

**MINUTES OF THE 40th MEETING OF THE MONITORING COMMITTEE
HELD @ 3.30 P.M ON 15-07-2011 IN THE MAIN CONFERENCE HALL OF CMDA**

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MEMBERS PRESENT:

1. Thiru K.Phanindra Reddy, I.A.S.,
Housing Secretary, (H&UD) and
Vice-Chairman (I/c), CMDA.
2. Dr.Gopal, I.A.S.,
The Managing Director,
CMWSSB.
3. Thiru M.G.Deva Sahayam, I.A.S., (Retd.)
4. Prof.Suresh Kuppaswamy,
Anna University.
5. Thiru. Durganand Balsaver,
Architect and Urban Planner
6. Dr. A.Srivathsan,
Architect and Urban Planner

Representatives

1. Tmt.S.Madumathi, I.A.S.,
Dy.Commissioner,
Corporation of Chennai.
2. Thiru. G.Perumalsamy,
Chief Engineer (Distribution) North.
TNEB, Chennai.
2. Thiru. S. Vijaya Sekar,
Deputy Director,
Tamil Nadu Fire and Rescue Services,
Chennai

Special Invitees

10. Thiru. R.Venkatesan, I.A.S.,
Member-Secretary, CMDA.
11. Thiru B.S. Ravindran,
Chief Planner (Reg), C.M.D.A.
12. Thiru S.Rajasekarapandian,

Senior Planner (EC), CMDA.

AGENDA ITEM NO: 40.01 CMDA – Reg. Unit – Leave of absence of the 40th Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members for the 40th Monitoring Committee Meeting:

1. Thiru. Louis Menezes, I.A.S., (Retd.)
2. Dr.D.Karthikeyan, I.A.S.,
Commissioner,
Corporation of Chennai.
3. Thiru Hansraj Verma, I.A.S.,
The Chairman,
TNEB, Chennai.
4. Thiru Bhol Nath, I.P.S.,
The Director of Fire and Rescue Services.
5. Thiru K.A.Annamalai,
D.R.O. & District Collector (i/c),
Chennai.
- 5 Thiru P.T.Krishnan,
Architect.

AGENDA ITEM NO: 40.02 Confirmation of the minutes of the 39th meeting of the Monitoring Committee – Placed for confirmation.

Minutes The Minutes of the 39th Monitoring Committee meeting was taken up for discussion. It was confirmed with the following modification.

In respect of the Agenda Item No.14 of the 39th Monitoring Committee meeting, the Minutes should be replaced by the following:

Item No.39.14:

"The Monitoring Committee discussed the matter in detail. There is no separate Government order to deal the St.Isabel's Hospital under Institutional use category. Hence the request of the applicant to consider levy of regularization fee etc. for the development under institutional use category, could not be considered.

