

Chapter XIV

LAND USE AND PLANNING STRATEGY

With the increase and concentration of population in urban areas, urban problems have increased. It requires and continues to require restriction in respect of the use and occupation of land in urban areas. In order to regulate the growth of the metropolitan area in an orderly manner and also to ensure its economic viability, social stability and sound management for the present and the foreseeable future, the Master Plan with zoning and development regulation is necessary.

14.02 The idea of zoning is that the segregation of certain uses from others reduces the effect of negative externalities, which some uses have on others. Zoning provides spatial segregation of conflicting uses. It also has the benefit of increasing positive externalities because many uses find an advantage in being grouped with other similar uses. These external effects include air and water pollution, excessive noise levels, traffic congestion, and aesthetic disamenities. Because of its predominant role, modern zoning encompasses expanded objectives for supplying certain public goods such as preservation of open space, prime agriculture land and ecologically sensitive areas also. Zoning is also desired on reduction of costs of providing certain public services.

Land use regulation in CMA prior to 1975:

14.03 Land use control in CMA prior to 1975 was not significant. Only about 20% of the Chennai City area, and less than 1% of the remaining CMA area (outside the city) were covered by the Detailed Town Planning Schemes prepared under the (now repealed) Madras State Town Planning Act, 1920. Under Section 89, of the Tamil Nadu Public Health Act, 1939 City Corporation of Madras and some of the Municipalities in CMA had declared residential areas (covering very small part of the local bodies concerned) and in such areas industries other than cottage industries were not permitted; shopping (except offensive trades) were not prohibited provided they did not use power. Industrial areas were declared under the Municipal Acts where industries existed then, and on individual application further industrial areas notified/expanded. These minimal land use regulations existed then orienting more towards preserving the then existed areas rather than channelising the developments optimising the land and other resources in a planned way.

14.04 Land sub-division regulations prior to 1975 in CMA were limited to the control of making public and private streets under the local body Acts and they were not framed either to discourage such developments in such areas where it is not suitable or divert them to the areas where suitable; further they did not provide for necessary standards statutorily for roads, open spaces and other essential infrastructure.

Land use regulation under Master Plan for CMA, 1975:

14.05 The Master Plan for Chennai Metropolitan Area come into force from 5.8.75 from the date of notification of the Government consent for the plan (in G.O. Ms. No.1313, RD&LA Dept. dated 1.8.75); it was finally approved by the Government in G.O. Ms. No.2325, RD&LA Department, dated 4.12.1976. The Master Plan laid down policies and programmes for the overall development of the CMA. The land use plan designated the use to which every parcel of land in CMA could be put to. The land use plan was enforced through a set of regulations under Development Control Rules, which formed part of the master plan. Any person intending to make any development is required to apply under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971, and obtain Planning Permission.

14.06 The break up of the then existed Land Use in 1973 is given in the Table below:

CMA - Existed Land Use - 1973						
Land use	Chennai City		Rest of CMA		Total	
	Extent in Hect.	%	Extent in Hect.	%	Extent in Hect.	%
Residential	7788	44.46	9144	8.67	16932	13.77
Commercial	820	4.68	68	0.06	888	0.72
Industrial	893	5.10	2976	2.82	3869	3.15
Institutional	3045	17.38	2260	2.14	5305	4.31
Open space and Recreational	920	5.25	4822	4.57	5742	4.67
Agriculture			73689	69.88	73689	59.92
Non Urban			1633	1.55	1633	1.33
Others	4052	23.13	10865	10.3	14917	12.17
Total	17518	100	105456	100.00	122974	100.00

14.07 The land use zoning classifications as per the First Master Plan for CMA are (i) Primary Residential Use zone, (ii) Mixed Residential Use zone, (iii) Commercial use Zone, (iv) Light Industrial use zone, (v) General Industrial use zone, (vi) Special and Hazardous

Industrial use zone, (vii) Institutional use zone, (viii) Open Space and Recreational Use zone, (ix) Agriculture use zone and (x) Non-urban use zone. Further considering the character of (then) existed developments, the CMA was divided into three areas viz. (i) George Town and Continuous Building Area, (ii) Chennai City, Municipal and Township areas (excluding the areas mentioned in (i)) and (iii) rest of Metropolitan area.

