

MINUTES OF THE 44th MEETING OF THE MONITORING COMMITTEE
HELD ON 30.03.2012 AT 4.00 P.M IN THE MAIN CONFERENCE HALL OF CMDA

-:-

MEMBERS PRESENT:

1. Thiru. K.Phanindra Reddy, I.A.S.,
Housing Secretary, (H&UD) and
Vice-Chairman (i/c), CMDA
2. Thiru.P.W.C. Davidar, I.A.S.,
Principal Secretary and Commissioner,
Corporation of Chennai
3. Tmt. S.Jayandhi, I.A.S.,
Collector,
District of Chennai
4. Dr. A.Srivathsan,
Architect and Urban Planner.

Representatives

5. Thiru S. Rajarajan,
Executive Engineer/O & M/Egmore
TNEB, Chennai.
6. Thiru.S.Vijaya Sekar,
Deputy Director, (Northern Region),
Tamil Nadu Fire and Rescue Services,
Chennai.

Special Invitees

7. Thiru. R.Venkatesan, I.A.S.,
Member-Secretary, CMDA.
8. Thiru. B.S. Ravindran,
Chief Planner (Metro Rail & Reg), C.M.D.A.
9. Tmt. S. Chitra,
Chief Planner (MPU & ADU), CMDA
10. Tmt. D. Esther,
Senior Planner (EC), CMDA.

11. Thiru, G.A. Baskararaj,
Senior Law Officer, CMDA.

Agenda Item No.44.01 CMDA – Reg. Unit – Leave of absence of the 44th Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members of the 44th Monitoring Committee Meeting :

1. Thiru Rajeev Ranjan, I.A.S.,
Chairman,
Tamil Nadu Electricity Board
2. Thiru Apurva Varma, I.A.S.,
Managing Director,
CMWSSB
3. Thiru Bolonath, I.P.S.,
Director of Fire and Rescue Services
4. Thiru. M.G.Deva Sahayam, I.A.S., (Retd.)
5. Prof. Suresh Kuppaswamy,
Anna University.
6. Thiru.Durganand Balsaver,
Architect and Urban Planner.

Agenda Item No.44.02 Confirmation of the minutes of the 43rd meeting of the Monitoring Committee – Placed for information

Minutes Confirmed.

Agenda Item No.44.03 Action Taken on the minutes of the 43rd meeting – Placed before the Monitoring Committee for information

Minutes Recorded.

Agenda Item No.44.04 CMDA – Legal Cell - Hon'ble High Court of Madras order dated 17.2.2012 in W.P.No.20618/10 and 23936/10 filed by Thiru T. Solomon and others and Batch cases - Placed before the Monitoring Committee for information

Minutes Recorded.

Agenda Item No.44.05 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of BF+GF+MF+1st Floor+MF+7F+8F pt.+9F pt. of Commercial building at D.No.781-785, Anna Salai, R.S.No.22/1, Block No.3, Nungambakkam – Appeal petition against rejection received – Subject placed before Monitoring Committee for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to re-examine the Regularisation Scheme Appeal for Regularisation of BF+GF+MF+1st Floor+MF+7F+8F pt.+9F pt. of Commercial building at D. No. 781-785, Anna Salai, R.S. No. 22/1, Block No. 3, Nungambakkam** by calling for the certified copy of Property Tax Assessment Working Sheet for the period 2/98-99 or prior and dated prior to 28.02.1999, from the Commissioner, Corporation of Chennai for all the floors.

The Regularisation appellant may be requested to establish the ownership issue. Even though the site under reference is falling within 50m distance from the CMRL Alignment, as the building was constructed much earlier to the CMRL Alignment, the Monitoring Committee opined that the NOC from CMRL for the instant case not to be insisted upon.