AGENDA ITEM NO: 40.03	Action taken on the minutes of the 39 th meeting of the Monitoring Committee - Placed before the Monitoring Committee for information.
Minutes	Recorded.
AGENDA ITEM NO:40.04	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of individual residential flat at 1 st floor in a residential building of GF+3F +4F (part) situated in R.S.No.3647/4, Mylapore Village at Door No.25, Old No.21, Abiramapuram 3 rd Street, Chennai-18 – Evidence – Examined – Subject placed before MC for decision – Reg.
Minutes	Deferred.
AGENDA ITEM NO:40.05	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of GF+4F+5F (Part) Commercial building at Door No.11, Kasi Chetty Lane, R.S.No.10386, Block No.85 of V.O.C.Nagar, George Town, Chennai – 79 – Evidence furnished – Examined – Refused – Appeal to Govt. – Remarks sought by Govt. - Placed before the MC for decision-Reg.
Minutes	Deferred.
AGENDA ITEM NO:40.06	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of BF+GF+10 th floor of Commercial (Hotel) building at Door No.564, Anna Salai, Chennai-18 in T.S.No.14 12/4, Block No.2 of Mylapore Village- Evidence furnished – Examined – Further placed before MC for decision – Reg.
Minutes	Deferred.
AGENDA ITEM NO:40.07	CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of Institutional MSB of GF+5F at D.No.2m De-Mellows Road, Choolai, RS.No.1289/3pt, Block No.34 of Vepery Village - Evidence furnished – Examined – Subject placed before MC for decision – Reg.
Minutes	Deferred.
AGENDA ITEM NO:40.08	CMDA – Reg. Unit – Reg.MSB Dn. – Regularisation of 2 Blocks of GF +8 floors each for Commercial cum residential buildings in S.No.41/3, 41/4A1 & 41/2B of Thiruvanmiyur village situated at Door No.128, Lattice Bridge Road, Chennai-41 – Examined – Subject placed before MC for decision – Reg.
Minutes	Deferred
AGENDA ITEM NO: 40.09	CMDA – Reg.Unit – Reg. Dn.I – Regularisation of unauthorized / deviated construction of an individual residential flat at Ground floor in G+2 Floors building at D.No.21 Soundarajan Street, T.Nagar, Chennai-17 in T.S.No.5915, Block No.132 of T.Nagar – Earlier regularised – Objection received – Appeal to Govt. by the Residents Association - Clarification sought by Govt – Evidence received – Placed before the MC for decision – Reg.

Minutes Deferred.

AGENDA ITEM NO:40.10 CMDA – Reg.Unit – Reg.MSB Dn. – Regularisation of BF+GF+4F+MF (treated as 5th floor) Hospital building at D.No.35, Conran Smith Road, Gopalapuram, Chennai-86 in R.S.No.67/33,51&59, Block No.4 of Mylapore Village – MC meeting held on 27-07-2007 – Considered building completed before the cut-off date - DFRS recommended for issue of NOC – Site re-inspected – Deviation observed to the plan submitted – Refused – Appeal to Govt – Placed before the MC for decision – Reg.

Minutes Deferred.

AGENDA ITEM NO:40.11 CMDA – Reg.Unit – Reg. Dn.I – Regularisation of unauthorized / deviated construction of residential cum office building of GF+2 Floors of 2 Blocks at D.NO.19/1 & 20/1 North Crescent Road, T.Nagar, Chennai-17 in T.S.No.4906/3 & 4, 8592 and 8593 in Block No.114 of T.Nagar, Chennai - Evidence furnished – Subject placed before the MC for decision – Reg.

Minutes Deferred.

AGENDA ITEM NO:40.12 CMDA - Monitoring Committee - Reg. II Division – Special Building – Regularisation of GF + FF + SF part building consisting of Play School and 2 dwelling units at Door No.2, Waddels Road in R.S.No.3116/1, Block No.51 of Purasawakkam Division - Further particulars received and examined - Legal opinion - Placed before the Monitoring Committee for decision – Reg.

Minutes Deferred.

AGENDA ITEM NO:40.13 CMDA – Reg. Unit – Reg. II Division – Regularisation of G+2 Floors residential cum office building at Plot No.3567, Door No.M.71, 6th Avenue, Anna Nagar East, S.No.22 part, Block No.12 of Ayanavaram Village, Chennai-102 – Evidence on completion of Building before 28-2-99 – Examined - Placed before the Monitoring Committee for decision.

Minutes Deferred.

AGENDA ITEM NO:40.14 CMDA – Reg.III Dn. – Regularisation of existing residential and commercial building of GF+2 floors +3rd floor pt. at D.No.7, Plot No.4A, Padmanabha Nagar 1st Street, T.S.No.13/1, Block No.21 of Urur Village, Chennai – Evidence on completion of building before 28.2.99 – Appeal made under Section – 113A(6) to Govt. – Examined – Placed before the M.C. for decision.

Minutes Deferred.

