ABSTRACT

Rules – Rules for change of land use from Agriculture to non-agriculture in non-planned areas under clause (k), sub-section (2) of section 122 read with section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972)– Notification – Issued.

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Housing and Urban Development [UD4(3)] Department

G.O.(Ms).No.79 **Dated:04.05.2017**

ஹேவிளம்பி வருடம், சித்திரை திங்கள் 21,
திருவள்ளுவர் ஆண்டு 2048

ORDER:

The appended Notification will be published in the Tamil Nadu Government Gazette Extra-Ordinary dated the 4th May, 2017.

(BY ORDER OF THE GOVERNOR)

DHARMENDRA PRATAP YADAV
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, Finance Department,
Chennai- 600 009
The Principal Secretary to Government,
Rural Development and Panchayat Raj Department, Chennai-600 009.
The Principal Secretary to Government,
Municipal Administration and Water Supply Department, Chennai-600 009.
The Additional Chief Secretary to Government,
Commercial Tax and Registration Department, Chennai-9.
The Secretary to Government, Revenue Department, Chennai –9.
The Principal Secretary to Government, Agriculture Department, Chennai–9.
The Secretary to Government, Law Department, Chennai – 600 009.
All District Collectors.
The Commissioner of Town and Country Planning, Chennai-600 002.
The Member Secretary,
Chennai Metropolitan Development Authority, Chennai – 600 008.

Copy to:
The Chief Minister's Office, Chennai- 600 009.
The Secretary to Chief Minister, Chennai – 600 009.
The Senior Personal Assistant to Minster (Hg&UD), Chennai – 600 009.
The Public (SC) Department, Chennai-600 009.
SF/SC.

//Forwarded By order//

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ANNEXURE

NOTIFICATION.

In exercise of the powers conferred by sub-section (1) of section 122 read with section 47-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, namely:-

RULES.

1. **Short title, commencement and application.-** (1) These rules may be called the Tamil Nadu Change of Land Use (From Agriculture to Non-agriculture Purposes in Non-planning Areas) Rules, 2017.

(2) They shall come to force at once.

(3) These rules shall apply to the non planning area.

2. **Definitions.-** In these rules, unless the context otherwise requires,-

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

(ii) "Collector" means the Collector of the Revenue District;

(iii) "Dry land" means the land registered in the revenue records of the Government as 'dry';

(iv) "Layout" means division of land into plots by introducing a new road or street;

(v) "Local Authority" means Municipality, Town Panchayat or Village Panchayats in which the land is situated;

(vi) "Plot" means a portion of land held in single or joint ownership other than the land used, allowed or set apart for any street, lane, passage, pathway or other common public purposes;

(vii) "Sub-division" means division of land abutting an existing road or street;

(viii) "Wet land" shall have the same meaning as in the Tamil Nadu Additional Assessment and Additional Water Cess Act, 1963 (Tamil Nadu Act 8 of 1963);

(ix) Words and expressions used and not defined in these rules, but defined in the Act and the rules made thereunder and in the Acts and rules relating to the local bodies shall have the same meaning assigned to them in the said Act and the rules.

3. **Application for permission.-** Any person intending to carry out any development in the non-planning area shall apply to the local authority in Form-I. The applicant shall pay a non-refundable scrutiny fee of Rs.1,000/- (Rupees one thousand only)per plot to the local authority.

4. **Processing of application.-** The local authority, before according permission for carrying out the development, shall obtain the prior concurrence of the Director.

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5. Concurrence of the Director.- The Director, after the receipt of the application from the local authority, shall obtain the prior concurrence of the Collector in the case of wet lands and a report from the Joint Director of Agriculture in case of dry lands.

6. Guidelines to be followed by the Collector for giving his prior concurrence.- (1) The Collector shall satisfy himself that the land in which development is proposed does not fall in any of the following categories, namely:-

(a) Public water body like channel, canal, tank, lake, river, etc.

(b) Government Poromboke land, temple lands, wakf properties and other lands belonging to religious/charitable institutions.

(c) Vacant lands with any encroachment on a public road or street or on any other land over which the applicant does not possess ownership right.

(d) Lands below the alignment of high tension and extra high voltage electric line including tower lines.

(e) Land which is fit for continuing the cultivation.

