

TAMIL NADU MUNICIPAL CORPORATIONS (REGULARI-SATION OF UNAUTHORISED OR DEVIATED DEVELOPMENT AND CONSTRUCTION OF BUILDING) RULES, 2002

PREAMBLE

In exercise of the powers conferred by subsection (1) of Section 431 read with section 283-A of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), sub-section (1) of section 430 read with Sec.283-A of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), read with Sec.8 of the Tiruchirappalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), Sec.8 of the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), Sec.8 of the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), and clause (cc) of sub-section (2) of section 122 read with section 113-B of the Tamil Nadu Town and Country Planning I Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor of Tamil Nadu hereby makes the following rules, namely

1. Short title application and commencement.--

(1) These rules may be called Tamil Nadu Municipal Corporations (Regularisation of Unauthorised or deviated development and construction of building) rules, 2002.

They shall apply to the Municipal Corporations of Madurai, Coimbatore, Tiruchirappalli, Tirunelveli and Salem.

(2) They shall come into force with effect on and from the 4th day of June, 2002.

2. Definitions.--

In these rules, unless the context otherwise requires,-

(a) "commissioner", means the commissioner of the respective municipal corporation;

(b) "competent authority" means the authority concerned in whom the powers for issue of planning permission or building permission are vest under the relevant provisions of law; -

(c) "current rate" means the rate of charge or fee prevailing on the date of issue of permis-sion;

(d) "development" means carrying out of any of the work or change of use of land defined in clause (13) of section 2 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(e) "lay-out" means division of land into plots exceeding eight in number;

(f) "multi-storied building" means and include all building with more than four floors (including ground floor) or whose height is 15 metres or more;

(g) "regularisation fee" means a fee for exempting the development of any land or class of lands or the construction of any building or class of building referred to in section 113-B of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), section 283-A of the Madurai Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and section 283-A of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981).

(h) other terms used in these rules, unless the context otherwise requires, shall have the meaning as defined in section 2 of the Tamil Nadu Town and Country Planning Act, 1971 and in the Tamil Nadu District Municipalities Building Rules, 1972.

3. Application.--

(1) (a) Application for regularisation shall be made on or before the '[31st December, 2002] for any unauthorised or deviated development or construction of building completed during the period mentioned below for the respective Corporation: -

(i)	Madurai Corporation	..	1-5-1971 to 31-3-2002
(ii)	Coimbatore Corporation	..	1-1-1980 to 31-3-2002
(iii)	Tiruchirappalli Corporation	..	1-1-1980 to 31-3-2002
(iv)	Salem Corporation	..	1-1-1980 to 31-3-2002
(v)	Tirunelveli Corporation	..	1-1-1980 to 31-3-2002

Explanation:- For the purpose of these rules, when the outer walls and roof in respect of any building are constructed but the inside of such building is not completed on or before the 31st March, 2002, such building shall be treated as a completed building.

(b) In respect of a partly completed building application shall be made for regularisation in respect of that part of the building which has been completed.

(2) The application shall be accompanied by the following: -

(a) Application Form as appended to these rules;

(b) Four copies of plans showing the construction as per site conditions including its usage, duly signed by the applicant and a licensed Surveyor or a Chartered Civil Engineer or a Civil Engineer who is a member of the Institution of Engineers (India) or a qualified Architect who is a member of the Council of Architects with conclusive proof to establish that the construction was completed before the 31st March, 2002.

(c) A copy of ownership document duly attested by a "A" or "B" Group Officer of the State Government.

(d) If there is an earlier approval for existing developments within the plot, a copy of the approved plan, duly attested by a Licensed Surveyor.

(e) A copy of patta with Field Measurement Book (FMB) sketch or Permanent land Register (PLR) Extract duly attested by an officer of the Revenue Department not lower in rank of the Deputy Tahsildar or a Notary in the case of unapproved developments;

(f) Demand Draft or Banker's cheque from any Nationalised Bank towards scrutiny fee at the rate of Re 1.00 per square metre for total floor area of buildings within the site or seventy-five paise per ten square metres of total plot area in case of vacant plots drawn in favour of the Commissioner of Municipal Administration, Chennai - 600 005;

(g) Declaration of the violated plot or floor area category-wise and self-assessment of the regularisation fee payable with working sheets duly signed by both the applicant and a Licensed Surveyor;

(h) Demand Draft or Banker's cheque from any Nationalised bank for not less than one fourth of the sum worked out in clause (g) above, as payment in advance being the first quarterly installment towards self-assessed regularisation fee drawn in favour of the Commissioner of Municipal Administration, Chennai-600 005. Such payment in advance shall be adjusted against the regularisation fee eventually assessed by the commissioner and other fees or charges leviable for issue of planning or building permission;

(i) An undertaking in a non-judicial stamp paper of value not less than ten rupees agreeing to remit the balance regularisation fee, if any, as assessed by the Commissioner after adjusting the advance payment made, and also all other fees and charges normally leviable for planning and building permission from time to time, by the competent authority;