14.08 The break up of the land use proposed in the First Master Plan (1975) is given in the table below:

Land use proposed as per First Master Plan						
Land use	Chennai City		Rest of CMA		Total	
	Extent in Hectares	%	Extent in Hectares	%	Extent in Hectares	%
Primary Residential	10888.05	61.80	22554.94	22.27	33442.98	28.12
Mixed Residential	127.95	0.73	8095.69	7.99	8223.64	6.92
Commercial	521.95	2.96	970.81	0.96	1492.76	1.26
Institutional	3080.67	17.49	3395.39	3.35	6476.07	5.45
Light Industrial	263.11	1.49	285.73	0.28	548.84	0.46
General Industrial	934.26	5.30	3970.34	3.92	4904.60	4.12
Special & Hazardous Industrial	39.97	0.23	1440.39	1.42	1480.36	1.24
Open space & Recreational	1448.99	8.22	6848.67	6.76	8297.66	6.98
Agricultural	94.47	0.54	37084.34	36.61	37178.82	31.26
Non Urban	113.01	0.64	979.48	0.97	1092.49	0.92
Others (Forest, water bodies, Roads etc.,)	105.26	0.60	15672.65	15.47	15777.91	13.27
Total	17617.70	100.00	101298.42	100.00	118916.12	100.00

14.09 A few problems were faced in implementing the first Master Plan zoning and DCR; the major ones are given below:

- (1) In certain areas where a site has been zoned for two or more uses (with reference to the abutting road and adjoining uses) an optimal development of single character could not be made taking into account the total extent of the site;
- (2) In certain cases, though the existing activities and their performances are not hazardous or objectionable, they could not be allowed to expand even marginally because the zoning made in the Plan is not conforming to accommodate such activities;

- (3) Sites zoned for public purposes such as open space and recreational use zone, institutional use zone, stand designated throughout the Plan period and the activities permissible in these zones are public/communal facilities mostly for which the Government/or Government agencies have to acquire and provide. Neither the planning authorities nor the Government or its agencies have acquired these lands and provided these facilities. (The reasons may be paucity of funds. Such zoning could have been restricted to mainly on Government lands, and to the private lands where this activity exist, or essentially required to be acquired for providing the same);
- (4) Grouping of permissible activities made in zones such as institutions, open space and recreation are such that these appear so exclusionary, not even permitting residential activity, which is a lower use which a land owner/developer may like to put to at least. Such zoning could have been minimised in the midst of contiguous developed areas;
- (5) According to the existing procedure, rezoning (land use variation) consumes a lot of time, with the result discouraged people to apply and get the site reclassified;
- (6) Same way, Urban Land Ceiling Act (now repealed) had contributed to unauthorised sub divisions/layouts;
- (7) The present zoning and DCR is criticised by a section of developers, for being negative rather than positive; it is more oriented towards the provision of safety, convenience and tranquility in the area rather than encouragement of housing activity, industries and employment;
- (8) The standards set for plot extent; frontage etc., for residential developments was high when comparing the affordability of people even for middle-income group of the society.

Reclassification:

14.10 Reclassification of land uses on request from the land owners are received, examined and decided on individual merits of the cases under Section 32(4) of the Tamil Nadu Town and Country Planning Act. From 1976 to 1981, there were about 100 land use reclassifications within CMA, mostly in the areas of sanctioned Town Planning Schemes approved prior to 1975. The number of reclassifications made year wise within City and rest of CMA are tabulated below:

Table No. 14.01: Reclassifications within City and Rest of CMA, 1977-2004

Sl.No	Year	City	Municipality	Town Panchayat	Panchayat Union	Total
1.	1977	2	4	--	--	6
2.	1978	1	1	--	--	2
3.	1979	--	--	1	--	1
4.	1980	--	6	4	3	13
5.	1981	--	--	--	--	--
6.	1982	17	13	11	20	61
7.	1983	11	9	5	10	35
8.	1984	23	8	55	36	122
9.	1985	44	5	12	29	90
10.	1986	18	5	16	19	58
11.	1987	17	4	8	14	43
12.	1988	14	5	14	64	97
13.	1989	2	1	2	13	18
14.	1990	27	3	19	56	105
15.	1991	30	11	11	59	111
16.	1992	17	11	9	42	79
17.	1993	22	7	8	38	75
18.	1994	22	6	9	22	59
19.	1995	18	14	20	26	78
20.	1996	22	4	5	11	42
21.	1997	17	1	7	25	50
22.	1998	34	9	13	45	101
23.	1999	18	2	4	29	53
24.	2000	19	1	7	10	37
25.	2001	4	--	6	11	21
26.	2002	12	3	8	19	42
27.	2003	10	5	17	25	57
28.	2004	14	2	16	55	87
Total		435	140	287	681	1543

14.11 The extent of sites reclassified ranged from single plot of about 150 sq.m. to more than 25 hectares. From the above table, it may be seen that in spite of sincere attempt of planners to assess the demand and estimate the directions of growth at the areas for development, the reclassification had to be resorted to, because of changing demands of public; of course within the objectives of zoning.

