ABSTRACT

Rules – Framing of rules for Streamline the enforcement action on Unauthorized Development under section 56, 57 and 80(A) of Tamil Nadu Town and Country Planning Act, 1971 – Notification – Orders - Issued.

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Housing and Urban Development [UD4(1)] Department

G.O.(Ms).No.195 **Dated : 05.11.2022**
சுபகிருது, ஐப்பசி 19.
திருவள்ளுவர் ஆண்டு 2053

Read

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ORDER:

The Notification appended to this Order shall be published in the Tamil Nadu Government Gazette, Extraordinary, dated the 5th November, 2022.

(BY ORDER OF THE GOVERNOR)

HITESH KUMAR S.MAKWANA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Works Manager,
Government Central Press, Chennai-600 079.
The Secretary to Governor, Raj Bhavan,
Chennai – 600 022.
The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Chennai-600 009.
The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Chennai-600 009.
The Secretary to Government,
Commercial Tax and Registration Department,
Chennai-600 009.
The Principal Secretary to Government,
Revenue and Disaster Management Department,
Chennai-600 009.

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The Secretary to Government,
Agriculture Department, Chennai-600 009.
The Secretary to Government, Law Department,
Chennai-600 009.
All District Collectors
The Director of Town and Country Planning,
Chennai-600 107.
The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai-600 008.

Copy to:

The Special Personal Assistant to Hon'ble Minister for Housing and Urban Development, Chennai- 600 009.
The Private Secretary to Principal Secretary to Government,
Housing and Urban Development Department,
Chennai-600 009.
The Public (SC) Department, Chennai-600 009.
Housing and Urban Development (OP1/Budget) Department,
Chennai-600 009.
Stock File/Spare Copy.

//FORWARDED BY ORDER//

5/11/22

SECTION OFFICER.

2.93
5/11/22

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APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by sub-section (1) of section 122 read with sections 56,57 and 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor of Tamil Nadu hereby makes the following rules:-

RULES.

1. Short title and Commencement.—These rules may be called the Tamil Nadu Town and Country Planning (Removal of Unauthorised Development) Rules, 2022.

2. Definitions.—(1) In these rules, unless the context otherwise requires,–

(a) "Act" means the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(b) "Form" means form appended to these rules;

(c) "Government" means the State Government;

(d) "Section" means section of the Act;

(e) "Unauthorised development" means the development of land or building that has been carried out or being carried out,-

(i) without the permission required under the Act;

(ii) in contravention of any permission granted under the Act or of any condition subject to which such permission has been granted;

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

(iv) in contravention any permission which has been duly modified.

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3.Calling of documents by the appropriate planning authority.—The appropriate planning authority or the Officer authorised by him in this behalf, may, on their own motion or on receipt of any complaint regarding unauthorised development of any land or building, for the purpose of taking action under section 56 or 57 of the Act, call for any document or record relating to such unauthorised development, by issuing a notice in Form I to the owner or occupier of the such land or building or to the person in whose possession such document or record is believed to be, to be produced within the time specified therein.

4.Inspection of unauthorised development.—(1)The appropriate planning authority or any other Officer authorised by him in this behalf may, inspect any land or building, where an unauthorised development is alleged to have been carried out or being carried out, after giving a notice there for of not less than seven days in Form II, to the owner or the occupier, as the case may be:

Provided that if the situation so warrants and the appropriate planning authority or the Officer so authorised deems fit, he may proceed to inspect such land or building without giving notice.

(2) After such inspection, the appropriate planning authority or the Officer authorised by him in this behalf, as the case may be, shall prepare an Inspection report.

(3) The Inspection report shall, among others, contain the following details, namely:-

(i) whether building is completed or under construction,
(ii) details of deviation from the planning permission, if any,
(iii) whether completion certificate has been obtained or not,
(iv) whether the building has been assessed for tax or not, and
(v) whether the building has provision for water, sanitation, electricity and other amenities and services.

5. Removal of unauthorised development already carried out.—Pursuant to the inspection carried out in accordance with rule 4, if the appropriate planning authority or the officer authorised by him in this behalf is satisfied that the development of any land or building has already been carried out,—

(a) without obtaining the requisite planning permission under the Act or after the planning permission has been duly revoked, It may serve on the owner of the land or building, a notice in Form III requiring him to restore the land to its condition before the said development took place and also to discontinue any use of land or building, if need be, within the period specified therein, which shall be not less than thirty days from the date of service of such notice;

(b) in contravention of, the planning permission granted under the Act or any condition subject to which such planning permission has been granted or any permission which has been duly modified, it may serve on the owner of the land or building, a notice in Form IV requiring him to secure compliance with the planning permission or with the conditions of the permission or with the permission as modified, as the case may be, and also to discontinue any use of land or building, if need be, within the period specified therein, which shall be not less than thirty days from the date of service of such notice:

Provided that where Form III or IV requires discontinuance of the use of land or building, a copy of the notice shall also be served on the occupier of the land or building.