Agenda Item No 44.06 CMDA – Reg. Unit – Reg. I Division – Regularisation of GF+2F+3F part Residential building at Door No.7, Old No.5/1, 3rd Street, Dr. Subbarayan Nagar, Kodambakkam, Chennai-24, T.S.No.72/2, Block No.11 of Puliyur Village – Regularisation rejected – Appeal to Government under section 113-A(6) – Subject placed before the M.C. for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the regularization of GF+2F+3F part Residential building at Door No.7, Old No.5/1, 3rd Street, Dr. Subbarayan Nagar, Kodambakkam, Chennai-24, T.S.No.72/2, Block No.11 of Puliyur Village.** Earlier, the site was inspected on 2.7.99 by CMDA and observed that GF+2F+3

Floor part was structurally completed and finishing work was under progress. Corporation of Chennai property tax work sheet for the period 2/98-99 furnished is only for GF+FF. The appellant has not furnished Corporation of Chennai Property Tax Work Sheet for the period 2/98-99 or prior for the entire GF+2F+3F part residential building for which regularization application was submitted. Other evidences furnished such as CMDA's Demolition notice letter No.EC3/9074/99, dated 20.8.99, TNEB cash receipt No.R1/07 of 99-2000, dt.26.4.99, TNEB Consumer card connection No.276:09:577 for the period from 21.6.99 and Chennai Corporation approved plan for GF addition +FF addition + 2F PPA No.D8/382/99 and BA No.D8/476/99, dt.16.2.99 also do not establish that the entire building was constructed and completed on or before 28.2.99.

**Agenda
Item No
44.07**

CMDA – Reg.Unit – MSB Reg. Dvn. – Regularisation of unauthorized/deviated construction of GF+4 Floors Commercial building at Door No.103, East Mada Church Street, Royapuram, Chennai-13 in S.No.259, Block No.8 of Tondiarpet Village – Rejected – Appeal received from the Govt. – Placed before Monitoring Committee for decision - Reg

Minutes

The Monitoring Committee on going through the file resolved to re-examine the appeal for regularisation of the GF+ 4 Floor Commercial building at Door No.103, East Mada Church Street, Royapuram, Chennai-13 in S.No.259, Block No.8 of Tondiarpet village, after getting clarification from the Commissioner, Corporation of Chennai about the genuineness & correctness of the two different Property Tax Assessment Working sheets for the period 2/98-99 issued on 31.12.1999 and 28.02.2008, which are contradictory to each other.

**Agenda
Item No
44.08**

CMDA – Reg. Unit – Reg I & I Dvn. – Regularisation of the existing GF + FF Prayer Hall building and service residence for visiting priests at Plot Nos.1,2 and 3, Sri Sankar Nagar, Pammal, Chennai in New S.Nos.143/1, 143/2 (Old S.No.143 pt.) of Pammal Village – Hon'ble High Court order dt.23.8.2006 – Opportunity given – Evidence furnished – Examined – Placed before M.C. for decision – Reg.

Minutes **The Monitoring Committee on going through the file resolved to accept the regularisation of GF+FF Prayer Hall building and service residence for visiting priests at plot Nos. 1, 2, and 3 Sri Sankar Nagar, Pammal, Chennai in New S.Nos.143/1, 143/2 (Old S.No. 143 pt) of Pammal village.** The regularisation of existing building was received by local body on 15-03-1999 and forwarded to CMDA and the PPA was rejected in normal channel in CMDA in letter No.C4/5364/99 dated 18-05-1999 for the deviation to approved plan dated 02-01-1998 and the same is taken as supportive evidence.

Agenda Item No 44.09 CMDA – Reg. Unit – Reg I & I Dvn. – Regularisation of unauthorized/deviated construction of Trust Building of GF+3 floors at New Door No.226, Old Door No.275, Avvai Shanmugam Salai, Royapettah, Chennai-600 014 in S.No.1139/2A of Mylapore Village – Evidence received and examined – Subject placed before Monitoring Committee for its decision – Reg

Minutes Deferred. Site may be inspected to ascertain the present stage.

