

**MINUTES OF THE 24th MEETING OF THE MONITORING COMMITTEE
HELD ON 12.10.2007 @ 3.00 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT:

1. Thiru. R. Santhanam, I.A.S.,
Vice-Chairman, CMDA.
2. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
3. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
4. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai.
5. Thiru. Bholanath, I.P.S.,
Director of Fire and Rescue Services.
6. Prof. Suresh Kuppaswamy,
School of Architecture and Planning, Anna University.

Special Invitees :

1. Dr Niranjani Mardi, I.A.S.,
Commissioner of Municipal Administration
2. Thiru Gagandeep Singh Bedi, I.A.S.,
Director of Rural Development & Panchayat Raj
3. Dr K.Gopal, I.A.S.,
Director of Town Panchayats

Leave of absence:

1. Thiru. Louis Menezes, I.A.S., (Retd.)
2. Thiru. Hansraj Verma, I.A.S.,
Chairman, TNEB.
3. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
4. Thiru. Durganand Balsaver,
Architect and Urban Planner
5. Dr. A. Srivatsan,
Architect and Urban Planner
6. Thiru. P.T. Krishnan,
(Architect)

AGENDA ITEM No. 24.1 Confirmation of the minutes of the 23rd meeting of the Monitoring Committee.

Minutes Confirmed

AGENDA ITEM No. 24.2 Action taken on the minutes of the 23rd meeting of the Monitoring Committee

Minutes Recorded.

AGENDA ITEM No. 24.3 Multi-Storeyed Buildings (Commercial) – Response received from the applicants – Analysis of evidences - Placed for decision.

The Monitoring Committee resolved to regularize the following Commercial Multi-Storeyed Buildings, subject to the conditions that:

- A) Alternative fire safety measures are provided as per the norms of DF&RS.
- B) The buildings are inspected by CMDA Officials before raising Reg.fee demand.
- C) The Reg.fee under Regularisation 1999 scheme rate is collected and
- D) There shall be no additional construction over and above what is reported already.

Minutes 24.3.1 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising BF+GF+3 Floors+4th to 6th floor (Part) at Door No.20, Pycrofts Garden Road, Nungambakkam, Chennai-34 in R.S. No.87/58, Block No.15 of Nungambakkam Village**, had been completed before 28.2.1999. The demolition notice issued by CMDA in letter No.EC1/1939/98 dated 16.12.1998 and regularisation inspection report dated 24.11.1999 were accepted as credible evidences.

Minutes 24.3.2 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial building comprising BF+GF+4 Floors (MF treated as floor) at Door No.27, G.N. Chetty Road in T.S. No.4893, Block No.114 of T. Nagar, Chennai-17** had been completed before 28.2.1999. The sale deed executed in document No.573/98, dated 13.2.1998 and the regularisation inspection report dated 30.7.1999 were accepted as credible evidences. However, the applicant has to remove 5th Floor (Part) [A.C. sheet-office] which was constructed unauthorisedly after the cut off date i.e., 28.2.1999.

Minutes 24.3.3 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising GF + 3F at Door No.74, Ellis Road, Mount Road in R.S.No.14/18, Block No.1 of Triplicane Village, Chennai,** had been completed before 28.2.1999. The property tax assessment details furnished by the Additional Revenue Officer, Chennai Corporation for the block year 2/98-99 indicating the No. of Floor and Floor area details and the regularisation inspection report dated 9.11.1999 were accepted as credible evidences. More over, the applicant has already demolished the 4th Floor (Part) [Toilet] and CMDA has also confirmed the same.

Minutes 24.3.4. The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial building comprising BF + GF + 8 Floors at Door No.168 & 169, Arcot Road, in T.S.No.5/2, 2, 3/1, 13/2,3 & 14/2, Block No.8 of Vadapalani Village, Chennai-26** had been completed before 28.2.1999. TNEB has reported in their letter No.G249/CE/Comml./EE3/AEE2/F.Monitoring Committee/D.86/07 dated 13.8.2007

that they had given service connections on 2.12.1994. Regularisation inspection report dated 19.11.1999 was accepted as credible evidence.

Minutes 24.3.5 The Monitoring Committee on going through the file of the regularisation application of **MSB Commercial building comprising BF+GF+3F+4th Floor at Door No.186, Purasavakkam High Road, Kilpauk, – R.S. No.3098/ 1&2, Block No.49 of Purasavakkam village, Chennai-10** resolved to call for the clarification, within 15 days, from TNEB on their letters No.: AE/O&M/KPK/FDOC/D7.8K/07 dated 30.4.2007 (which informs that service connection was effected for 4th floor on 13-03-97) and Lr.No.G249/CE/Comml./EE3/AEE2/F.Monitoring Committee/D. 86/07, dt.13.8.2007 (which states that the service connection was effected for BF to 4F on 15-09-92). Confirmation from Chennai Corporation on the notice issued dated 1.12.1998, also needs to be called for.