6.Removal of ongoing unauthorised development.—(1)Pursuant to the inspection carried out in accordance with rule 4, if the appropriate planning authority or the officer authorised by him in this behalf, as the case may be, is satisfied that any unauthorised development as in clause (a) or clause (b)of rule 5 is being carried out, or is in progress, he may serve on the owner of the land or building and on the person carrying out such development, a notice in Form V, requiring

him to discontinue the development forthwith and to inform the fact of discontinuance to the planning authority or the officer authorised.

(2) On receipt of the notice in Form V, if the owner or the person carrying out the unauthorised development fails to discontinue the development, then the planning authority may serve on the owner a notice in Form VI requiring him to remove that part of the building built subsequent to the service of notice in Form V, within a period of not less than seven days as may be specified in the notice.

7. Lock and seal of unauthorised development.—(1) If the owner or occupier of any land or building, has not discontinued the use or development of such land or building as required in the notices in Form III or IV and Form V, the appropriate planning authority shall issue an Order in Form VII to lock and seal the premises and accordingly cause the premises to be locked and sealed until further orders. The expenses incurred for the locking and sealing of the premises shall be recovered from the owner or developer of the land or building:

Provided that in case of an ongoing unauthorised development, if the appropriate planning authority is satisfied, he may directly issue an order to discontinue the development by locking and sealing the premises till the production of the required planning permission, without issuing a notice in Form V or Form VI.

(2) After the issue of the Lock and Seal Order, immediate action shall be initiated to lock and seal the outer door or the entrance of the premises, after ensuring that the other outlets and inlets of the premises have been properly locked in such a manner that no person can enter the premises without breaking or removing the seal affixed on the lock.

(3) The premises in respect of which an order of lock and seal has been issued, shall be locked and sealed with seal of the appropriate planning authority and it shall be kept in safe custody.

(4) After causing the premises to be locked and sealed, the appropriate planning authority shall inform the same in writing to the jurisdictional police station.

(5) If it is found that the seal as affixed on the lock has been broken or tampered-with, the same shall be reported by the planning authority in writing to the police station concerned.

8. Register of Lock and Seal.—The appropriate planning authority shall keep a complete record of all the lock and seal orders passed by him in a Register in Form VIII.

9.Mode of service of notice.— Any notice issued to any person under these Rules shall be served on him,-

(a) by giving or tendering such notice in person or to some adult member of his family; or

(b) if such person is not found, by forwarding such notice to him by registered post to the address of his last known residence, or office or any other address where he is known to be available, or

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(c) if he cannot be reached by the above means, by causing a copy of such notice to be affixed on some conspicuous part of the building or land, to which the notice relates.

10.Manner of presentation of application under section 80-A.—(1) Any person aggrieved by an order of lock and seal under sub-section (2-A) of section 56 or sub-section (4) of section 57 of the said Act, may prefer an application under section 80-A in Form IX to the Government.

(2) An application under sub-rule (1) shall be accompanied by the following:–

(i) copy of notice together with the enclosures issued by appropriate planning authority under section 56 or 57;
(ii) reply submitted by the applicant, if any, against the notices served under section 56 or 57;
(iii) copy of Lock and Seal Order;
(iv) documents, approved plans and permits with a list thereof, on which the applicant wishes to place reliance in support of his application;
(v) grounds of application;
(vi) any other relevant document.

(3) The application shall be presented in triplicate, in person or through registered post addressed to the Additional Secretary (Technical), Housing and Urban Development Department, Secretariat, Fort St.George, Chennai–600009, with the superscription "Application under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971".

(4) Every such application shall be made within the period of thirty days from the date of sealing of the premises.

11. Registration of application.—(1) The officer not below the rank of Under Secretary to Government, authorised in this behalf shall, on receipt of an application under section 80-A, affix the date stamp on the application and on such additional copies thereof and shall also affix his initials on the stamp affixed.

(2) Thereafter, the officer authorised in this behalf shall examine,-

(i) whether the person presenting it has the authority to do so;
(ii) whether it conforms to the provisions of the Act and these Rules; and
(iii) whether the application is in the proper form and has all the prescribed enclosures.

(3) If the officer authorised in this behalf is satisfied that the application is in order, he shall admit the application and cause the application to be numbered cause to enter the particulars of the application forthwith in the register in Form X maintained for this purpose.