Agenda Item No 44.10 CMDA – Reg.Unit – Reg. I & I Dn. – Regularisation of Institutional building of Ground floor + 3 floors, Ground floor + 2 floors and other incidental structures within the College campus at S.Nos.620/1, 620/2A, 620/2B, 621/1A, 621/1B, 631/1A2, 631/2 , 632/1, 632/2, 633/2, 633/3A1, 633/3A2, 633/3B1, 633/3B2 and 634/2 of Paruthipattu Village, Avadi Township – Evidence received – Examined – Subject placed before M.C. for decision

Minutes **The Monitoring Committee on going through the file resolved to accept the regularization of Institutional building of Ground Floor + 3 floors, Ground floor + 2 floors and other incidental structures within the College campus at S.Nos. 620/1, 620/2A, 620/2B, 621/1A, 621/1B, 631/1A2, 631/2, 632/1, 632/2, 633/2, 633/3A1, 633/3A2, 633/3B1, 633/3B2 and 634/2 of Paruthipattu village, Avadi Township.** The evidence of G.O.Ms.No.34 Higher Education (EI) Department dated 11-01-1998 regarding the permission to open the Art

and Science College during the year 1998-1999, is accepted as credible evidence. The TNEB Payment Card (Connection No.33/215/214) and receipts from 08-12-1998 to 30-12-1999, the copy of approval of appointment of Principal by University of Madras in letter No.A3/3/99/7, dated 06-01-1999 addressed to the Chairman/Managing Trustee, Mahalakshmi College of Art & Science etc. have also been taken as supporting evidences for the building constructed prior to 28-02-1999. The M.C. decided to regularize the building subject to levy for land use violation as per First Master Plan under Reg. 1999 Scheme Rules/Fees.

**Agenda
Item No
44.11**

CMDA – Reg. Unit – I & I Dvn. – Regularisation of unauthorized/deviated construction of GF+3F,GF+2F,GF+FF and other incidental structures of school buildings (P.S. Higher Secondary School, P.S. Senior Secondary School and P.S. Matriculation Higher Secondary School) at Door No.215, R.K. Mutt Road, R.S.No.3549/2, 3544/2 and 3543/2, Block No.70 of Mylapore Village, Chennai – Evidence furnished – Reg. PPA rejected – Appeal preferred to Govt. – Subject placed before M.C. for decision – Submitted

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the regularisation of GF+3F, GF+2F, GF+FF and other incidental structures of school buildings (P.S. Higher Secondary School, P.S. Senior Secondary School and P.S. Matriculation Higher Secondary School) at Door No.215, R.K. Mutt Road, R.S.No.3549/2, 3544/2 and 3543/2, Block No.70 of Mylapore Village, Chennai since as per inspection report dated 24.06.2011, it was observed that the following additional constructions were made after the earlier inspection, dt.21.10.'99:-

- i) A part of existing GF - A.C. sheet shed had been converted as GF+2F building and connected with main building of existing GF+2F building (Senior Secondary School - Alamelu Mangapuram Road side).

- ii) Another additional extension of part of Third Floor building had been completed whereas it was only GF+2F at the time of inspection made on 21.10.'99.

Agenda Item No. 44.12 CMDA – Enforcement Cell – High Court order – Suggestion for improvement of the system of enforcement against the unauthorized developments in Chennai Metropolitan Area – The Authority in its meeting held on 19.01.2010 resolved to form a Sub-Committee placed before the Monitoring Committee for information and suggestion – Reg

Agenda Item No. 44.13 CMDA – Enforcement Cell – Constitution of Special Task Force – Revised proposal incorporating suggestions of the Monitoring Committee – Placed before the Monitoring Committee for discussion and approval

Minutes for 44.12 and 44.13 Monitoring Committee suggested that too many tiers of set ups may not be desirable and not workable for taking effective enforcement action.

Corporation of Chennai may take up enforcement action in Chennai City area and to have dedicated manpower for enforcement action.

CMDA may take enforcement action outside City area in CMA. Within the Enforcement Cell set up separate wings may be earmarked for Completion Certificate and Enforcement action. If necessary additional man power may be requested.

Accordingly proposals may be re-examined.