(j) In the case of flatted developments or construction for considering regularisation of the whole development and construction, the application shall be made jointly by a majority (i.e. above 50 per cent) of flat owners in the plot or their association authorised by the resolution to do so, paying self-assessed regularisation fee for the total violated area within the site and furnishing an undertaking to pay the balance regularisation fee and also all other fees and charges normally leviable for planning and building permission, from time to time, by the competent authority for the whole building, within the plot;

(k) In case of flatted developments or construction for considering regularisation of individual flat, the application shall be made by the flat owner and such application shall be accompanied by the documents specified in clauses (a) to (i) above with advance payment of self assessed regularisation fee and scrutiny fee for that flat. The applicant shall also execute an undertaking as specified in (i) above.

(3) Any application made by any person for regularisation who does not have any right over the land or building or where there is title or ownership legal dispute shall be summarily rejected.

(4) No building with any encroachment, on to a public road or street or on a Government poramboke land or on local body lands, open space and recreational areas parking areas, tank beds and lands affected by the Tamil Nadu Urban Land (Ceiling and Regularisation) Act, 1978 (Tamil Nadu Act 24 of 1978) shall be regularised.

4. Assessment of Regularisation Fee.--

Regularisation fee shall be assessed and levied for the development and construction exempted, under section 283-A of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), section 283-A of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1951) and section 113-B of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) over and above the ordinary fees or charges normally leviable, as the case may be from time to time by the competent authority.

4-A¹[Regularisation of plot in an unauthorised sub-division or layout or plot extent or plot frontage violation.--

In respect of any plot or land which is vacant, partially or fully built, if there is violation in terms of unauthorised sub-division or layout, or plot extent or frontage, the plot or land alone shall first be considered and regularisation fee shall be assessed as specified in Table V of rule 6.

Provided that the development charges for providing basic amenities shall be levied and collected on 1993-94 rates:

Provided further that for plots in unapproved layouts which do not have 10 per cent of land reserved for public purpose 50 per cent of the cost of the plot share of such land as per current guideline rate shall be levied for the deficiency of such plans.]

5. Regularisation fee for unauthorised deviated development and constructions.--

(1) The unauthorised or deviated development or constructions shall be considered in its entirety for its classification as "Individual Residential Buildings", "Individual Buildings other than Residential", "Flats" and "Huts and Tiled Roof Structures".

(a) Where the unauthorised or deviated development or construction of building is not in conformity with the respective rules, regularisation fee shall be levied for the unauthorised or deviated plot or floor areas which are not in conformity with the respective rules made under the respective Acts;

(b) In cases of deviated developments, or constructions already approved, part of the existing development or construction in accordance with the permission shall not be liable for levy of regularisation fee.

(c) When any development or construction is made without prior approval or in excess of earlier approval, but the whole development or construction is in conformity with the respective rules, in such case only 50 per cent of the regularisation fee over and above other charges normally leviable at current rates, are leviable and collectable as regularisation fee under these rules.

6. Categorization for levy of regularisation fee:--

The deviation or violation with reference to the respective rules shall be categorised for the purpose of assessing the regularisation fee and the regularisation fee shall be levied as specified in the following Tables: --

[TABLE -1]

Individual Residential Buildings

Serial Number	Name of Corporation	Rate per metre
(1)	(2)	(3)
1.	Coimbatore	250
2.	Madurai	225
3.	Tiruchirappalli	225
4.	Tirunelveli	175
5.	Salem	175

TABLE, -II

Individual Buildings other than Residential (Institutions, Commercial and Industrial Buildings).

Serial Number	Name of Corporation	Rate per metre
(1)	(2)	(3)
1.	Coimbatore	500
2.	Madurai	450
3.	Tiruchirappalli	450
4.	Tirunelveli	400
5.	Salem	400

TABLE -III FLATS

Flats.

Serial	Name	of	Rate	per
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Number	Corporation	Residential use	Other than Residential use
(1)	(2)	(3)	(4)
1.	Coimbatore	250	500
2.	Madurai	225	450
3.	Tiruchirappalli	225	450
4.	Tirunelveli	175	400
5.	Salem	175	400

TABLE-IV

Huts and Tiled Roof Structures

Serial Number	Category	Amount/Unit (Flat rate)
(1)	(2)	(3)
1.	Madras Terrace/Mangalore Tiles/AC Sheets	2,000
2.	Huts constructed on plot upto 200 square metres	500
3.	Huts constructed on plot above 200 metres	1,000

TABLE □IV

Huts and Tiled Roof Structures

Category	Rate per square metre
(1)	(2)
Plot in Unauthorised sub-division / unauthorised layout / Inadequate plot extent / Inadequate plot frontage	15

Explanation:-- For charitable hospitals / institutions, the regulation fee shall be levied as applicable to individual residential buildings specified in Table I or residential use in column (3) of Table - III, as the case may be.]