(2) The Collector shall inspect the site with Deputy Director of Town and Country Planning and other officials of the relevant departments as he deems necessary and satisfy himself to the following, namely:-

(i) The status of land as in revenue records;

(ii) The existing development around the proposed site is compatible with the proposed development;

(iii) Details of assured irrigation source/ayacut;

(iv) Present status of cultivation and how long the cultivation was not carried out and the reasons therefor;

(v) Impact on the overall agricultural productivity and the necessity to continue agricultural production;

(vi) Problems of sanitation and waste water disposal and the possibility to realign the canals/ channels/ drains.

(3) The Collector shall ensure that due to the proposed development, the irrigation canals and distribution channels or the natural storm water drains or channels are not obstructed or affected and shall not lead to depletion of ground water level of the area or inundation of nearby areas.

7. Guidelines to be followed by the Director for giving his prior concurrence.- (1) The Director shall satisfy himself the following, namely:-

(a) The proposed development in part or whole is not in public water body like channel, canal, tank, lake, river, etc.

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(b) The proposed development in part or whole is not in Government Poromboke land, temple lands, wakf properties and other lands belonging to religious/charitable institutions.

(c) The proposed development is not made in vacant lands blocking access to surrounding lands which do not have any other means of access.

(d) The proposed development in part or whole is not lying in the lands affected by the alignments of proposed road or rail corridors.

(e) The proposed development does not encroach any public road or street or other land over which the applicant does not possess ownership right.

(f) The proposed development in part or whole is not lying in the lands below the alignment of high tension and extra high voltage electric line including tower lines.

(g) The Director shall ensure that the proposed development posses proper drainage system and pattern wherein all the waste water and excess rain water from the development area flows in the nearest higher order drainage system or some alternate arrangement created for the same so as to arrest water logging in the development area.

(2) The Director shall consider the prior concurrence given by the Collector in respect of wet lands and the report of Joint Director of Agriculture in respect of dry agriculture lands for taking a decision to issue his prior concurrence.

(3) In order to satisfy himself before granting his concurrence, the Director may cause inspection or seek report from such officials as he deems fit.

8. Prior concurrence of the Director.- The Director, if satisfied that prior concurrence may be given, then, he shall give his prior concurrence for the proposed development.

9. Land use conversion charge.- The local authority, on receipt of the prior concurrence of the Director for the development shall collect land use conversion charge at the rate of 3% of the market value fixed under section 47-AA of the Indian Stamp Act, 1899 (Central Act 2 of 1899) and deposit the amount in Government head of account and grant permission for carrying out the development.

DHARMENDRA PRATAP YADAV
SECRETARY TO GOVERNMENT.

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Section Officer. 04/05/17

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FORM I

Application under rule 3 of the Tamil Nadu Change of Land Use
(From Agriculture to Non-agriculture Purposes in Non-planning Areas)
Rules, 2017.

From
Name of the owner or the applicant,
Address.

To
The Executive Authority,
The Local Authority,
Address.

Sir,

I/We intend to develop the land in ..... village/Town Panchayat/Municipality in Revenue Survey No....., ..., Extent ....., Street or road name ..... in the ward or Division and in accordance with the provisions under section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972). I forward herewith the details, documents as required as per the appropriate checklist in Appendix of these rules for change of land use from agriculture to non-agriculture in non-planning areas.

I/we request that the development proposed may be approved and that permission may be accorded.

Signature of the owner of the land or
authorised person

Date:

Signature of the licensed surveyor, builder, engineer or architect.

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CONDITIONS

(1) I/We agree not to proceed with my/our development until permission is issued by the local authority.

(2) I/We agree not to do any work otherwise than in accordance with the plan which is approved by the local authority.

(3) I/We agree to furnish any further information which has not already been given whenever the appropriate department requires and provide such particulars to satisfy it that there are no objections that may lawfully be taken for the grant of permission.

(4) I/We agree to keep one of the approved plans at the site of the development at all times when the work is in progress and also agree to see that such plan is available at all times for the inspection of the local authority or any officer authorised by him in that behalf.

(5) I/We agree not to start execution of work unless I/We have obtained permission for the development under the relevant laws of the local body.