Minutes 24.3.6 The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial building comprising BF+GF+MF+6 Floors at Door No.40, Sea Breeze Tower, Rajaji Salai, S.No.3872/1 & 3873/1, Block No.34, G.T. area,** had been completed before 28.2.1999. The property tax assessment letter from the Assistant Revenue Officer, Chennai Corporation dated 3.9.2007 and regularisation inspection report dated 27.9.1999 were accepted as credible evidences. However, CMDA should ensure that there is no additional construction after 28.02.1999.

**AGENDA ITEM
NO. 24.4**

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

The Monitoring Committee resolved to regularize the following Commercial Special Buildings, subject to the condition that:

- a) The buildings are inspected by CMDA Officials before raising Reg.fee demand.
- b) Reg.fee under Reg.1999 Scheme rate is collected and
- c) There shall be no additional construction over and above what is reported already.

Minutes 24.4.1

The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising Ground Floor at S.No.620/1A1 & 1A2 of Nemam Village, Thiruvallur High Road, Sriperumbudur Taluk**, had been completed before 28.2.1999. The regularisation inspection report dated 25.11.1999 was accepted as credible evidence and the TNEB service connection and receipt-dated 5.3.1999 were treated as supportive evidence.

Minutes 24.4.2

The Monitoring Committee on going through the file resolved to accept that the **Commercial Special building comprising BF + GF + MF + 3 Floors at Door No. 6/177A, Mount-Poonamallee Road, Porur, Chennai – 116 in S.No. 69/7C1, 7C2, 7C3, 7C4 & 7C5 of Karambakkam Village**, had been completed before 28.2.1999. The letter of Commissioner of Indian Medicine and Homeopathy dated 25.1.1999, Income Tax letter dated 1.9.1999 were accepted as credible evidences and regularisation inspection report dated 3.9.1999 was taken as supportive evidence.

Minutes 24.4.3 The Monitoring Committee on going through the file resolved to accept that the **Commercial-cum-Residential Special building comprising BF + GF + MF + FF at Door No. 12, IV Cross Street, Subbarayan Nagar, Kodambakkam, Chennai – 600 024, T.S.No.5, Block No.15 of Kodambakkam Village**, had been completed before 28.2.1999. The Chennai Corporation's approved plan in BA No.D8/2283/96 and the regularisation inspection report dated 25.11.1999 were considered as acceptable evidences. TNEB connections of 6 Nos. given in the year 1997, Property tax and CMWSSB receipts were treated as supportive evidences.

Minutes 24.4.4 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising GF + 3 Floors at Door No.35, Akbar Sahib Street in R.S.No.2664/2 Block No.48 of Triplicane Village, Chennai-5**, had been completed before 28.2.1999. The Planning Permission obtained in 1994 and the regularisation inspection report dated 28.10.1999 were accepted as credible evidences. However, the applicant has to remove the aerial encroachments in the form of balcony projection for a depth of 2'3" at 1st to 3rd floor level on the road before considering for regularisation.

Minutes 24.4.5 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special building comprising BF + GF + 2F + 3 Floors (Part) at Door No.18, Gopalapuram First Street, Mylapore, Chennai-86 in R.S.No.1206/9, Block No.25 of Gopalapuram Village**, had been completed before 28.2.1999. The unregistered lease

agreement and the circumstantial evidences like service connections obtained prior to cut-off date and the regularisation inspection report dated 27.9.1999 were taken as acceptable evidences.

Minutes 24.4.6 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising BF + GF + 2 Floors building at Door No.168, Eldams Road, Mylapore, Chennai, in R.S.No.1548/3, Block No.30 of Mylapore Village**, had been completed before 28.2.1999. The unregistered construction agreement (1997) and the circumstantial evidences like TNEB service connections and property tax assessment details and the regularisation inspection report dated 2.11.1999 were accepted as credible evidences.

Minutes 24.4.7 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising GF+2F at Door No.8, O.V.M. Street, Triplicane, Chennai – 5 in R.S.No.2901/2, Block No.54 of Triplicane Village**, had been completed before 28.2.1999. The planning permission approval obtained in the year 1997 and regularisation inspection report dated 3.12.1999 were accepted as credible evidences. The applicant has to remove the 3rd Floor (Part) and the aerial encroachments in the form of two feet wide sunshade projections on the road.

Minutes 24.4.8 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special building comprising GF + FF (Restaurant building) at Plot No.2/169/A East Coast Road in S.No.165/21-3 Injambakkam Village**, had been completed before 28.2.1999 subject to,

- (i) Handing over of Open Space Reservation (OSR) area as per DCR by executing gift deed in favour of CMDA.
- (ii) Obtaining revised plan showing the 25 mts. wide portions at the rear side of the site falling within CRZ-III wherein no developments shall be permissible.

