ABSTRACT

Urban Development – Tamil Nadu Combined Development and Building Rules (TNCDBR), 2019 – Process of simplification in granting approval for Layout/ Sub-division – Orders issued.

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Housing and Urban Development [UD4(1)] Department

G.O.(Ms).No.181 **Dated: 09.12.2020**
சார்வரி, கார்த்திகை 24,
திருவள்ளுவர் ஆண்டு 2051.

Read:

1. G.O.(Ms).No.18, Municipal Administration and Water Supply Department, dated 04.02.2019.
2. From the Confederation of Real Estate Developers' Associations of India (CREDAI), Letter dated 18.05.2020.
3. From the Member - Secretary, Chennai Metropolitan Development Authority Letter No.L1/4923/2020, dated 27.05.2020.
4. From the Director of Town and Country Planning Letter No.7671/2020-T, dated 18.06.2020.

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ORDER:

In the Government order 1st read above, the Tamil Nadu Combined Development and Building Rules (TNCDBR), 2019 have been framed. The Rule 47 of Tamil Nadu Combined Development and Building Rules (TNCDBR), 2019 provides rules relating to Layout and Sub-division. The Sub-rule 47(7)(a) envisages the space set apart for roads (except those which may remain private) and the 10% area reserved for recreational purposes shall be transferred to the Local Body free of cost through a registered gift deed before the actual sanction of the Layout. Besides the above, one percent of layout area excluding roads, additionally shall be reserved for "Public Purpose" in all layouts in such a way that 0.5% area shall be transferred to the TANGEDCO or to the Local Body free of cost through a registered Gift Deed before the actual sanction of the layout, as per the Sub-rule 47(8).

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2. The Confederation of Real Estate Developers' Associations of India in the letter second read above, has among others represented to simplify the layout approval process.

3. In the letter 3rd read above, the Member-Secretary, Chennai Metropolitan Development Authority has stated that the mentioned procedure of processing the layout / sub-division proposals, the Local Body is involved twice in approving the Layout / Sub-division proposals, which causes delay as well as undue hardship to the applicants. In the case of buildings approval (High Rise Building / Non-High Rise Building/ Institutional / Industrial) the gifting of the road and park spaces is taken over by Chennai Metropolitan Development Authority itself and then later transferred to Local Body concerned subsequently. The Member-Secretary, Chennai Metropolitan Development Authority has requested to issue suitable orders for following the procedures of gifting of road area/ park spaces/ public purpose to Chennai Metropolitan Development Authority as in the case of the building developments.

4. In the letter 4th read above, the Director of Town and Country Planning has stated that revamping of entire procedure involved in grant of layout approval is necessary in the wake of implementation of the new Tamil Nadu Combined Development and Building Rules (TNCDBR), 2019. Based on the representations received from Associations like CREDAI, etc., and with a view to reduce the time consumption for granting layout approval, the Director of Town and Country Planning has suggested to consider the following points and requested to issue suitable orders.

(i) First planning authority/regional officer to issue drawing showing the road and OSR pattern to the applicant.

(ii) The applicant has to execute a gift deed in favor of the planning authority/regional officer for handing over the space of the roads & OSR, space allotted for TANGEDCO.

(iiii) Upon receipt of the gift deed, the planning authority/regional officer would release the final layout drawing to the local body duly giving approval number. The gifted space for the roads & OSR will be further transferred to the concerned local body, TANGEDCO through an executive order of the planning authority/regional officer.

(iv) The local body would grant final approval/license to the layout and would release the final layout drawings to the applicant only after ensuring that the applicant lays tar roads, provide other amenities like storm water drains, water supply facilities by

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constructing required OHT, provide necessary street lights etc., as per the standards specified by the local body. Further, the local body should intimate the fact of release of final layout drawing and the details of the amenities provided for the layout to the planning authority/regional officer.

5. The Government after careful examination of the proposals of the Member-Secretary, Chennai Metropolitan Development Authority and the Director of Town and Country Planning, and based on the remarks offered by the Municipal Administration and Water Supply Department, order to follow the procedures while granting approval for Layout/Sub-division in the wake of implementation of Tamil Nadu Combined Development and Building Rules (TNCDBR), 2019, as below:-

(i) The CMDA/DTCP should finalize the layout by verifying the layout rules in TNCD&BR, 2019 and the lands earmarked for Roads, Open Space Reservation and Public purpose to be gifted by the applicant(s) and gift deed registered in the Name of the concerned Local Body.

(ii) The planning permit, layout sketch alongwith the original gift deed document to be forwarded to the concerned Local Body.

(iii) The Greater Chennai Corporation on receipt of the planning permit, layout sketch and original gift deed shall obtain the ratification of the council for taking over the lands for Roads, Open Space Reservation and Public purpose and to take over the physical possession of the road / Open Space Reservation by the concerned Local body.

(iv) The other local bodies on receipt of the planning permit, layout sketch and original gift deed shall obtain the ratification from the competent authority as per the existing delegation of powers for taking over the lands for Roads, Open Space Reservation and Public purpose and to take over the physical possession of the road / Open Space Reservation by the concerned Local body.

(v) While approving the layout in the Greater Chennai Corporation, the procedure of collecting the necessary fees including the charges for providing amenities like roads, storm water drains and street lights from the applicants shall be continued. The same procedure shall also be continued in the other Urban Local Bodies within Commissionerate of Municipal Administration. After collecting the necessary fees the final layout sketch, permit of Planning Authority along with approval of Local Body shall be issued to the applicant(s) directly.

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(vi) The other Local Bodies except the Greater Chennai Corporation and Urban Local Bodies in Commissionerate of Municipal Administration shall collect the necessary fees and issue the final layout sketch, permit of planning authority along with the permit of local body to the applicant(s) directly, only after ensuring that the applicant lays tar roads, provide other amenities like storm water drains, water supply facilities by constructing required OHT, provide necessary street lights etc., as per the standards specified by the Local Body.

6. The Member-Secretary, Chennai Metropolitan Development Authority and Director of Town and Country Planning are directed to pursue action accordingly.

(BY ORDER OF THE GOVERNOR)

D.KARTHIKEYAN,
SECRETARY TO GOVERNMENT.

To
The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Chennai-600 009.
The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Chennai-600 009.
The Director of Town and Country Planning, Chennai-600 002.
The Member-secretary,
Chennai Metropolitan Development Authority, Chennai – 600 008.
The Commissioner of Municipal Administration, Chennai-600 028.
The Greater Chennai Corporation, Chennai-600 003.
The Director of Town Panchayat, Chennai-600 028.

Copy to:

The Deputy Secretary to Hon'ble Deputy Chief Minister,
Chennai-600 009.
The Senior P.A., to Hon'ble Minister (MA&RD, Impn. Spl. Prog.),
Chennai-600009.
The Personal Clerk to Secretary to Government,
Housing and Urban Development Department, Chennai-600 009.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER. 9/12/2020

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