



ABSTRACT

Urban Development – Effective Implementation of Section 113-C of Tamil Nadu Town and Country Planning Act, 1971 – Framing of Rules and Guidelines – Committee constituted – Orders – Issued.

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Housing and Urban Development [UD4(3)] Department

G.O.(Ms).No.161

Dated: 08.11.2014
ஐய வருடம், ஐப்பசி திங்கள் 22,
திருவள்ளூர் ஆண்டு 2045

Read:

1. G.O. (Ms) No.190, Housing and Urban Development (UD1)Department, dated 1.6.2007.
2. G.O. (Ms) No.234, Housing and Urban Development (UD4-3)Department, dated 30.10.2012.
3. G.O. (Ms) No.235, Housing and Urban Development (UD4-3)Department, dated 30.10.2012.
4. Order of the High Court of Madras in W.P. No.1664 and 16785 to 16787 of 2013, dated 10.2.2014.

ORDER:-

In the Government order first read above, a Committee headed by Justice Thiru S. Mohan, Retired Judge of Supreme Court of India was constituted to look into all aspects of developments and to suggest necessary modifications to the Tamil Nadu Town and Country Planning Act, 1971. Based on the recommendation of the committee, a new Section 113-C was inserted in the Tamil Nadu Town and Country Planning Act, to exempt the unauthorized and deviated buildings constructed prior to 1.7.2007.

2. In the Government order second and third read above, orders have been issued framing guidelines and rules under section 113-C of the Town and Country Planning Act, which enable the exemption of buildings constructed prior to 1.7.2007.

3. Against the above orders, the petitioner one Thiru K.R. Ramasamy alias Traffic Ramasamy had filed Writ Petition No.1664 of 2013 and another petitioner, Citizen, Consumer and Civic Action Group (Known as Consumer Action Group) had also filed Writ Petition Nos. 16785 to 16787 of 2013 challenging the insertion of section 113-C and two Government Orders in G.O.Ms.Nos.234 and 235, Housing and Urban Development Department, dated 30.10.2012.

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4. The Hon'ble High Court in its order dated 10.2.2014, while upholding the newly inserted section 113-C of Tamil Nadu Town and Country Planning Act, 1971, dismissed Writ Petition No.16786 of 2013 and has allowed the Writ Petition Nos.1664, 16785 and 16787 of 2013 challenging the G.O.(Ms) No.234 and 235 Housing and Urban Development Department, dated 30.10.2012, quashed the two Government Orders and has observed the following: -

- i. More scientific and analytical study should have been done in respect of user of lands and not only in the City of Chennai but throughout Tamil Nadu.
- ii. The Guidelines notified in G.O. (Ms) No.235 in all probability contravene the relevant requirements prescribed in other statutes, Rules and Regulations and the said aspect has not been taken note by the Committee.
- iii. It is virtually impossible for the competent authority to process all the applications which may run to lakhs and in case of appeal also, the same will be the position.
- iv. The nature and purpose of Development Control Rules in Chennai Metropolitan Area was also not taken into consideration by the Committee with reference to curtailing of unauthorized constructions.
- v. Relevant material and important aspects for giving proper effect to the said amendment have not been taken into proper consideration while framing guidelines and rules.

5. Further, the Hon'ble High Court have granted liberty to the State Government to refer the issues pointed out by the High Court or any other matter to the same Committee constituted (Justice Mohan Committee) or to a different Committee and based on the recommendations to be given can frame appropriate guidelines and rules for proper and effective implementation of section 113-C of Tamil Nadu Town and Country Planning Act,1971.

6. The Government have examined the issue in detail and have decided to constitute a committee headed by a Retired High Court Judge to frame appropriate guidelines and rules for effective implementation of section 113-C of Tamil Nadu Town and Country Planning Act, 1971.

7. The Government accordingly direct that a committee is hereby constituted with the following composition: -

SL. No.	Designation and Department	Members
1.	Justice Thiru S. Rajeswaran, High Court Judge (Retired)	Chairman
2.	The Commissioner of Town and Country Planning, Chennai-600 002.	Member/ Convener
3.	The Member Secretary, Chennai Metropolitan Development Authority, Chennai-600 008.	Member
4.	Head of the Department of School of Architecture and Planning, Anna University, Chennai-600 025.	Member
5.	The Chief Planner, Chennai Metropolitan Development Authority, Chennai-600 008.	Member

8. The Committee is empowered to co-opt members whose services will be required. The committee shall submit its final report within a period of three months.

9. The expenditure involved in the constitution of the committee and the recurring expenses relating thereto will be met from the funds of the Chennai Metropolitan Development Authority.

10. The Commissioner of Town and Country Planning shall make necessary arrangements for the accommodation of the Committee. As regards supporting staff to the committee, orders will be issued separately.

11. The Commissioner of Town and Country Planning, Member / Convener of the committee is directed to pursue action accordingly.

(By Order of the Governor)

K. PHANINDRA REDDY
Principal Secretary to Government(i/c).

To
Hon'ble Justice Thiru S. Rajeswaran, (Retired)
No.AA67, First Street, (Near Roundana Nalli Silk House)
Anna Nagar, Chennai – 600 040.

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The Commissioner of Town and Country Planning, Chennai-600 002.
The Member Secretary,
Chennai Metropolitan Development Authority, Chennai-600 008.
The Head of the Department,
School of Architecture and Planning,
Anna University, Chennai-600 025.
The Chief Planner,
Chennai Metropolitan Development Authority, Chennai-600 008.

Copy to:-

The Chief Minister's Office, Chennai - 600 009.
The Public (SC) Department, Chennai - 600 009.
The Private Secretary to Principal Secretary to Government(i/c)
Housing and Urban Development Department, Chennai – 600 009
The Senior Personal Assistant to
Minister(Housing and Urban Development), Chennai – 600 009.
The Housing and Urban Development(UDI/UDV/UDVI)Department,
Chennai – 600 009.

SF/SC

//Forwarded By Order//

Sd/-
SECTION OFFICER.