Signature of the owner of the land
or authorised person

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APPENDIX

Check list

Details to be given by the applicant

(strike out the items whichever not applicable for the proposed development)

1.	Copy of documents (sale deed/lease deed/power of attorney) self attested by the applicant.
2.	**Approach Road:** Certificate of ownership, maintenance, type and the width of access road abutting the site should be obtained from the Executive Officer, Town Panchayat or Commissioner, Municipality/Corporation in case of urban local bodies, as the case may be. In case of rural local bodies, certificate to be obtained from the Block Development Officer (BDO) of Block Panchayats/ Village Panchayats as the case may be, who would issue such certificate based on the Road Register maintained by the local body.
3.	Documents attested by competent official of concerned department:
	(i) FMB/ Town Survey sketch.
	(ii) Patta/ Chitta/ Town Survey Land Records (TSLR) in owners' name.
4.	Site plan in appropriate scale 1:400/800/1600
5.	Proposed layout/sub-division plan. **(In case of layout/sub-division proposal)**
6.	Topo plan showing all existing developments surrounding the site for 500 metre radius, indicating all features and details as available in the village map and along with colour notation of master plan land use, if any, of the surrounding survey numbers drawn to a scale not less than 1:2000.
7.	Encumbrance certificate for 13 years issued not prior to 30 days from the date of submitting the application
8.	If there any water body like Kulam, Kuttai, Eri, Tank, channel, canal or any water course lying within the site and/or adjacent to the site channel as per the revenue records and/or as per the site conditions:
	(i) then, it should be marked in the site plan and the topo plan
	(ii) if the water body is held under the private ownership of the applicant and if an alternative alignment is proposed for the canal/channel/water course shall be shown in the site plan and which shall not obstruct the free flow of water to the adjacent lands.

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	(iii) if the water body is held under the ownership of the Government and if an alternative alignment is proposed for the canal/channel/water course it shall be shown in the site plan and which shall not obstruct the free flow of water to the adjacent lands and in such cases No objection certificate (NOC) from the concerned department has to be obtained for proposing such an alternative alignment.
	(iv) if the water body is held under the ownership of the Government and if the applicant proposes to put up a culvert across the Canal/Channel/water course, then No objection certificate (NOC) of the concerned Government agency has to be obtained.
	(v) if the applicant proposes to locate any plot for a building within 15 metre from the boundary of the canal/channel/water course, then No objection certificate (NOC) of the Commissioner/Executive Officer/Executive Authority of the local body has to be obtained and which shall be issued by the appropriate authority taking into consideration of various aspects and upon satisfying itself about the proposed arrangement for making the likely effluent discharge into the water body does not contaminate the water body.
9.	If the site lies within a distance of 30 metre from Railway property boundary and the applicant proposes to have plot for building within the area then No Objection Certificate (NOC) from Railways.
10.	If the site lies within a distance of 90 metre from the boundary of burial ground/burning ground and the applicant proposes to have plot for building within the area:
	(i) In case of urban local bodies viz., Corporation/Municipality/ Town Panchayat, No Objection Certificate (NOC) of Health officer of the local body has to be obtained for plots for building of use other than residential. In case of residential use, certificate from the Health officer of the local body has to be obtained stating that the burial ground/burning ground is not in use and is closed (for burial/burning) for the past five years.
	(ii) In case of Rural local bodies viz., Village Panchayat, No Objection Certificate (NOC) of Executive Authority of the local body has to be obtained for plots for building of use other than residential. In case of residential use, certificate from the Executive Authority of the local body has to be obtained stating that the burial ground/burning ground is not in use and so closed (for burial/ burning) for the past five years.