14.12 From the reclassification details given in Table No14.02 it may be seen that 47% of the cases reclassified from Agricultural use zone which indicates the expansion for urban developments and 30% reclassified from Primary Residential use zone which indicates the conversion into higher order use zones for commercial, industrial and institutional activities. Of the total number of reclassifications made, reclassification for residential accounts to 41%, for commercial activities 25%, industrial activities 19% and institutional 8%. As regards Chennai City, out of 435 reclassifications made 65%, 17%, 12% and 5% of the numbers were for commercial, residential, Institutional and industrial activities respectively. In the case of Village Panchayat areas, 53%, 29%, 7% and 6% of the reclassification were made for residential, industrial, institutional and commercial activities respectively.

Table No.14.02: Reclassifications in CMA from January 1977 to February 2005

Land use from Land use to	Primary Residential	Mixed Residential	Commercial	Light Industrial	General Industrial	Special & Hazardous	Institutional	Open Space & Recreational	Agricultural	Non-Urban	Total
PR	(EWS) 3	203	89	46	27	12	65	3	14	--	462
MR	7	--	11	18	7	2	3	--	6	--	54
COMM	4	--	--	1	8	--	1	--	2	1	17
LI	4	--	1	--	4	1	1	--	1	--	12
GI	17	2	1	--	--	--	4	1	5	--	30
S&H	5	1	--	--	--	--	--	--	--	--	6
INS	74	21	10	1	8	--	--	4	2	--	120
O&R	49	11	4	11	17	--	4	--	6	--	102
AGRI	471	30	10	95	47	11	36	8	--	17	725
NU	6	--	3	2	--	--	3	--	--	--	14
Total	640	268	129	174	118	26	117	16	36	18	1543

14.13 The Government in G.O. Ms. No.419, H&UD dated 1.06.1984 has delegated the power for reclassification of land uses in individual cases to the Authority in order to reduce delay.

Unauthorised Sub-divisions/Layout:

14.14 The Tamil Nadu Urban Land Ceiling Act came into force from 3rd August 1976. Fearing acquisition under the Act, people had resorted to large-scale unauthorised sub-divisions/layouts in 1975 and 1976. Unapproved layouts/subdivisions were taking place in the Chennai Urban agglomeration, even after the Act came into force, and the unauthorised layout developers were selling these plots as agricultural land evading the provisions of the Act. Lack of knowledge among the villagers in the rest of CMA about

the regulations, profiteering motive of layout developers and also the delays in approval of layouts for various reasons also added to the growth of unauthorised layouts/sub-divisions.

14.15 Those unapproved sub-divisions/layouts are perennial problems faced by the public authorities. These unauthorised layouts contain substandard roads, which have not been properly laid out, and have no pavements, drains, culverts or streetlights provisions, and some of them made even on low-lying areas which are not suitable for residential developments. Further they are at scattered locations, to which the local bodies could not provide amenities economically. In many of these unauthorised layouts, purchase of plots mostly for speculation purposes had resulted in no or a few constructions adding security problems to those few households, who have occupied the scattered constructed houses. The policy of CMDA and the procedures adopted in CMA for regularisation of plots in such old unauthorised layouts, which have to be merged with the urban fabric at some point of time considering the public demand, are given in detail in Annexure XIV - A

14.16 The Tamil Nadu Urban Land (Ceiling and Regulation) Act was repealed in June 1999. It didn't have any marked effect on the proliferation of unauthorised layouts. Tamil Nadu Government reviewed the situation. As per Section 22A of the Registration Act, 1908, the State Government may by notification in Tamil Nadu Gazette declare registration of any document or class of documents as opposed to public policy. It also envisages that the registering Officer shall refuse to register any document, which is opposed to public policy. The Government have notified in G.O. Ms. No.150/CT Dept. dated 22.9.2000 certain categories of documents, registration of which is opposed to public policy; one among them is registration of documents relating to house sites in unapproved layouts. Unless a 'No Objection Certificate' issued by the authorities concerned viz. Corporation or Municipality or Town Panchayat or Panchayat Union or village Panchayat or CMDA, is produced before the registering officer, the document will not be registered. It was held by the High Court of Madras that the G.O. will have prospective effect and applicable only for the transfer of house sites by the landowner or promoter of the unapproved layout for the first time.