AGENDA ITEM NO: 40.15 CMDA – Reg. Unit – Reg.I&I Divn. – Regularisation of Diabetes Research Centre of GF+3F at S.No.498/1,498/7 in West Madha Church Road, Royapuram, Chennai-13 – Application in Reg.1999 and Reg.2000 schemes – Undertakings / Evidence furnished – Examined -- Subject placed before M.C. for its decision.

Minutes The Monitoring Committee discussed the matter in detail. The applicant has merely sent assurance letter but has not rectified the issues pointed out so far. The Monitoring Committee reiterated the earlier decision in the Minutes of the Agenda Item No.39.15 that it is not regularisable.

AGENDA ITEM NO: 40.16 CMDA – Reg. Unit – PM Division – Study on Urban Redevelopment Project for T. Nagar by Corporation of Chennai – Reg.

Minutes The Deputy Commissioner, Corporation of Chennai explained the Monitoring Committee about the proposed 'Urban Redevelopment Project for T.Nagar' by the Corporation of Chennai. Earlier the Consultation Workshop on "Urban Redevelopment Project for T.Nagar, Chennai" was conducted on 06.04.2010 by the Corporation of Chennai and Tamil Nadu Urban Infrastructutre and Financial Services Ltd. The Consultants of the projects are M/s Jones Lang LaSalle Meghraj and Townland Consultants Private Limited, Hongkong. The Consultants have submitted only interim report and made recommendations to decongest the area. Some of the proposed recommendations include pedestrian areas, no hawking zones, traffic diversion, multi level car parking and feeder buses etc. Dy.Commissioner, Corporation of Chennai informed that the public consultation meeting will be conducted before finalization of the proposed Redevelopment Project for T.Nagar.

Corporation of Chennai was requested to keep the Monitoring Committee appraised on the progress of the proposed Redevelopment Project of the T.Nagar.

AGENDA ITEM NO: 40.17 CMDA – Legal Cell – Ordinance 1 of 2007 – Vacating Status quo order by Hon'ble Supreme Court in Ordinance case – Placed before the MC for information – Reg.

Minutes The Monitoring Committee has gone through the details of the latest order of Supreme Court dated 15.03.2011 vacating the status quo order granted by them on 14.12.2007 and extended thereafter. It implies that all the unauthorised constructions irrespective of date of their completion, now attract the enforcement action as per the law in force.

Considering the scope of responsibility assigned by the Monitoring Committee in the Hon'ble High Court order dated 23.08.2006, the Monitoring Committee decided that priority should be given on the regularisation rejected cases of Multi-Storied Commercial Buildings and commercial category of Special Buildings for pursuing enforcement action. Considering the huge task involved in this venture, the Monitoring Committee decided that the follow up enforcement action be taken up on 48 MSB (Commercial) for which the Demolition Notices

had already been served prior to 27.07.2007 on the direction of the Monitoring Committee, to start with. After a detailed deliberation on how to go about on these cases wherein the Demolition Notices were issued four years back, it was decided that fresh notice requiring discontinuation of use of the building, Locking and Sealing and Demolition of unauthorised portions giving 30 days time, may be given to all these buildings after causing due inspection and after assessing the latest status of the profile of the buildings.

These notices may be issued as a statutory notice, giving an opportunity to the promoter and occupiers of these unauthorised buildings to carry out rectification by themselves failing which to proceed with Locking & Sealing as part of effort towards removal of unauthorised buildings while allowing the developers to exercise option of obtaining approval under Section 49 and exercising the right of appeal to the Government under Section 79 in case of refusal of their Planning Permission Applications, in case the owners choose to exercise such option.

