

**MINUTES OF THE 32nd MEETING OF THE MONITORING COMMITTEE
HELD ON 20.06.2008 @ 3.00 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT:

1. Tmt. Susan Mathew, I.A.S.,
Vice-Chairperson, CMDA
2. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
3. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.
4. Dr. A. Srivathsan,
Architect and Urban Planner
5. Thiru. Durganand Balsaver,
Architect and Urban Planner

Leave of absence:

6. Thiru. S. Machendranathan, I.A.S.,
Chairman, TNEB.
7. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
8. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
9. Tmt. Kakarla Usha, I.A.S.,
District Collector, Chennai.
10. Dr. K.R. Shyamsundar, I.P.S.,
Director of Fire and Rescue Services.
11. Thiru. Louis Menezes, I.A.S., (Retd.)
12. Thiru. P.T. Krishnan,
(Architect)

Before taking up the Agenda Items listed, the Monitoring Committee discussed the legal opinion, of the Additional Advocate General, Government of Tamilnadu dated 18.6.2008, given on the Hon'ble High Court order dated 30.4.2008 in W.P.No.10866 of 2008 filed by one Thiru Komariah (Reg. Applicant) with reference to the Hon'ble Supreme Court order dated 14.12.2007. After detailed deliberations, the Monitoring Committee suggested to file a clarification petition before the Hon'ble High Court on the above. Thereafter, the agenda items were taken up for discussion.

AGENDA ITEM NO: 32.1 Confirmation of the minutes of the 31st meeting of the Monitoring Committee.

Minutes Confirmed.

AGENDA ITEM NO: 32.2 Action taken on the Minutes of the 31st meeting of the Monitoring Committee.

Minutes Recorded.

AGENDA ITEM NO.32.3 (For agenda item Nos. 32.3.1 to 32.3.14) Special and Multi-storeyed Buildings – Court Cases - Response received from the applicants – Analysis of evidence – Placed for decision

Minutes (a) The Monitoring Committee discussed in detail the following Hon'ble Supreme Court order dated 14.12.2007 in SLP Nos. 23098/2007 with 23099, 23204 & 23205/2007:

“ Status quo as on today shall be maintained until further orders and the petitioners shall not pass any order of regularisation, in the meantime”.

and decided that the subjects on the individual cases can be taken up after the outcome of clarification petition to be filed before the Hon'ble High Court.

- (b) The Monitoring Committee also felt that, the Hon'ble High Court be informed stating that the time-bound Court orders on the regularisation of individual cases are not taken up for discussion by the Monitoring Committee, in the light of Hon'ble Supreme Court order dated 14.12.2007.

**AGENDA ITEM
NO.32.4
(For agenda item
Nos. 32.4.1 to
32.4.7)**

Special Buildings (Commercial) – Response received from the applicants – Analysis of evidence – Placed for decision.

Minutes

The Monitoring Committee discussed in detail the following Hon'ble Supreme Court order dated 14.12.2007 in SLP Nos. 23098/2007 with 23099, 23204 & 23205/2007:

“Status quo as on today shall be maintained until further orders and the petitioners shall not pass any order of regularisation, in the meantime”.

and decided that the subjects on the individual cases can be taken up after the outcome of clarification petition to be filed before the Hon'ble High Court.

**AGENDA ITEM
NO.32.5**

CMDA – Enforcement Cell – Compliance Certificate by AAI for MSB height restriction to be verified by CMDA – Concurrence by AAI – Procedure to be followed by CMDA – Subject placed before the Monitoring Committee – Reg.

Minutes

The Monitoring Committee took note of the Airport Authority of India letter dated 29.5.2008 confirming that the height restrictions imposed in the NOC issued by the AAI at the time of issue of Planning Permissions of multi-storeyed buildings are the only consideration for issuance of Compliance Certificate / Completion Certificate. However, obstruction markings and obstruction lights (Red color aviation lights) are to be provided with un-interrupted power supply.