14.17 The above action of the Government curbed the new unauthorised layout developments after the year 2000, relieving the people and the public authorities from the problems of such new unauthorised layouts.

Development Control Rules:

14.18 The main purpose of the development control rules or the development regulation was to ensure that buildings are built.

- (1) Achieving optimum utilisation of land within the infrastructure levels in an area (either within existing or proposed/ planned infrastructure levels) within the plan period;
- (2) With adequate natural lighting and ventilation for healthy living;
- (3) Within the desired/planned density of population (preventing negative social, economic and environmental impacts of high densities);
- (4) With open spaces on ground to improve urban environment;
- (5) With adequate space for parking within the plot itself;
- (6) With aesthetics and taking into the requirements of urban design aspects such as solids and voids, views and vistas, and also breaking monotony;
- (7) With aspects of safety, convenience and economy (within reasonable limits);
- (8) With no or minimal negative externalities on the adjoining buildings/uses.

14.19 The development regulations also used as a tool to encourage amalgamation of smaller sites into larger ones for achieving higher FSI with provision of adequate space around the buildings and space for recreational purposes within the site, and also to discourage over-utilisation of road and other infrastructure, resulting in congestion, traffic delay, and choking and also breaking down of water supply or sewerage or electricity infrastructures.

14.20 Development standards prescribed for building constructions vary from country to country, region to region and city to city mainly for the reasons of local climatic conditions, public infrastructure availability/ planned, terrain, culture and way of life of the people, affordability of the people, and also the land availability for development.

14.21 In CMA, prior to 1975 (i.e. the Master Plan for CMA came into force), under Chennai City Corporation Building Rules, Tamil Nadu District Municipalities Building Rules, and Tamil Nadu Panchayat Building Rules, the building constructions were regulated. In respect of planning parameters, it contained a very few provisions viz. requirements of a site for construction, minimum extent for a residential plot, front set back requirement and height requirement. It dealt mainly about requirements of plinth level, foundation and other structural aspects of buildings, sizes of windows and openings for natural lighting and ventilation, corridor and passage width, head room height requirements, drains and sanitary convenience, and chimneys and flues. In 1974, the Multistoried and Public Buildings Rules under the Chennai City Corporation

Act and Tamil Nadu District Municipalities Act were notified which contained the provisions regarding the areas where multistoried buildings (i.e. buildings exceeding 4 storey or 15 mtr. in height) are permissible, setback requirements with reference to height of buildings, minimum plot extent, minimum frontage, minimum road width requirements. FAR, plot coverage and parking requirements.

14.22 In cases of Detailed Town Planning Schemes sanctioned under the Madras State Town Planning Act, 1920, the regulations for building constructions stated in the schedule of such sanctioned schemes were in force prior to 1975, and it contained regulations on minimum plot extent, street alignment and building line, side setback, rear setback, minimum road width and betterment levy requirements. It varied from scheme to scheme and covered only a dismal percent of the metropolitan area.

14.23 Development Control Rules for CMA formed part of the Master Plan came into force on 5.8.75. It contained detailed regulation on zoning related activity control, site requirements, plot extent, frontage, height, front, side and rear setbacks, minimum road width, plot coverage, FSI, parking, open space for recreational purpose reservation, public purpose sites reservation. These planning parameter requirements were prescribed differentially for various activities such as residential, commercial, institutional, cottage industrial, light industrial, general industrial, special and hazardous industrial activities, and also differed for the Chennai City area, rest of the CMA and the George Town and Continuous Building Areas; it further differed for Multistoried developments.

14.24 Planning and development control is a dynamic process. In 1975, for the first time such a comprehensive development control rule was brought in. It was reviewed within few years of starting implementation of the same and when found necessary it was amended. In 1979, amendments to DCR were made in respect of extent of open space recreation to be made for layouts, declaration of MSB areas, permissibility of projection in setback spaces, permissibility of cooling gas storage, public utility buildings, Government and semi-Government offices serving local needs, banks, cottage industries with 5 HP, craft centres, temporary touring cinemas in Primary Residential use zone, permissibility of certain activities in Mixed Residential use zone, height of commercial buildings, permissibility of certain categories of industries in Light Industrial and General Industrial use zones, horse power restriction in Light Industrial use zone, permissibility of religious buildings in Institutional use zones, in Non-urban and Agricultural use zones, certain specific provisions for sites and services and slum Improvement projects, economically weaker section housing exemption of certain floor

areas from calculation of floor area ratio and plot coverage, additional conditions in Form-A and Form-B, parking standards in respect of hotels, etc.