(4) If the officer authorised in this behalf finds that the application does not fall under section 80-A of the Act, he shall summarily reject the application in Form XI and return all the papers to the applicant.

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(5) If the officer authorised in this behalf finds that the application is not submitted in accordance with the manner prescribed in rule 10, may issue a notice to the applicant in Form XII requiring him to rectify the defects within a reasonable period of not less than fifteen days to be specified in such notice and return the application along with all the enclosures to the applicant. If the application is resubmitted after due rectification of all the defects within the stipulated period, the application shall be admitted and numbered as per sub-rule (3) above.

12. Procedure for disposal of application under section 80-A.—(1) Within thirty days from the date of the numbering of the application, the officer authorised in this behalf shall fix a date for hearing the application and send a notice in Form XIII to the applicant under intimation to the planning authority concerned.

(2) On the day fixed for the hearing of the application, the applicant shall appear, either in person or through his authorised representative, who shall be duly authorised in writing in this behalf, and shall be entitled to present his case before the officer authorised by the Government in this behalf.

(3) The officer authorised in this behalf shall maintain a diary in Form XIV, wherein he shall record all the details of the hearing.

(4) The officer authorised in this behalf may at any time call upon the applicant or the appropriate planning authority or any other person with regard to the application filed, to produce such further documents as he deems necessary.

13. Order of the Government.—(1) Every order passed by the Government on an application under section 80-A shall be entered in the register in Form XV.

(2) The order of the Government shall bear the official seal and shall be communicated within seven days from the date of passing thereof to the parties concerned.

14. Delegation.— The Government may, by general or special order in writing, authorise any officer to carry out the functions under this rules, as it may deem necessary.

HITESH KUMAR S.MAKWANA,
PRINCIPAL SECRETARY TO GOVERNMENT.

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5/11/22

SECTION OFFICER.

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APPENDIX

FORM- I

[See rule 3]

NOTICE FOR PRODUCTION OF DOCUMENTS

Notice No. Date:

On the basis of information which has come to notice that the development/premises at ....., ...village, ...taluk, ... district has been made or is being developed, without obtaining due planning permission or in deviation of the permission granted.

You are hereby requested to produce the following documents within ..... days from the date of receipt of this notice, failing which necessary action will be initiated under section 56 or 57 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972),based on the records / documents available at our end.

1.
2.

.....

[Specify the documents required]

xxxxxx
Signature of the issuing authority

Date: .....
Seal : .....

To.
The Owner and/or Developer

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FORM II

[See rule 4 (1)]

NOTICE OF INSPECTION

Notice No. Date:

Sub: Development[carried out / being carried out] * ……,

…….village, ……taluk, ……. district.

Take notice that the building/land situated at ……, …….village, ……taluk, ……. district will be inspected on …….[Date not less than seven days from the date of Notice shall be specified)] between the hours of……. [Time].

Please ensure to make yourself or your authorised representative present with all the necessary documents to carry out the inspection.

[*Strike out whichever is not applicable]

xxxxxx

Signature of the issuing authority

Date: ……

Seal : …….

To,

The Owner and/or Developer and/or occupier

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FORM III

[See rule 5(a)]

NOTICE FOR THE REMOVAL OF UNAUTHORISED DEVELOPMENT CARRIED OUT WITHOUT PLANNING PERMISSION.

Notice No. Date:

Subject : Unauthorised Development at ……, ……village, ……taluk, …… district – Notice under section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) – Issued - Reg.

Reference: 1. Notice No of the Planning Authority, dated .(requiring production of documents).
2. Site inspection made on _____.

******

Pursuant to the inspection carried out on _____, it is found that an unauthorized development of [land/building]* has been carried out in the premises at ……, ……village, ……taluk, …… district without permission/after the permission for development of land or building has been duly revoked*. The photographs of the development taken during the site inspection are enclosed.

You are hereby required to restore the [land/building]* to its condition before the said development took place by [demolishing/altering the building or works or carrying out on land, of any building or other operations,…… (narrate the alteration required)]* within ……days # from the date of receipt of this notice.

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If the land or building has not been restored within the above period, appropriate action will be taken under sub-section (5) of section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), for demolition or alteration of any building or works or carrying out of any building or other operations as it may consider necessary, without any further notice. The cost incurred for demolition or alteration will be recovered from you.

[You are also requested to discontinue the use of the [land/building]* within ..... # days from the date of receipt of this notice.

