or otherwise;

(j) *"relevant law"* means in case of-

(i) the Chennai Metropolitan Development Authority, the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii) the Chennai City Municipal Corporation, the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919);

(iii) the Municipalities and Town Panchayats, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); and

(iv) the Panchayat Unions and Village Panchayats, the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994);

(k) *"unauthorised development"* means use of any land or any building or construction of any building carried out,-

(i) in deviation from any planning permission or building permit; or

(ii) without obtaining any planning permission or building permit; or

(iii) in contravention of the land use zoning under the Master Plan or any approved detailed development plan; or

(iv) in contravention of the Development Control Rules for Chennai Metropolitan Planning Area, building rules, regulations, bye-laws applicable to areas within the Chennai Metropolitan Planning Area;

and includes unauthorised occupation by hawkers and street vendors in the public street and by the people in the slum area;

(2) The words and expressions used, but not defined herein shall have the meanings, respectively, assigned to them in the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), 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) and the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).

3. Government to finalise norms and policy guidelines, etc.— (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Government shall, within a period of one year from the date of commencement of this Act, take all possible measures, with due regard to environment, to finalise norms, policy guidelines and feasible strategies to deal with the problems of unauthorised developments with regard to the under mentioned categories, namely:-

(a) land use not conforming to the Master Plan, detailed development plans or any planning permission;

(b) construction in deviation from or beyond planning permission or building permit;

(c) development without any planning permission or building permit; and

(d) unauthorised occupation by, the hawkers and street vendors in the public street and by the people in slum area,

so that the developments of Chennai Metropolitan Planning Area take place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any Court, status quo as on the date of the commencement of this Act shall be maintained in respect of the categories of unauthorised development mentioned in sub-section (1).

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(3) All notices issued by any local authority or any authority empowered under relevant law for initiating action against the categories of unauthorised development mentioned in sub-section (1) shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Act, the Government may, at any time, before the expiry of one year withdraw the concession given in sub-section (2) or sub-section (3), as the case may be, by notification in the *Tamil Nadu Government Gazette* in respect of the categories of unauthorised development mentioned in sub-section (1).

4. The provisions of this Act not to apply in certain cases.— During the period of operation of this Act, no relief shall be available under section 3 in respect of the following categories of unauthorised development, namely:-

(a) any unauthorised development started or continued on or after the date of commencement of this Act;

(b) commencement of any activity anywhere in the Chennai Metropolitan Planning Area in violation of the provisions of the Master Plan or any detailed development plan on or after the date of commencement of this Act;

(c) unauthorised occupation on public street except in those cases which are covered under clause (d) of sub-section (1) of section 3; and

(d) removal of people in slum area, hawkers and street vendors in accordance with policies of the Government, for clearance of land required for any public project.

5. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law made by the Legislature of the State for the time being in force.

6. Power to give directions.— The Government may, from time to time, issue such directions to any local authority or any authority under any relevant law as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of such local authority or authority to comply with such directions.

7. Repeal and saving.— (1) The Tamil Nadu Laws (Special Provisions) Ordinance, 2007 (Tamil Nadu Ordinance 1 of 2007) is hereby repealed.

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(2) Notwithstanding such repeal, anything done, any action taken or any direction given under the said Ordinance shall be deemed to have been done, taken or given under this Act.

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