14.25 In 1980, the Development Control Rules provisions were comprehensively reviewed and amendments made wherever necessary particularly in respect of plot extent for residential and commercial developments, plot frontages etc. In 1982, need for separate regulation for flatted residential and commercial developments felt and the DCR was amended including provisions for special buildings and group developments, including reservation of OSR space for such large developments; two wheeler-parking requirements were included in the DCR. In 1983, road width standards for industrial subdivisions were brought in and modifications in planning parameters for certain non-residential activities permissible in Primary Residential use zone made. In 1982 to 1983, the Government had clamped temporary ban for construction of multi-storeyed buildings in Chennai, which was lifted in December 1983; the special rules for multi-storeyed buildings were reviewed, a total revision made after consulting various departments/agencies concerned and the amended rule was given effect to from September 1984. In that year, the multi-storeyed building permissible area was also extended to cover the entire City (from the limited inner part bounded by Cathedral Road, Nungambakkam High Road, Brick Kiln Road and Railway line to Thiruvallur). In 1985, assemble of electrical and electronic parts for manufacture of radios, computers etc. was made permissible in Primary Residential use zone and setback requirements for special building were modified. In 1986, certain further modification and special building and group development rules were made in respect of OSR, and provisions made not to insist SSB in CBA.

14.26 After reviewing the DCR in 1989/90, comprehensive amendments to DCR proposing reduction of minimum plot extent, frontage, passage width, redefining special building, prescribing an undertaking for builders/promoters, prescribing uniform FSI for all the areas within CMA, etc. were sent to Government in 1990 which was approved and notified in 1993. The security deposit rate was enhanced in 1995 for amending DCR. In 1997, further amendments to DCR defining road width, prescribing minimum extent for OSR space, etc. were made. In 1998, a separate set of rules for regulation of I.T. parks, and associated hardware/software technology buildings were notified giving certain concessions to I.T. developments. Minimum road width prescriptions for layouts, industrial and institutional developments were brought in, permissible height for multi-storeyed buildings increased, parking standards modified by amending DCR in 1999. Rainwater harvesting provision was made mandatory in 2001 and provision for solar water heating in certain type buildings was made mandatory in 2002. Provision of certain further facilities for physically handicapped in public buildings was made

mandatory in 2003, and also the multi-storeyed buildings permissible area was modified in that year. MSB Panel was reconstituted by amending DCR in 2004.

Density and FSI:

14.27 Chennai is one of the high-density cities in India. Its density varies from 180 persons per hec. in Saidapet and Mylapore Corporation zones and 368 persons per hec. in Kodambakkam zone within the Corporation limits and the gross density for Chennai City is 247 persons per hec. FSI is the main tool used in urban planning to regulate the densities of population with reference to infrastructure provision. Density of population needs to be regulated for various reasons including carrying capacity of infrastructure (existing as well as proposed), sociological reasons such as crime rate etc and other physical factors.

14.28 The existing developments in Chennai can be categorized as high dense medium raised developments mostly of buildings up to 15 m. heights. FSI allowed for such development up to 15 m. height presently is maximum 1.5. Multi storeyed developments (high rise development) within CMA are very few; in order to encourage amalgamation of smaller plots into larger size and construction of buildings with large open space around, a higher FSI of 2.5/2.75 is allowed in multistoreyed developments.

14.29 The prevalence of high density in Chennai is attributed to the following:

- (a) Smaller lot sizes
- (b) Smaller dwelling unit sizes
- (c) Large family size (on an average 4.5) against about 2.51 in USA and other western countries.

14.30 Comparative statement of densities in various cities in India and select cities in the World is given in Annexure - B. Mumbai has reversed the trend by fixing 1.33 as maximum FSI anywhere in the Metropolis in the early 80's itself. Delhi followed suite. Other cities have clamped it down to around 1.5.

14.31 The practice of increasing FSI under the disguise of high land cost needs to be discouraged. At the same time allowing higher FSI in the suburbs and lower FSI in central areas of the City also needs very careful consideration considering the carrying capacity of infrastructure, impact on environment including ground water and traffic volumes.