If the owner or occupier has not discontinued the use of land or building within the specified period, appropriate action under sub-section (2-A) of section 56 of the said Act will be initiated by locking and sealing of the subject premises.]*

[*strike out whichever is not applicable]

[# not less than 30 days to be specified]

xxxxxx

Signature of the issuing authority

Date: .....
Seal : .....

To

Name and address of the owner/occupier

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FORM IV

[*See* rule 5(b)]

NOTICE FOR COMPLIANCE OF PLANNING PERMISSION IN RESPECT OF UNAUTHORISED DEVELOPMENT CARRIED OUT IN CONTRAVENTION OF PLANNING PERMISSION

Notice No. Date:

Subject: Unauthorised Development at ……, ……village, ……taluk, …… district – Notice under section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) – Issued - Reg.

Reference: 1. Notice No of the Planning Authority, dated .(requiring production of documents).
2. Site inspection made on _____.

******

Pursuant to the inspection carried out on _____, it is found that an unauthorized development of [land/building] * has been carried out in the premises at ……, ……village, ……taluk, …… district in contravention of [any permission granted or any condition subject to which permission has been granted/in contravention of any permission which has been duly modified] *. The following deviations from the planning permission are found, namely:-

1.
2.
3.

The photographs of the development taken during the site inspection are enclosed.

You are hereby required to secure compliance with the [permission/with the conditions of the permission]* by [demolishing/altering the building or works or carrying out on land the works of……(narrate the alteration required)/by carrying out on land of any building or other operations] *(narrate the work to be carried out) within …… days # from the date of receipt of this notice.

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If the compliance of the permission has not been secured within the specified period, appropriate action will be taken under sub-section (5) of section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972),for demolition or alteration of any building or works or carrying out of any building or other operations as it may consider necessary, without any further notice.

[You are also requested to discontinue the use of the [land/building]* within ..... days# from the date of receipt of this notice.

If the owner or occupier has not discontinued the use of land or building within the specified period, appropriate action under sub-section (2-A) of section 56 of the said Act will be initiated by locking and sealing of the subject premises.]*

[*strike out whichever is not applicable]

[# not less than 30 days to be specified]

xxxxxx

Signature of the issuing authority

Date: .....
Seal : .....

To

Name and address of the owner / occupier

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FORM V

[Seerule 6(1)]

NOTICE TO DISCONTINUE ONGOING UNAUTHORISED DEVELOPMENT.

Notice No. Date:

Sub: On-going development work at ……, ……village, ……taluk, …… district.

Ref: Site inspection made on ……

Pursuant to the inspection carried out on ……, it is found that the development on the premises at ……, ……village, ……taluk, ……..… district is being carried out[without obtaining the required permission/in contravention of any permission granted under the Act/ in contravention of any condition subject to which such permission has been granted/after the permission for development of land or building has been duly revoked/in contravention any permission which has been duly modified]*

The photographs of the development work taken during inspection are enclosed.

You are hereby directed to discontinue the above development immediately and to inform us the fact of discontinuance of the said development.

[*Strike out whichever is not applicable]

xxxxxx

Signature of the issuing authority

Date: ……

Seal : ……

To,

The Owner /Developer

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FORM VI

[See rule 6(2)]

NOTICE REQUIRING THE DEMOLITION OF WORK CARRIED OUT AFTER THE NOTICE TO DISCONTINUE WORK

Notice No. Date:

Sub: On-going development work at ....., ...village, ...taluk, ... district.

Ref: (1) Site inspection made on .....

(2) Notice requiring discontinuance of work dated .....

Pursuant to the inspection carried out at the premises at ....., ... village, ...taluk, ... district on ....., a Notice' was served on you on .....directing you to stop the development work immediately and to inform in writing to the Planning Authority about the discontinuance of work within the time mentioned therein.

Despite the issue of the said Notice dated ....., you have continued the development work on the subject site.

You are, hereby directed to demolish/remove the part of the building built after the service of said Notice dated ....., within..... days (Number of days not less than seven days shall be specified) from the date of service of this notice. Failing which, appropriate action will be taken by the undersigned to demolish that part of the building built subsequent to the date of service of the notice dated ....., without any further notice.

XXXXXX

Signature of the issuing authority

Date: .....

Seal : .....

To,

The Owner and/or Developer

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FORM VII

[See rule 7]

LOCK AND SEAL ORDER

Order No. **Date:**

Sub: Premises at ....., ... village, ...taluk, ... district.

Ref: Notice dated ..... for discontinuance of use/development.

In the Notice dated .....referred above, you were directed to discontinue the [use of land or building/to discontinue the ongoing development work]*at ....., ...village, ...taluk, ... district.

You have failed to comply with the aforesaid direction. Under [section 56(2-A)/57(4)]* of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the premises at ....., ... village, ...taluk, ... district is hereby ordered to be locked and sealed by the undersigned.

