

**MINUTES OF THE 29th MEETING OF THE MONITORING COMMITTEE
HELD ON 01.02.08 @ 11.00 A.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT :

1. Thiru T.R. Srinivasan, I.A.S.,
Vice-Chairman, CMDA
2. Thiru. Louis Menezes, I.A.S., (Retd.)
3. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
4. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai
5. Dr. A. Srivathsan,
Architect and Urban Planner

Leave of absence:

1. Thiru. S. Machendranathan, I.A.S.,
Chairman, TNEB.
2. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
3. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
4. Dr. K.R. Shyamsundar, I.P.S.,
Director of Fire and Rescue Services.
5. Prof. Suresh Kuppaswamy,
School of Architecture and Planning, Anna University.
6. Thiru. Durganand Balsaver,
Architect and Urban Planner
7. Thiru. P.T. Krishnan,
(Architect)

**AGENDA ITEM
NO.29.1**

Confirmation of the minutes of the 28th meeting of the Monitoring Committee.

Minutes

Confirmed except for the following agenda items 28.4 & 28.6.1, the minutes to be replaced with the following:

(i) Agenda Item No.28.4:

“The Non-official members of the Monitoring Committee stated that as far as the difficulties in disconnecting water supply and electricity to buildings to be demolished are concerned, these are purely internal operational matters of the enforcement agencies concerned and the MC appointed by the High Court cannot go into it.”

(ii) Agenda Item No.28.6.1:

It was pointed out that an Action Taken Report approved by this Monitoring Committee has already been filed by the Monitoring Committee before the Hon'ble High Court stating that the CMDA is basically a Planning Body and is not configured to perform the implementation / enforcement functions it has been charged with. Urban Local Bodies within Chennai Metropolitan Area lack technical / managerial expertise to monitor and enforce the building rules and regulations. Combination of these is the cause of the present condition. What is required is major governance reforms to reconfigure and streamline the institutional mechanism and redefine the duties, responsibilities and functions of CMDA, Chennai Corporation and Urban Local Bodies in Chennai Metropolitan Area.

However Thiru Louis Menezes, Non-official member of the Monitoring Committee stated that as for as fixing of responsibilities on officials for allowing unauthorised constructions within Chennai Metropolitan Area is concerned, there are well laid down procedures in Government for

accountability, fixing responsibility for lapses and proceeding against officials and if there are problems these are internal to the Govt. and the Court appointed Monitoring Committee should not be brought into this.

AGENDA ITEM NO.29.2 Action taken on the minutes of the 28th meeting of the Monitoring Committee.

Minutes Recorded.

AGENDA ITEM NO.29.3 Multi-storeyed Buildings (Commercial) – Response received from the applicants – Analysis of evidences – Placed for decision.

Minutes Deferred.

AGENDA ITEM NO. 29.4 Special Buildings (Commercial) – Response received from the applicants – Analysis of evidences - Placed for decision.

Minutes Deferred.

AGENDA ITEM No.29.5 CMDA – Enforcement Cell – Completion Certificate for obtaining service connections - Progress Report - Placed before the Monitoring Committee for information

Minutes Recorded.

AGENDA ITEM No.29.6 CMDA – Enforcement Cell (Central) – Completion Certificate for the building of Basement Floor + Ground Floor + 3 Floors Office Building at Door No.25, Greams Road, Nungambakkam, Chennai – Violation of Side Set Back (South) at one side by 0.54 m – Subject placed before the Monitoring Committee for condonation and approval.

Minutes The Monitoring Committee informed that individual cases on Completion Certificate need not be brought before the Monitoring Committee and the cases to be disposed as per the existing Completion Certificate Norms.

AGENDA ITEM No.29.7 Abstract of Progress in respect of MSB (Commercial) Buildings – Report submitted.

Minutes Recorded.

AGENDA ITEM No.29.8 CMDA - Regularisation Unit – Industries & Institutions Division – Regularisation of unauthorised / deviated construction of Ground Floor Industrial building at Door No.33, Arunachalam Road in S.No.146pt., 147/1D1&1D2&146/2C&3, New T.S.No.68 of Saligramam Village – Credible evidence not submitted by the applicant as per the High Court direction – Subject placed before the Monitoring Committee for decision.

Minutes Deferred.

GENERAL Non-official Members stressed that issues like fixing responsibility on officials for allowing unauthorised construction and identifying erring builders and taking action against them need to be given priority.

With regard to fixing responsibility it was informed to the Monitoring Committee by CMDA that as already reported in previous meetings as well as through the ATR filed in the High Court there are several systemic problems and hence it is very difficult to fix responsibility on the officials for unauthorised construction in most of the cases. However, wherever dereliction of duty has been clearly established, action has been taken against officials and so far disciplinary action has been initiated against four officials in CMDA. Similarly, Corporation has also taken action against some of the officials, details of which are awaited from them.

It was also suggested that if the Monitoring Committee is not satisfied with the action taken by CMDA in this regard it may constitute a small sub-committee consisting of some of its members to go through the individual cases / files and fix responsibility on the erring officials.

With regard to identifying erring builders and for imposition of penalties on them etc., already a list 21 erring builders have been identified and the same was placed before the Monitoring Committee. Difficulties in identification of erring builders have already been informed to the Hon'ble High Court in the Action Taken Report. Some more files are under scrutiny further report would be submitted shortly.

Meanwhile a decision is to be taken by the Monitoring Committee on the quantum of penalty to be imposed and the mode of recovery of penalty, etc. Once it is decided, further action against the erring builders will be taken accordingly.

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