3.7 Regularisation of unauthorized layouts in private lands (outside Chennai Metropolitan Area) – Prescription of Conditions for regularization and provision of basic infrastructure in unauthorized layouts –Orders Issued.

Municipal Administration and Water Supply (MAI) Department

G.O. (Ms) No. 11 Dated.19.01.2006

Read again:

1) G.O.(Ms).No.130 ,Municipal Administration and Water Supply Department dated 3.6.1999
2) Government Letter No.26331/MA1/99-10 MAWS Dept, dt.8.1.2000
3) G.O. (Ms).No.79, Municipal Administration and Water Supply Department dated 16.6.2000
4) G.O.(Ms.)No.16, Municipal Administration and Water Supply Department dated 01.02.2001
5) Government letter no. 33105 /MAI / 2001-3, MAWS Dept. dated.20.3.2002

Read also:

6) From the Commissioner of Municipal Administration letter No.68882/2001/ TP3 dated 2.8.2005

ORDER :

In the Government Order first read above and the subsequent Government letter second read above , it was stipulated that unapproved layouts in urban areas outside the Chennai Metropolitan Area formed before 31.3.1999, in which 50% of plots had been sold, could be regularized on the following conditions:

(i) Not less than 50% of the plot owners should apply for regularization;

(ii) The layout should have approach to a public road;

(iii) The road width in the layout should be at least 20 feet;

(iv) 10% of the extent of the layout should be reserved and handed over to the local body towards Open Space Reserve (OSR). If the full OSR extent is not available, OSR deficit charges should be paid at current guideline rate (GLR);

(v) Development charges should be collected at 150% of the cost for providing infrastructure worked out by the Urban local bodies (ULB) at the prevalent schedule of rates. Development charges can be collected in instalments over 3 years;

(vi) Local body can take action for provision of basic infrastructure after collecting 25% of development charges from plot owners;

(vii) Building permission can be granted after collection of 50% of development charges. However, building permission in individual plots can be accorded only after the plot owner remits the full dues;

2. Subsequent to the above orders, based on the resolutions passed by the Coimbatore and Salem Municipal Corporations and the report of the Commissioner of Municipal Administration

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thereon, some of the conditions for regularization of layouts were relaxed by Government in the Government Orders & letter third, fourth and fifth read above, as follows:

(i) At least 30% of the plots should have been sold before 30.9.2001;

(ii) Instead of having a 20 feet wide road in the entire layout, it would be sufficient for atleast 75% of the roads to have 20 feet width. For the remaining 25% of roads, the owners of the abutting plots can obtain regularization after executing an undertaking to provide widening space as and when the necessity arises in future;

(iii) OSR deficit charges were reduced to 50% of the cost of the deficit land extent;

(iv) Development charges were reduced from 150% to actual estimated cost of amenities to be provided;

(v) The Urban Local Bodies can provide basic amenities after collection of 50% of the development charges;

(vi) Regularization fee was levied at the rate of Rs.20/- per sq.metre in Corporations, Rs.10/- per sq.metre in Municipalities and Rs.3/- per sq.metre in(erstwhile) Town Panchayats.

3. It has been found that despite the above cited schemes for regularization of layouts, there continue to be a large number of unapproved layouts in urban areas in the State. In the reference 6th read above the Commissioner of Municipal Administration has reported that there are about 2569 unapproved layouts, of which 1712 are in Municipalities and 857 are in 5 Corporations (except Chennai Corporation) . More than 1 lakh individuals own plots in such layouts. Further, most of these layouts lack basic infrastructure like roads, street lights and drainage, on account of which frequent complaints are received from the public.

4. The issue of regularization of unauthorized layouts has been examined by a Committee constituted by Government, consisting of the Commissioner of Municipal Administration, Member Secretary, Chennai Metropolitan Development Authority., Director of Rural Development, Director of Town and Country Planning, Director of Town Panchayats and Inspector General of Registration. The Committee has made various recommendations in this matter.

5. The recommendations of the Committee have been carefully examined by the Government, in the context of the existing conditions for regularization of layouts in urban areas and in view of the need for provision of basic services like water supply, street lights, roads and drainage in all urban areas of the State.

6. Accordingly Government after careful examination, now direct as follows:

i) Sub-divisions of land upto 8 plots for family partitions or for other purposes will not be considered as a layout;

ii) The unauthorized layouts in private lands established prior to 1.1.1980 will be considered equivalent to approved layouts and the OSR charges will not be collected. However, if infrastructure and amenities have not been provided, development charges will be collected by the local body for provision of the deficient infrastructure , along with

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such other deposits and connection charges for water supply sewerage etc. as may be applicable in the concerned local body;

iii) Individual plots in unauthorized layouts in private lands made after 1.1.1980 but before the date of issue of this order will be considered for regularization subject to the following :

a) The unauthorized layout in private lands should abut a public road or a road in a regularized layout;

b) The plot in the unauthorized layout in private lands for which approval is applied for should about a road of atleast 16 feet (4.8m) width;

c) The plots should conform to Coastal Regularization Zone (CRZ), Civil aviation, Ministry of Defence and other regulations and should not lie within the area prohibited for residential development such as hazardous Zones, areas around crushers and quarries, etc;

d) The local body will collect development charges on the prevalent schedule of rates for providing basic infrastructure. The development charges shall be calculated by the local body for the layout as a whole and the proportionate costs shall be recovered from individual plot owners in one lump sum;

e) The regularization fee (outside CMDA areas) laid down in the G.O. fourth read above, of Rs.20/- per square metre for Corporation areas Rs.10/- per square metre for Municipality areas and Rs.3/- per square metre in erstwhile Town Panchayats shall be retained;

f) 10% of the layout area should to be reserved as Open Space Reserve. This shall be proportionately divided among the total number of individual plots, based on the extent of the plots. The plot owner shall hand over the proportionate OSR land to the ULB. In case of deficit in OSR area , the plot owner shall pay 50% of the cost of the deficient extent. The rate for calculating the OSR deficit shall be based on the guideline value in the year of registration of the house site in the case of house sites purchased and registered prior to 22.9.2000. In the case of house sites purchased but not registered between 22.9.2000 and the date of issue of these orders the land value shall be calculated on the basis of the guideline value on the date of purchase of the house site;

iv) ULBs may provide common basic infrastructure in unauthorized layouts in private lands after collecting the requisite development charges from land owners. ULBs can provide such amenities in a phased manner, after collecting at least 50% of the total development charges for provision of such amenities in the layout as a whole. The Commissioner of Municipal Administration shall prescribe detailed guidelines in this regard;

v) The ULBs may provide amenities for individual plots like water supply and sewerage connection after collecting the entire proportionate cost towards OSR deficit and

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development charges as applicable , in addition to such other deposit and connection charges as may be applicable in the concerned local body;

vi) Individual building plan approvals in hitherto unapproved plots may be accorded after collection of the entire proportionate cost from the plot owners towards OSR deficit and development charges as applicable

7. All the Urban local bodies shall place this order before their Councils for adoption and take all further necessary action. They should furnish a report to the Commissioner, Municipal Administration in respect of action taken by them. The Commissioner, Municipal Administration should furnish a quarterly report in this regard to the Government.

(By order of the Governor)

M. SHEELA PRIYA
Secretary to Government

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