The owner/occupier of the subject premises is/are hereby directed not to break or tamper with the lock and seal, failing which, appropriate action will be initiated.

Any person aggrieved by this Order may prefer an application under section 80-A of the said Act, addressed to the Additional Secretary (Technical), Housing and Urban Development Department, Secretariat, Chennai – 600009, within thirty days from the date of sealing of the premises.

[* strike out whichever is not applicable.]

xxxxxx

Signature of the issuing authority

Date: .....

Seal : .....

To,

The Owner / Occupier

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FORM VIII

[See rule 8]

REGISTER OF LOCK AND SEAL ORDERS

S.no.	Name	Address of the premises	Date of Lock and Seal Order

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FORM IX

[See rule 10(1)]

APPLICATION UNDER SECTION 80-A OF THE TAMIL NADU TOWN AND COUNTRY PLANNING ACT, 1971

Application No ..... of .....

From:

To:

The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai -600009.

1. Address for service of notice and orders :
2. Particulars of land/building: (a) Address (b) No. of floors (c) Floor area
3. Usage of land/building:
(industrial, commercial, residential, agricultural, institutions, others)
4. Details of Planning Permission:
5. Date of Lock & Seal Order of the appropriate planning authority against which this application is filed (copy of the order to be enclosed):
6. Date of receipt of the Lock & Seal Order by the applicant:
7. Date on which the premises was sealed:
8 . Grounds for filing this application:
9 . *Interim* order, if any, sought for:
10 . List of Enclosures:
11 .Whether application is filed within thirty days from date of sealing of the building/premises: (yes/no)

DECLARATION

I/We declare that the particulars furnished above are true to the best of my/our knowledge.

Signature of Applicant(s):

Date:

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FORM X

[*See* rule 11(3)]

REGISTER OF APPLICATIONS UNDER SECTION 80-A

Serial no.	Date of receipt of application	Name and Address of the applicant	Whether application filed within 30 days from the date of sealing	Whether application is as per rule	Application no.
(1)	(2)	(3)	(4)	(5)	(6)

Details of the premises		Particulars of Notice against which application is filed		Prayer sought for in application
District	Village	Date of Notice to discontinue use/development	Order of Lock and Seal	
(7 (i))	(7 (ii))	(8 (i))	(8(ii))	(9)

Interim relief, if any	Hearing date
(10)	(11)

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FORM XI

[See *rule 11*(4)]

SUMMARY REJECTION OF APPLICATION UNDER SECTION 80-A

To,

..... (Applicant)

Ref.: Your application dated.....

Please take note that your application referred above does not fall under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972)for the following reasons and therefore, is summarily rejected and returned herewith:-

1.

2.

....

xxxxxx

Signature of the authorised officer

Date: .....

Seal : .....

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FORM XII

[See rule 11(5)]

NOTICE TO RECTIFY THE DEFECTS IN THE APPLICATION

To,

..... (Applicant)

Ref : Your application dated.....

Please take note that your application referred above filed against the Lock and Seal Order dated ..... has not been admitted as it is found to be defective, for the following reasons:–

1.
2.
3.

You are hereby required to rectify the aforesaid defects and resubmit the application within ..... days (Number of days not less than fifteen days shall be specified) from the date of receipt of this notice, failing which your application will not be entertained.

xxxxxx
Signature of the authorised officer
Date: .....
Seal : .....

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FORM XIII

[*See* rule 12(1)]

NOTICE OF HEARING

Application No. ..... of .....

To,

..... (Applicant)

Please take note that the application dated ..... filed by you under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972)will be taken up for hearing at ..... [place of hearing]on ..... at ..... AM/PM.

You are requested to participate in the hearing and make necessary arrangements to produce all the relevant documents for reference.

xxxxxx

Signature of the authorised officer

Date: .....

Seal : .....

Copy to :

The planning authority (concerned).

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Form XIV

[See rule 12(3)]

DIARY OF RECORD OF HEARINGS

Application No.	Status of the application (adjourned/heard/ disposed off/orders reserved)	Date of next hearing, if applicable
(1)	(2)	(3)

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Form XV

[See rule 13(1)]

REGISTER OF ORDERS UNDER SECTION 80-A

Serial No.	Application no.	Details of Order passed		Interim Order, if passed
		Date	Whether Lock and Seal order is affirmed or dismissed	
(1)	(2)	(3)	(4)	(5)

HITESH KUMAR S.MAKWANA,
PRINCIPAL SECRETARY TO GOVERNMENT.

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SECTION OFFICER.

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