14.32 Considering availability of land for development and infrastructure (now and also in the Plan period), land use, travel and traffic aspects, optimum density of population, onslaught of private real estate developers on the small house

owners/tenants in the central parts of the City, affordability etc., any experimentation in changing already fixed FSI without proper detailed study on this may have to be discouraged. In the present condition, any negative impact triggered due to increase in intensity of population/FSI cannot be reversed.

14.33 In many of the major cities in USA and Europe, even though it look high dense because of it's physical mass of construction, they are low in density when comparing the Indian conditions.

14.34 For the above reasons, after examing the issue in detail, it is proposed to retain FSI almost as existing and follow it.

Existing Land use 2006		<i>Extent in Hectares.</i>		
Land use	Chennai City		Rest of CMA	
	Extent	%	Extent	%
Residential	9523	54.25	22877	21.87
Commercial	1245	7.09	390	0.37
Industrial	908	5.17	6563	6.28
Institutional	3243	18.48	3144	3.01
Open space & Recreation	366	2.09	200	0.19
Agricultural	99	0.57	12470	11.92
Non Urban	82	0.47	2433	2.33
Others (Vacant, Forest, Hills, Low lying, Water bodies etc.,)	2087	11.89	56507	54.03

Proposed Land use 2026		<i>Extent in Hectares.</i>		
Land use	Chennai City		Rest of CMA	
	Extent	%	Extent	%
Primary Residential use zone	5916.35	33.58%	31090.68	31.68%
Mixed Residential use zone	2426.90	13.78%	13503.10	13.34%
Commercial use zone	714.24	4.05%	880.35	0.86%
Institutional use zone	2868.97	16.28%	3888.85	3.83%
Industrial use zone	691.83	3.93%	7274.33	7.18%
Special and hazardous Industrial use zone	130.67	0.74%	3416.08	3.38%
Open space & Recreational use zone	1000.65	5.68%	392.86	0.38%
Agriculture use zone	-----	-----	7295.81	7.20%
Non Urban	113.31	0.64%	2332.92	2.3%
Urbanisable			2075.89	2.05%
Others (Roads, water bodies, hills, Redhills catchments area, forests etc.,)	3754.79	21.31%	28147.55	27.79%
Total	17617.70	100.00%	101298.42	100.00%

Annexure - A

Regularisation Of Unapproved Layouts In Chennai Metropolitan Area

1. In Chennai Metropolitan Area, a layout is defined as sub division of land into plots exceeding 8 in numbers. Sub-division of lands into plots up to 8 in nos. is called as sub- division.

2. Any layout laid out without approval of the competent authority viz. Directorate of Town &Country Planning before 5.8.75 the date of coming into force of Master Plan for Chennai Metropolitan Area or Chennai Metropolitan Development Authority after 5.08.1975 is called as unauthorized or unapproved layout.

3. The Development Control Rules for CMA, forming part of the Master Plan came into force from 5.8.75. Any unauthorized layout laid out on private land [not encroachments on public land] prior to 5.8.75 is recognized as it is. No equivalent land cost in lieu of Open Space Reservation is collectable for these pre- 5.08.75 unauthorised layouts.

4. It was found that before coming into force of the Tamil Nadu Urban Land Ceiling Act on 3.8.76 a number of unauthorized layouts had come up. For considering regularization of individual plots in those pre- 3.8.76 layouts, the following guidelines were issued by CMDA in A.P.Ms.No. 110, dated 7.10.1976.

1. Site comprised in an unauthorized/unapproved, unsanctioned layout or sub divisions, but abutting on roads taken over by local body	The site will be considered for approval, subject to the plot owner agreeing to pay proportionate cost of the open space reservation needed for the area as per Development Control Rules 19(a)(iv)
2. i) Site comprised in an unauthorized unapproved/unsanctioned layout where developments have been carried out but the roads have not been handed over to the local body. ii) Site comprised in an unauthorized unapproved/unsanctioned layout where the developments have not been carried out.	The site may be considered approval, subject to the following: - i) The road in question can be taken over by the local body ultimately. Note: For the purpose of the above a road will be deemed to be a road that can be taken over if. a) the width of the road is not less than 16 feet and b) the road is connected at least at one end to a public street. ii) The plot owner agreeing to pay the proportionate cost of development as estimated by the local body for the full work/ for any unfinished works. iii) The plot owner agreeing to pay proportionate cost of the open space reservation needed for the area as per Development Control Rules 19(a)

5. The powers to regularize such pre 3.8.76 layouts were delegated to the executive authorities of the local body concerned within CMA.