Considering the facts of availability of skeleton staff in Enforcement Cell in CMDA for the entire Chennai Metropolitan Area and powers for taking enforcement action on all types of unauthorised developments having already been delegated to the Local Bodies who have hierarchy of officials on geographical area based jurisdiction and likely complexity in pursuing further enforcement action on these old occupied buildings, the Monitoring Committee decided that it requires a multi-pronged strategy apart from locking & sealing and demolition of the building. The Monitoring Committee also took note that the Vice-Chairman, CMDA had a detailed discussion on 10-05-2007 inviting officials from Corporation of Chennai, Chennai Metropolitan Water Supply & Sewerage Board, Tamil Nadu Electricity Board and officials of Chennai Metropolitan Development Authority to discuss the modalities of taking enforcement action against unauthorised and illegal constructions in the context of rejection of Regularisation Applications by the Monitoring Committee and emphasis of the Monitoring Committee on taking effective action on these unauthorised buildings. It is understood from the minutes of this meeting that a collective action strategy emerged outcome of the meeting and agreed upon by these agencies. The prime point of action emerged was that the service providing agencies viz. TNEB & CMWSSB will not provide service connections to these buildings and will disconnect the service connections in case already provided. The Corporation of Chennai will initiate action to cancel trade license for the ongoing trade in these buildings and explore the possibilities of sealing unauthorised portions for taking up demolition action.

Appreciating the point of consensus on these strategy among the line agencies, the Monitoring Committee recommends formation of a Special Task Force with more number of officials of the local bodies of the respective area, including the officials at the Divisional level of Corporation of Chennai / Municipalities / Local Bodies, officials from CMDA, officials at the appropriate level from other agencies viz. TNEB, CMWSSB, DF&RS and Police Department to take up enforcement action on these buildings in a focused manner as an exclusive task. The Committee requested the Vice-Chairman i/c, CMDA to convene a meeting with these Departments and constitute a task force including

prescription of specific role, duties and responsibilities of the members of the Special Task Force.

As completion of this procedure and constitution of Special Task Force may take sometime, the Monitoring Committee decided that the CMDA may go ahead with issue of Statutory notices as a preliminary step on all these 48 buildings without waiting for completion of formation of Special Task Force. The Committee decided that CMDA will complete the task of issuing of notices on these 48 buildings within one month.

The Committee hopes that by the time, notices are matured for taking enforcement action by the public authorities, the proposed Special Task Force will be in place to carryout the special enforcement action on the field. The Committee also decided that the list of 53 MSB Commercial Buildings said to have been contemplated with Locking and Sealing Notice after 27.07.2007 to be analysed by CMDA and of these 53 buildings identify those buildings approved by CMDA as Multi-storied Building but found to be deviated and pursue further enforcement action.

AGENDA CMDA – Enforcement Cell – Issue of Completion Certificate for obtaining
ITEM service connections details –Placed before the MC for information
NO: 40.18
Minutes Recorded.

The Committee also suggested that incase the Completion Certificate Applications are rejected for major violations like building use, floor violation, etc. the CMDA may proceed with enforcement action also over and above the forfeiture of Security Deposit.

AGENDA CMDA – Enforcement Cell – Amendment Act 61 of 2008 incorporating
ITEM provisions of locking and sealing of unauthorized developments in the Tamil
NO: 40.19 Nadu Town and Country Planning Act, 1971 – Locking and sealing provisions –
List of buildings locked and sealed by CMDA – Placed before the MC for
information – Reg.

Minutes Recorded.

The Committee suggested that CMDA may pay close attention to the premises in which lock and seal is opened based on the direction of the Hon'ble High Court of Madras in order to ensure full compliance of the court orders and

to initiate action to carry out relocking of the buildings incase the owners fail to complete the rectification assured before the Hon'ble High Court within the stipulated time.

AGENDA ITEM NO: 40.20 CMDA – Enforcement Cell (South) – Improvement of Enforcement system – Steps taken – Sub-committee constituted by the Authority – Information placed before the MC – Reg.

Minutes Recorded.

The Committee suggested that the report on the recommendation of Sub-Committee may be placed in the next Monitoring Committee before placing the same in the Authority meeting so that the Authority will be able to examine the suggestion of the Monitoring Committee also, if any.