The CMDA's refusal order in letter No.: A2/14546/97 dated 23.7.1997 and the regularisation inspection report dated 7.12.1999 were accepted as credible evidences.

Minutes 24.4.9 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special building comprising G+3 floors at D.No.60, Adam Street, in R.S.No.3486/3, Block No.69 of Mylapore Village**, had been completed before 28.2.1999. The property tax assessment obtained prior to the cut-off date and the planning permission obtained in 1998 were treated as circumstantial evidences. The regularisation inspection report dated 26.11.1999 was accepted as credible evidence.

Minutes 24.4.10 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising GF+2 Floors + 3rd floor (Part) at No.15, Whites Road, Royapettah in R.S.No.343/1, Block No.11 of Triplicane Village, Chennai**, had been completed before 28.2.1999. The property tax order No.: GRS No.2110/0276 dated 25.9.2001 and tax calculation sheet revising the annual rental values of 1998-1999 were treated as circumstantial evidences. The regularisation inspection report dated 27.11.1999 was accepted as credible evidence.

Minutes 24.4.11 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising GF + 3Floors at Door No.7B, Balaji Nagar 3rd Street in R.S.No.629/179 & 180, Block No.11 of Royapettah Village, Chennai-14**, had been completed before 28.2.1999. The planning permission had been obtained for GF + FF in 1987. Regularisation inspection report dated 9.11.1999 was accepted as credible evidence.

Minutes 24.4.12 The Monitoring Committee on going through the file resolved to accept that the **Commercial Special Building comprising GF + 2 Floors + 3rd Floor (Part) (One Room) at Door No.31, Devanathan Road, Mylapore, Chennai-4 in R.S.No.4116/47, Block No.89 of Mylapore Village**, had been completed prior to 28.2.1999. The planning permission was obtained for GF + MF + FF in 1997. Regularisation inspection report dated 7.7.1999 was accepted as credible evidence.

AGENDA ITEM No.24.5 E.C. – Completion Certificate – Progress Report placed for information – Reg.

Minutes Recorded.

AGENDA ITEM No.24.6 E.C. – Fixing of Responsibilities for allowing un-authorized constructions – Report submitted.

Minutes (1) CMA, DTP and DRD attended the meeting as special invitees. Welcoming the special invitees the Monitoring Committee emphasised that taking up of enforcement action is mandatory under law. The Local bodies have adequate powers to take enforcement action.

Monitoring Committee emphasized that though CMDA issues planning permission for MSB and Special Buildings, for all the buildings (including MSB and Special Buildings) local bodies only issue building permits and hence local bodies are in a better position to take up enforcement action. Concerned Local body officials are accountable for not taking enforcement action.

(2) The Commissioner of Municipal Administration informed that Municipal officials have their own limitations as they have to act taking the council into confidence. However, M.C felt that enforcement action is mandated under the existing law, hence this can not be a valid reason for non- action. CMA informed further that Municipalities have enough technical personnel and hence demolition can be taken up by the Municipalities in municipal areas in future without much problems.

(3) The Director of Town Panchayats informed that there is lack of staff and hence notices only could be issued and demolition could not be taken up. As per Panchayats Act, prosecution is possible but in none of the cases prosecution was launched. The Director informed that the personnel at Town Panchayats lack technical expertise. Hence, the technical and managerial capacity need to be improved. Training programme may be conducted for the staff and officers of the department. He felt that there should be co-ordination between CMDA and Town Panchayats in taking enforcement action. Director of Town Panchayats further informed that he has proposed to the Government to create exclusive teams for 2 to 3 Town Panchayats for identifying violations and taking enforcement action.

(4) The Director of Rural Development also reported about lack of Technical personnel in the department. He further stated that identification of violation is difficult, as Village Panchayats do not have enough staff. Village President is the Executive Authority as far as Village Panchayats are concerned and they do not have any technical competence. However during discussions it was observed by MC that identification of violations can be easily done by Bill Collectors / Sanitary Inspectors, as they visit the area regularly Panchayat Presidents can take up enforcement action with the help of BDOs.

(5) While the concerned HODs expressed difficulties in taking up enforcement action on account of inadequate staff strength and lack of technical expertise, the Monitoring Committee observed that identifying violated/deviated buildings does not warrant high level technical competence. M.C also observed that the Local bodies can certainly take up enforcement action in select few cases to send a message to the violators. In case they fail to do so, the concerned officers need to be held accountable for the same.

(6) The MC felt that prevention of violations, nipping them in the bud and enforcement action through demolition are three areas where CMDA as well as the Local bodies should pay greater attention. CMDA may develop a manual and impart professional training to the staff of Local bodies in enforcement.

(7) Thanking the Special Invitees it was concluded that if any further clarification is required, the Heads of Departments will be invited again for discussion/clarification.

General

The next Monitoring Committee Meeting will be held on 31.10.2007 at 3.00 P.M. in the Main Conference Hall of CMDA.

....