The Monitoring Committee accepted the suggestions of AAI and the CMDA shall process the Completion Certificate applications accordingly.

**AGENDA ITEM
NO.32.6**

CMDA – Enforcement Cell – Completion Certificate (CC) for obtaining service connections – Progress Report for Completion Certificate Applications - Placed before the Monitoring Committee - For information.

Minutes

Completion Certificate status was recorded.

The Monitoring Committee desired to have the analysis of violations / deviations in respect of the rejected / returned Completion Certificate applications in the next Monitoring Committee meeting.

**AGENDA ITEM
NO.32.7**

CMDA – Enforcement Cell – Status of Enforcement action taken on the MSB Buildings constructed after 27.07.2007 by CMDA and Corporation of Chennai – For information

Minutes

CMDA has delegated all enforcement action powers to Corporation of Chennai in A.P. Ms.No.2 dated 5.1.1979 and to all local bodies within CMA in A.P. Ms. No.3 dated 5.5.1979 under Town & Country Planning Act for taking enforcement action on all types of buildings.

After Planning Permit approval by CMDA, the approved plans along with planning permit are directly sent to local bodies for issue of building permit for all types of buildings including Special & Multi-Storeyed Buildings. No building construction can be commenced / constructed without obtaining Building Permit from the local bodies including Special Buildings & Multi-Storeyed Buildings. The Monitoring Committee has filed an action taken report before the Hon'ble High Court wherein it was stressed that CMDA is basically a Planning Body and not configured to perform the implementation/enforcement

functions. The Monitoring Committee emphasized that entire responsibility of taking enforcement actions should lie with the local bodies i.e. Corporation of Chennai and other Local bodies within CMA only.

The Non-official Members felt that the large number of people continue to violate the rules and construct the buildings with violations. Even after the introduction of the Ordinance No.1/07 (Act 39/07) dated 27.7.2007, unauthorized constructions / deviations were not controlled. The building constructions for non-compliance of Law are to be booked. As per the Court order Para 32 (viii), the CMDA and the Chennai Corporation should take action against the illegal Multi-storeyed and Special Buildings.

The Non-official Members felt that the Local bodies are responsible for effecting demolition. Therefore, the CMDA, Chennai Corporation and other Local bodies should chalk out the action plan to be taken against the illegal and unauthorised building constructions.

The action taken by the local bodies against the deviated / unauthorised constructions was not reported in any of the Monitoring Committee meetings. The Monitoring Committee suggested to invite Commissioner of Municipal Administration, Commissioner of Town Panchayat and Director of Rural Development and Commissioner, Corporation of Chennai for the next Monitoring Committee meeting to discuss on these issues.

**AGENDA ITEM
NO.32.8**

CMDA – Erring Builders – Subject placed before the Monitoring Committee for discussion.

Minutes

- (a) The Monitoring Committee after detailed discussions decided to constitute a Sub-Committee with the following Members to decide on the imposition of heavy penalties against the erring builders.
- i) Vice-Chairperson, CMDA
 - ii) Commissioner, Municipal Administration
 - iii) Commissioner, Corporation of Chennai
 - iv) Thiru M.G.Devasahayam, I.A.S., (Retd.,)
 - v) Prof. Suresh Kuppuswamy
 - vi) Dr. A. Srivathsan
- (b) The Monitoring Committee perused the list of erring builders and suggested to complete the list and place the same in the ensuing Monitoring Committee meeting.

**AGENDA ITEM
NO.32.9**

CMDA – Enforcement Cell – Officials responsible for deviated constructions – Action to be taken – Reg.

Minutes

The Monitoring Committee felt that a note on the action taken on the officials by the CMDA, Corporation of Chennai, Commissioner of Municipal Administration, Commissioner of Town Panchayat and Director of Rural Development may be placed in the ensuing Monitoring Committee meeting.

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