AGENDA ITEM NO.40.21 CMDA – Enforcement Cell – Position Paper on Developers filing writ petitions praying for direction to provide service connections without insisting Completion Certificate from CMDA – Placed before the MC for discussion

Minutes The Monitoring Committee took note of the dilution of the spirit of order of the 1st Bench of the Hon'ble High Court of Madras Para 32 (ix) of order dated 23.08.2006 stipulating obtaining of Completion Certification as a pre-condition for extending services connection to the buildings and making this arrangement as an instrument to check deviation and unauthorised construction of the approved building. After a detailed discussion of the different aspects of the issue that have been brought out in the Position Paper, the Monitoring Committee decided as follows:-

- (i) An affidavit may be filed before the 1st Bench of the Hon'ble High Court of Madras highlighting these issues on behalf of the Monitoring Committee and pray for appropriate directions on this issue as a general case and approach.
- (ii) The Monitoring Committee has requested the VC i/c. CMDA to convene a high level meeting with officials relating to TNEB & CMWSSB to discuss the issue relating to variance of definition of Special Buildings as followed by the agencies for considering extension of service connections and as defined in the Development Regulations of 2nd Master Plan.
- (iii) The Monitoring Committee has requested CMDA to address the Government in taking up suitable Amendment in the Electricity Board Act and CMWSSB Act to make obtaining Completion Certificate for the Special buildings and Multi-storied Buildings as mandatory and precondition for extending the service connections in their respective Acts.

AGENDA ITEM NO.40.22 CMDA – Enforcement Cell (Central) – Kodambakkam survey report – the updated information in the revised format with additional information received from Chennai Corporation placed before the MC for information.

Minutes On going through the abstract of Kodambakkam Survey Report, the Monitoring Committee felt that prima-facie the report does not reflect the site condition with reference to violations. Hence, the Monitoring Committee has requested the Corporation of Chennai to recheck these reports and submit a fresh report indicating the details of violations in the format of T. Nagar Survey Report. A revised report may be obtained from the Corporation of Chennai and place it before the next Monitoring Committee meeting.

AGENDA ITEM NO.40.23 CMDA – Enforcement Cell – Enforcement action pursued by the Local bodies on the unauthorized – Deviated construction identified after 27-07-2007 – Details to be obtained - Placed before MC – Reg.

Minutes The updated report on the details of enforcement action taken by the local bodies relating to Corporation and Municipalities (that have been received after circulation of agenda and prior to the meeting) continue to reflect the poor performance of the local bodies on the front of the enforcement action. The Committee also noted with concern that predominantly the buildings said to have been subjected to enforcement action by Corporation of Chennai by way of issuing Stop Work Notice are in the category of ordinary buildings. It is likely to be overlooking the fact that many buildings may have more no. of floors constructed unauthorisedly. It is also a matter of concern for the Monitoring Committee that the Local Bodies stop action with issuing Stop Work Notice, without further action on the statutory notice like issue of Locking & Sealing, Demolition Notice and carrying out Locking and Sealing/ Demolition. The Committee requested the Commissioner, Corporation of Chennai to arrange crosschecking of few such cases in different zones to ascertain the correct picture in this regard.

The Committee also recommends that the Head of the Department of Local Bodies viz. the Commissioner of Municipal Administration, the Director of Town Panchayat, the Director, Rural Development Department be invited as special invitees apart from the Commissioner, Corporation of Chennai (a Member of the Monitoring Committee) to participate in the next Monitoring Committee meeting in order to take up specific discussion on the ways and means of improving the enforcement action by the Local Bodies in Chennai Metropolitan Area.

GENERAL

Earlier Directorate of Fire and Rescue Services have issued Notices for more than 1000 Multi-storied Buildings. The Monitoring Committee requested the DFRS to inform the Follow up action taken on those notices.

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

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