6. In the Authority proceeding No. Rc.S5/43464/01/PPP/13/82, dated 7.12.82 the following guidelines were issued for regularization of individual plots in unapproved layouts made prior to 3.8.76: -

Planning Permission applications relating to construction in unauthorized layouts made prior to 3.8.76 shall be forwarded to CMDA for consideration with evidence of registration by the Registration Department to prove that sale of one or more plots in the said unauthorized layout had occurred prior to 3.8.76, and proposed sub division also formed part of the registered document, by a sketch or by narration apart from those particulars.

7. Many unauthorized layouts had come up after 3.08.1976. In 1985, a subject was placed before the Authority on the basis of a representation from one of the members of the Authority for extension of the cut- off date for regularization of plots in unapproved layouts. After detailed examination it was decided as follows in respect of the unapproved layouts made after 3.8.1976[a circular in Lr.M1/9838/90, dated 30.4.90].

(1) Executive officers of the local bodies in Madras Metropolitan Area are forwarding planning permission applications for construction of buildings in unapproved layouts/unauthorized sub divisions made after 3.8.1976, which are in violating of ULC guidelines. Government after consultation with MMDA and Commissioner of Land Reforms have directed that such unauthorized sub divisions made after 3.8.1976 should be regularized subject to the condition that the road in front of the applicant's site is public/under the maintenance of the local body concerned.

(2). The status of the road furnished by the local bodies in most of the cases is not clear. Roads of the local bodies are to be taken over by passing a resolution to that effect by the council. Roads should be taken over for maintenance only after obtaining approval of the council for incurring expenditure in providing amenities to the road in the area.

(3). The Executive Officers of the local bodies are therefore requested to forward planning permission applications for constructions in unauthorized layouts/sub divisions made after 3.8.1976 violating ULC guidelines with the following certificates:

- i) the road for entire length from the applicant's plot to its connection to nearest public road is vested with the local body. (This should be supported by adequate proof in the form of an extract from the street inventory register with council's resolution with date).
- ii) the road for entire length from the applicant's plot to its connection with nearest public road is under the maintenance of the local body (supported with council resolution with date for having authorized incurring the expenditure)
- iii) In the event, such a certificate is issued by the President of the local body, it should be countersigned by the Executive Authority of the respective local body i.e. Block Development Officer of Panchayat Union.

(4). The certificate wording in (i) and (ii) shall be as given and any altered or ambiguous wordings shall not be accepted.

(5). It was also decided to regularize only those unauthorized sub-divisions made prior to 31.12.1989. The actual date of registration would be taken into consideration for deciding whether the unauthorized sub divisions have taken place before or after 31.12.1989. The Executive Officers are therefore requested not to forward planning permission applications for regularization of unauthorized sub-division made after 31.12.1989.

8. In 1992, the powers to regularize pre- 31.12.'89 unauthorised subdivision were delegated to the officials of local bodies within Chennai Metropolitan Area subject to satisfying Development Control Rules and the following guidelines: -

- (i) a) The abutting road should be a public road (Public road means a road taken over or declared public by the local body / Department of Highways and Rural works).
- b) If the abutting road is not declared a public road, then it should be a road where the local body had incurred expenditure for providing infrastructures like streetlights, pavements, storm water drainage etc.
- (ii) The unauthorized layout wherein the plot lies should have been made prior to 31.12.1989 (i.e.) the plot for planning permission applied for or any one of the plots in the unauthorized layout should have been registered prior to 31.12.1989 evidenced by the layout plan registered with the sale deed.

(Apart from Development charge under Town Country Planning Act, OSR Charges, local body's road improvement charges etc., additionally

regularisation charge at the rate of Rs. 5 to Rs. 15 per sq.m. plot area were collectable when the plot was considered for regularisation)

9. Regularisation scheme for unauthorized development was introduced for Chennai Metropolitan Area in 1999 and extended in 2000, 2001 and 2002, the cut-off dates were also extended and as per the latest schemes which was closed on 8.07.2002, the following are the rule provisions in respect of unauthorised layouts/ subdivisions.