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11.	If the site lies within a distance of 300 metres from the boundary a live stone quarry or an abandoned stone quarry and the applicant proposes to locate plot for building in the area, then a certificate from the local body or the licensing authority concerned to that effect has to be obtained.
12.	Site lies within a distance of 500 metres from the boundary of live stone crusher unit and the applicant proposes to locate plot for building in the area, then a certificate from the local body or the licensing authority concerned to that effect has to be obtained.
13.	No Objection Certificate (NOC) from Civil Aviation department (if required as per special rules for the vicinity of Civil Aerodromes), No Objection Certificate (NOC) from the competent authority of Air Force (if required as per the notification/ order of the concerned Air Force Authority in respect of the area in the vicinity of Air Force stations). **(In case of buildings other than ordinary building)**
14.	Legal opinion (in original) on the land ownership by Government Pleader/ Additional Government Pleader/ Special Government Pleader/ Government Advocate/ Public Prosecutor/ Advocate on panel of a local body/ Advocate on panel of any Nationalised Bank.
15.	Affidavit of undertaking in Rs.20/- stamp paper by the applicant about the ownership of land clearly stating the document-wise, survey number-wise extent of each survey number of land.
16.	If electric/telephone line passes through the site, undertaking in Rs.20/-stamp paper for realignment.
17.	Structural stability certificate duly signed by the owner and including the architect & structural design engineer along with their seal and registration number. **(In case of buildings other than ordinary building)**
18.	Certificate for structural design sufficiency, Affidavit of Undertaking by developer, architect, structural engineer about the structural stability aspects, Certificate for effective supervision of the works, Certificate for the work to be carried out as per structural safety requirements. **(In case of buildings other than ordinary building)**
19.	No Objection Certificate (NOC) from Fire Service department has to be obtained only in the cases of: (i) Public buildings as defined under section 2(33) of the Town and Country Planning Act, 1971, commercial complex/mall, cinema theatre, kalyanamandapam, community hall, (ii) All categories of multi-storeyed buildings, industries and warehouses,

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	(iii) Commercial buildings where explosives, fire crackers and other similar inflammable materials are handled/traded.
20.	Sewage Treatment Plant details shown in the drawing or certificate of availability of underground drainage facility from the Executive Officer or Commissioner in case of urban local bodies as the case may be, and in case of rural local bodies certificate of Block Development Officer (BDO) of Block Panchayats / Village Panchayats, as the case may be. **(In case of buildings other than ordinary building)**
21.	Affidavit of undertaking in Rs.20/- stamp paper by the applicant about sufficient arrangement would be made by his own expenses through engaging a reputed firm for providing water supply and waste water disposal.**(In case of buildings other than ordinary building)**
22.	Detailed structural design report with drawings and stability certificate duly considering seismic forces from a class I structural engineer (Affidavit in Rs.100/- stamp paper in prescribed format to be provided by the owner and including the architect and structural design engineer along with their seal and registration number). **(In case of Multi-storeyed buildings)**
23.	No Objection Certificate (NOC) from Civil Aviation department, if the height of the building exceeds 30 metres and the site is lying within 20 k.m. radius from the boundary of the Aerodrome. **(In case of Multi-storeyed buildings)**
24.	In case of Multi-storeyed buildings and if the height of the building exceeds 60 metres (measured from the ground level), then structural stability certificate has to be obtained from any one of the following institutions: (i) Indian Institute of Technology, (ii) Anna University, (iii) National Institute of Technology, Tiruchirappalli, (iv) Structural Engineering Research Centre (SERC), Chennai
25.	Rain water harvesting system shown in the drawing. **(In case of buildings other than ordinary building)**
26.	Solar water heating system shown in the drawing. **(In case of buildings other than ordinary building)**
27.	Detailed drawing/plan including design calculations for the columns, beams and all structural members of the structure including the position of the columns. **(In case of Multi-storeyed buildings)**
28.	Complete Report including relevant drawings obtained from a competent Soil mechanics/Geo-technical Engineer of a reputed

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	firm giving all the details of the soil investigations / tests carried out at the site necessary for the proposed MSB, details of suggested type of foundation, details of calculations for arriving at the adequacy of the safe bearing capacity of the soil for the proposed structure. **(In case of Multi-storeyed buildings)**
29.	If the site lies in the Coastal Regulation Zone (CRZ), area notified by the Archaeological Survey of India (ASI) and any other declared prohibited area, then No Objection Certificate (NOC) of the concerned department has to be obtained.
30.	If the site lies in area falling within the purview of Hill Area Conservation Authority (HACA), then the following shall also be submitted:
	(i) No Objection Certificate (NOC) from the Principal Chief Conservator of Forests.
	(ii) No Objection Certificate (NOC) from the Chief Engineer (Agricultural Engineering).
	(iii) No Objection Certificate (NOC) from Assistant Director/ Deputy Director of Geology and Mining department of respective district level.
	(iv) Specific recommendation and Site inspection remarks of the concerned Regional Deputy Director of the Town and Country Planning.
	(v) Site inspection report and specific recommendation of the District Collector.
	(vi) Recommendation of the Architectural, Aesthetics Aspects (AAA) Committee. (In case of site falling under the hill stations notified in the districts, namely, the Nilgiris, Dindigul and Salem).
	(vii) Contour plan of the site.

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