

MINUTES OF THE 10th MEETING OF THE MONITORING COMMITTEE HELD ON 03/05/07 @ 3.00 P.M. IN THE CONFERENCE HALL OF CMDA

MEMBERS PRESENT:

1. Thiru. R. Santhanam, I.A.S.,
Vice-Chairman, CMDA.
2. Thiru. Louis Menezes, I.A.S., (Retd.)
3. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
4. Thiru. Hansraj Verma, I.A.S.,
Chairman, TNEB
5. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
6. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
7. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai.
8. Thiru. Bholanath, I.P.S.,
Director of Fire and Rescue Services.
9. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.
10. Thiru. Durganand Balsaver,
Architect and Urban Planner

Special Invitee :

11. Tmt Letika Saran, I.P.S.,
Commissioner of Police, Chennai

Leave of absence:

12. Thiru. P.T. Krishnan,
(Architect)
13. Dr. A. Srivatsan,
Architect and Urban Planner

AGENDA ITEM NO: 10.1 Confirmation of the Minutes of the 9th Monitoring Committee Meeting held on 13.04.2007.

Minutes

Confirmed with the following changes.

Regarding Item No.9.9,

i) under CMDA – FSI tolerance limit: the minutes will be replaced by the following:

“FSI Tolerance limit will be 0.03 FSI or 50 sq.mtr. floor area whichever is higher over and above the permissible FSI.” and

ii) under CMDA – Panel Board/Electrical room Generator, Pump room and Water Treatment Plant room in Stilt floor: the minutes will be replaced with the following:

“May be permitted in Stilt Floor without affecting parking and driveway and it will not be counted as floor.”

AGENDA ITEM NO: 10.2 Action taken report on the Minutes of the 9th Monitoring Committee Meeting.

Minutes

Recorded. However, it was informed that the special meeting of the Monitoring Committee to discuss the draft Second Master Plan for CMA, scheduled on 25.5.2007 will now be held on 28.5.2007 at 3.00 P.M.

AGENDA ITEM NO: 10.3 Review of action taken on the High Court order dated 23.8.2006.

Minutes

Recorded.

The list of officials, who worked in the enforcement unit of CMDA during the period January 1998 to March 2007 was furnished to the Monitoring Committee. The Commissioner, Chennai Corporation assured to send a similar list of Officers from the Corporation.

While appreciating that systemic issues and other logistical difficulties did pose constraints to CMDA as well as to the Local Bodies in pursuing and implementing full-fledged enforcement action, the Monitoring Committee expressed the view that ways and means of fulfilling the mandate of the High Court to the Monitoring Committee regarding fixing responsibilities on the failure of the enforcement in the past have to be found. Considering the complexities involved in the issue, the Monitoring Committee decided to approach this issue in a comprehensive and integrated manner

Accordingly, it suggested that to start with, CMDA should take up analytical examination of the files relating to a few totally unauthorized buildings as case studies and identify the officers responsible for failure of enforcement in those cases.

During the course of this detailed analysis, the role of various officers serving at different points of time could be studied and degree of responsibility, if any, fixed.

Details of the case studies could be put up to Monitoring Committee to take a view in the matter.

AGENDA ITEM NO: 10.4 Discussion on base paper on enforcement.

Minutes

A power point presentation was made to the Monitoring Committee highlighting the provisions of the Act, procedures in vogue and ground realities relating to enforcement action and the role of CMDA and the Local Bodies in this regard.

The following points were highlighted in the presentation :

- (a) As a Long term policy, CMDA has delegated entire enforcement powers including Demolition action under T&CP Act, 1971 in A.P.Ms.No.2 dt.5.1.79 to the Corporation of Chennai and in A.P.Ms.No.3 dt.5.1.79 to all the Local Bodies within Chennai Metropolitan Area. Delegation of powers have also been issued subsequently during 1986, 1988 and 1991. Reiterating the delegation of powers, further guidelines and instructions were issued to Corporation of Chennai and Local Bodies during 1998 and 2005.
- (b) To provide some kind of deterrent to deviations, collection of a refundable security deposit was introduced during 1984 for the approval of Planning Permission for Multi-storied Buildings. Such

security deposits are refunded only if the construction is as per approved plan. Enforcement Cell in CMDA was created during the year 1986 primarily to monitor the plans approved by CMDA with Security Deposit.

- (c) In the past, CMDA was taking up demolitions only to comply with the Court orders or as demonstrative demolitions to create awareness among the Public. In view of the Regularisation Scheme, the Government in D.O.Lr.No.36484/UDI/96-22, dated 11.09.1998 banned the demolition temporarily from 11.09.1998 and which was lifted only on 3.5.2002.
- (d) Before taking up demolition under Section 56 of the Town & Country Planning Act, 1971, stage of planning permission applications, Reg. Scheme applications, appeal to the Government against rejection orders of applications, Court cases and stay orders have to be verified, which are also included for relief under the T&CP Act, 1971.
- (e) Even after issuance of stop work notice, if the builder proceeds further without stopping the construction, the Town and Country Planning Act, 1971, lacks provision to stop the construction physically at the site. Existing Act provisions are not adequate to tackle unauthorized constructions effectively.
- (f) Similar Development Authorities like Mumbai Metropolitan Region Development Authority (MMRDA), Hyderabad Urban Development Authority (HUDA) and Bangalore Development Authority (BDA) do not involve themselves in demolition in private ownership lands. CMDA also need to concentrate on its main role of planning and development. Because of local presence and huge manpower etc.,

the function of Enforcement action should primarily lie with the Local Bodies.

- (g) Enforcement Cell in CMDA is a very small set up. Assistant Planners are inspecting Officers. Only 4 inspecting officers manning 1189 Sq.kms. makes effective enforcement impossible. Besides, CMDA does not have trained demolition squad and technical know-how for demolition of high-tech RCC buildings.

After detailed discussions on the above presentation, Monitoring Committee suggested that a suitable system need to be evolved to streamline the enforcement activities to avoid deviations in future. The Monitoring Committee also desired to discuss the matter further in its subsequent meetings.

GENERAL

- (1) The Police Commissioner was briefed that as per the High Court order a few illegal Multi-storied Buildings and Special Buildings have been identified for taking up demolitions as per the recommendation of the Monitoring Committee. While taking up demolition, the Police need to provide adequate bandobast as per the orders of High Court. The Commissioner of Police assured that necessary police protection will be provided for demolition, but, they need to be informed in advance about the exact date of demolition.
- (2) It has been brought to the notice of the Monitoring Committee that the Hon'ble Court has granted stay against Rejection Order and Demolition Notices in 24 cases and also ordered notice in 3 cases. The Monitoring Committee examined the details of the issues raised by

the petitioners in all the cases and found that generally the claim of the writ petitioners is that their buildings were completed in 1999 and the same was not considered by the Monitoring Committee while disposing of the applications as no opportunity was given to them to place evidences before the Monitoring Committee. After discussion, it was decided that the Monitoring Committee would examine the evidences, if submitted by the affected parties and give its opinion on the same. The Committee further directed to inform the same to the Court when the case is taken up for hearing.