- (i) the unauthorized plot should have been registered on or before 31.03.2002.
- (ii) Irrespective of whether any plot or land is vacant, partially or fully built, if there is violation in terms of unauthorized sub-division or layout, or plot extent or frontage, the plot or land alone shall first be considered for regularization as one category and regularization fee shall be assessed as specified subject to the following conditions: -
 - a) In the case of a plot in an unauthorized layout, the plot shall abut a road of width not less than 4.8 metres and the unauthorized layout roads shall be connected to a public road or street maintained by the local body by their resolution.
 - b) In case of a plot in an unauthorized sub-division, the plot shall abut on 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.
 - c) No part or whole of any unauthorized layout as such is regularisable. Only individual plot shall be considered for regularization, provided it has been divided and registered on or before 31st March 2002.
- (iii) It shall be in conformity with the following: -
 - a) The Coastal Zone Regularisation 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);
 - c) The Ministry of Defence Regulations for developments in the vicinity of the Air force Stations within 900 metres around;
 - d) Regulations of the Chennai Regional Advisory Committee constituted by the Ministry of Communications;

- e) Any development for regularisation shall abut on a public road or gain access from a road or passage over which the applicant has right of access;
- f) In case of multi-storied developments, No Objection Certificate from the Directorate of Fire Services with regard to the fire protection measures shall be furnished by the applicant;
- g) No development shall be regularized in the lands affected by the alignments of proposed Inner Circular (Rail) Corridor, Inner Ring Road, National Highways By-pass Road, Outer Ring Road and Mass Rapid Transit System (Rail) Projects;
- h) No special and hazardous industry or and industry categorized as “RED” by Tamil Nadu Pollution Control Board shall be regularized in a non-conforming zone, it shall be regularized only with the clearance form the Tamil Nadu Pollution Control Board;
- i) No industry categorized as “ORANGE” by the Tamil Nadu Pollution Control Board shall be regularized in any use zone without the clearance from the Tamil Nadu Pollution Control Board; and
- j) Any development for regularisation shall conform to the rule 79 and 80 of Indian Electricity Rules, 1956 in respect of clearance form high tension and extra high voltage lines.

(iv) Regularisation fee collected for the plot area at the following rates

Serial Number	Location of the plot	Rate of Levy (Rupees per sq.m.)
1.	Chennai City Corporation and Banned area	20.00
2.	Municipalities and Municipal Townships.	12.50
3.	Rest of Chennai Metropolitan Area not included in Sl.No.1 &2	7.50

Note: These rates shall apply irrespective of whether the plot is vacant or constructed partly or fully.

(This Regularization fee is in addition to the normally payable changes such as Development Charges, Open Space Reservation Charges, Local body's Road Improvement Charge and License fee etc.)

10. As a large number of applications were received seeking planning permission for constructions in the post- 31.12.1989 unapproved layouts, and the cut-off date prescribed dates back to more than 15 years, CMDA has proposed to Government separately, for extension of the cut-off date for regularizing individual plots in these unauthorised layouts made after 31.12.1989.

Annexure - B				
Details of Population in select cities in the World				
Sl.No.	City	Area (Sq.km)	Population-2001	Density per hect.
	India			
1	Mumbai			
	a) Mumbai City	157	3326877	212
	b) Mumbai suburban	445	8587561	193
	c) Thane	9032	8128833	9
	d) Wardha	6153	1230640	2
	e) Raigarh	7353	2205972	3
2	Delhi			
	a) Central Delhi	25	644005	258
	b) East Delhi	64	1448770	226
	c) New Delhi	35	171806	49
	d) North Delhi	60	779778	130
	e) North East Delhi	60	1763712	294
	f) North West Delhi	438	2847395	65
	g) South Delhi	251	2258367	90
	h) South West Delhi	417	1749492	42
	l) West Delhi	129	2119641	164
3	Kolkata			
	a) City	185	4580544	248
	b) Hoogli	3150	5040047	16
	c) Howhra	1474	4274010	29
	d) North 24 parganas	4059	8930235	22
	e) South 24 parganas	9870	6909015	7
4	<i>Chennai</i>			
	<i>a) City</i>	<i>176</i>	<i>4343645</i>	<i>247</i>
	<i>b) Rest of Metropolitan area</i>	<i>1013</i>	<i>2690094</i>	<i>27</i>
5	Hydrabad City	217	3686460	170
6	Bangalore UA	2174	6523110	30
	Rest of the World			
7	Washington			
	City	159	606900	38
8	NewYork City	800	7322564	92
9	Los Angeles	1216	3485298	29
10	London	1572		53
	City			95
	Outer London			36
11	Singapore	640	43,00,000	67
12	Hong Kong			
	a) Island	80	1335469	166
	b) Kowlon	47	2023979	432
	c) New Territories	974	3343046	34