Agenda Item No. 44.14 CMDA – MPU – Representation from CREDAI – Allowing parking in upper floors – Suggestions on amendments to DR – Subject placed before the Monitoring Committee for discussion and recommendation

Minutes The Monitoring Committee discussed the pros and cons in allowing the parking as Non FSI area in upper floors in Non IT buildings and recommended the following:

i) The covered parking space in non IT building in upper floors is presently included in FSI and when the same may be considered for FSI exemption by amending DR, adequate precautionary measures have to be ensured that the space shown as parking is used only for that purposes and not converted into any habitable space.

ii) The handing over of floors before issue of PP to the sanctioning authority as adopted in Hyderabad may be adopted in Chennai to prevent unauthorized conversion/deviation of the upper covered floor parking space as a pre-condition.

iii) As recommended in the note placed before the MC, a charge shall be made by the developer/owner for the undivided share of land/premises transferred by way of sale deed or lease deed executed, specifically mentioning that the spaces reserved for parking in the approved plan shall not be converted for other uses at any point of time and if there are any unauthorized conversion into other uses, the building is liable for enforcement action by CMDA or the agency designated by it as per the provisions of Tamil Nadu T & CP Act.

iv) A parking Security Deposit of Rs.500/- per sq.m. may be collected before issuance of planning permit and will be forfeited if there are any violations/deviations to the approved plan. In cases of compliance of approved plan, the parking security deposit will be refunded after 3 years of occupation of the building.

v) The certification for the designs for the upper floor parking to withstand the earthquakes from Class I Structural Engineer have to be produced.

Agenda Item No. 44.15 Urban Development – Development Regulations – Plots in unauthorized Layout – Regularisation – cut off date – Extension – Placed before Monitoring Committee for its recommendations – Reg

Minutes The unauthorized sub-divisions and buildings done on or before 28.2.1999 only are regularisable under Reg. Scheme as per High Court orders dt.23.8.2006 and hence the Monitoring Committee can not recommend extension of the cut off date for regularization of unauthorised sub-divisions done after 28.2.1999 in Chennai Metropolitan Area.

General:

1. The Principal Secretary and Commissioner, Corporation of Chennai informed the Monitoring Committee that Corporation of Chennai has issued Proc.No.WDC.No.115/2012, dt.30.3.2012 and the procedure shall come into force from 1.4.2012. The proposed system is introduced to prevent deviations at the beginning stage of construction and the AE/JE will carry out site inspection of buildings at foundation stage itself and if deviation is noticed, stop work notice will be issued. Monitoring Committee recommended that Corporation of Chennai may extend the procedure for taking enforcement action against Special and Multi-Storeyed Buildings also.

2. Earlier Monitoring Committee constituted a sub-committee to examine inter departmental co-ordination issues/process delays and to suggest measures to overcome the same and further the scope of the sub-committee has been extended to examine and suggest required measures on computerization processes with cross linkage for referral and digitization of maps of the approved plans and other referral documents. After studying the datas available in various Divisions, Computer Cell informed that the datas need to be standardized and required software can be built inhouse. Computer Cell to inform to the Sub-Committee on the proposed software details including structure of the software, what input is intended to be fed in and what output can be expected of the software to be developed inhouse and the details of cross linkage for referral and digitization of maps of the approved plans and other referral documents. The above

details of the proposed software to be informed to the sub-committee within 15 days by the Computer Cell, CMDA.

3. Priority on disposal of Reg. Scheme applications of MSB Commercial buildings and Special Commercial buildings has to be given. Details of MSB/Special Building cases wherein evidences have already been furnished and decisions are yet to be taken may be informed to the Monitoring Committee.

4. Regularisation Scheme applications are approved when credible evidence is furnished for having completed the building on or before 28.2.1999. For such old buildings under Reg. Scheme, NOC from CMRL not to be insisted when the site falls within 50 mtrs. distance from metro rail alignment.

5. Corporation of Chennai may expedite action to place the updated Kodambakkam survey report to Monitoring Committee. Further Corporation of Chennai with the assistance from CMDA expedite survey of LB Road, Santhi Colony and Second Avenue, Anna Nagar.

Sd/-xxx
SECRETARY (H & UD),
VICE-CHAIRMAN (i/c), CMDA &
CO-ORDINATOR, MONITORING COMMITTEE

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PERSONNEL MANAGER/REG. UNIT