7. ¹[(1) The Commissioner shall, on receipt of an application made under rule 3, examine the same with reference to the respective rules, call for any additional details or particulars, if necessary, and decide on the regularisability of the development and construction. The Commissioner may also inspect or cause to be inspected the development. If it is found regularisable, the Commissioner shall assess the regularisation fee and issue to the applicant a demand notice for the payment of regularisation fee, along with other fees and charges normally leviable, after adjusting the advance amount paid as first quarterly instalment, as specified in clause (h) of sub-rule (2) of rule 3. On receipt of the full amount, the regularisation order shall be issued by the Commissioner, within sixty days from the date of such remittance.

Provided that if the additional details or particulars for by the Commissioner are not furnished within forty-five days from the date of receipt of the communication by the applicant, it will be presumed that the applicant, is not serious in furnishing the details or particulars called for, to enable the application to be processed further and getting the demand notice for regularisation fee payable. In such a case, the application shall be rejected and the advance made under clause (h) of sub-rule (2) of rule 3 shall be forfeited. The scrutinizing fee under clause (h) and sub-rule (2) of rule 3 shall also stand forfeited.

(2) On receipt of the demand notice, the applicant is liable to pay to the Commissioner, the second instalment of the regularisation fee and other charges within thirty days from the date of communication of the said demand notice. If payment is not made within the time stipulated above, it shall attract interest at the rate of six per cent per annum. If the above said amount is not remitted within ninety days from the date, of receipt of the demand notice the advance made under clause (h) of sub-rule (2) of rule 3, shall be forfeited and the planning or building permission shall be refused.

(3) The third and fourth quarterly instalments of the regularisation fee shall be paid within the time specified, it shall attract interest at the rate of six per cent per annum.

8. Any person aggrieved by an order passed by the Commissioner under rule 7, may prefer an appeal to the Government within thirty days from the date of receipt of the order, with proof of the payment of the self-assessed regularisation fee advance.]

9. (1) Any application under these rules shall be in conformity with the following: --

(a) The Coastal Zone Regulations of the Ministry of Environment and Forest under the Environment (Protection) Act, 1986 (Central Act 17 of 1986);

(b) The Civil Aviation Regulations of the Ministry of Tourism and Civil Aviation under the Aircraft Act, 1934 (Central Act XXII of 1934), where applicable;

(c) The Ministry of Defence Regulations for developments in the vicinity of the Air Force Stations within 900 metres around;

(d) (1) Any development of regularisation shall about on public road or gain access from a road or passage over which the applicant has right of access.

(2) In the case of a plot in an unauthorised layout, the plot shall about a road of width not less than 4.8 metres and the unauthorised layout road shall be connected to a public road or street maintained by the local body evidenced by their resolution.

(3) In case of a plot in an unauthorised sub division, the plot shall about a public road or street or gain access through an exclusive or a common passage of width not less than one metre and connected to a public road or street maintained by the local body evidenced by their resolution.

(4) In case of multi-storied building, No Objection Certificate from the Airport Authority wherever applicable, Fire Safety and structural stability shall be furnished by the applicant from the concerned authorities within three months from the date of application.

(5) No Development shall be regularised in the lands affected by the alignments of proposed National Highways or By-pass Roads.

(6) No special and hazardous industry or an industry categorised as "RED" by the Tamil Nadu Pollution Control Board shall be regularised in a nonconforming zone.

(7) Any development for regularisation shall conform to the rules 79 and 80 of Indian Electricity Rules, 1956 in respect of clearance from high tension and extra high voltage lines.

(8) No part or whole of any unauthorised layout as such is regularisable. Only individual plot shall be considered for regularisation, provided it has been divided and registered on or before the 31st March, 2002.

¹[(9) The development nor regularisation in the City in Madurai shall conform to Madurai City Municipal Corporation Height and Architectural Regulation Bye-Laws 1993. In Tirunelveli in Tirunelveli Municipal Corporation, the development for regularisation of the building shall conform to the height restriction of 9 metres within 1 kilometre from the compound wall of the heritage temple in the respective town].

10. Disclaimer.--

If any planning or building permission has been issued to regularise the developments or construction in any area when any land acquisition proceedings have already been initiated under the Land Acquisition Act, 1894 (Central Act I of 1894) by the Government that does not confer any right on the applicant to obliterate acquisition proceedings and to claim compensation for the building so regularised contrary to the provisions contained in the said Land Acquisition Act, 1894.

11. When a Commissioner refused to grant permission regularizing the development or construction to any person, he shall record in writing the reasons for such refusal and communicate the order to the applicant.

12. Transitory provisions.--

All applications for exemption pending before the Government or any other authority shall be remitted to the Commissioner and the Commissioner shall dispose of the cases in accordance with these rules provided that the disposal under this sub-rule shall be effected on payment of self-assessed regularisation fee advance, along with the working sheet.

1. Substituted by SRO A-36(a) of 2002