

MINUTES OF THE 43rd MEETING OF THE MONITORING COMMITTEE
HELD ON 03.01.2012 AT 4.00 P.M IN THE MAIN CONFERENCE HALL OF CMDA

-:-

MEMBERS PRESENT:

1. Thiru. K.Phanindra Reddy, I.A.S.,
Housing Secretary, (H&UD) and
Vice-Chairman (i/c), CMDA.
2. Thiru.P.W.C. Davidar, I.A.S.,
Commissioner,
Corporation of Chennai.
3. Thiru. M.G.Deva Sahayam, I.A.S., (Retd.)
4. Prof. Suresh Kuppaswamy,
Anna University.
5. Dr. A.Srivathsan,
Architect and Urban Planner.
6. Thiru.Durganand Balsaver,
Architect and Urban Planner.

Representatives

8. Thiru G. Angamuthu,
Chief Engineer(Commercial)
TNEB, Chennai.
9. Thiru.S.Vijaya Sekar,
Deputy Director, (Northern Region),
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. Tmt.N. Usha,
Senior Planner (EC), CMDA.
13. Thiru, G.A. Baskararaj,
Senior Law Officer, CMDA.

Agenda Item No.43.01 CMDA – Reg. Unit – Leave of absence of the 43rd Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members of the 43rd Monitoring Committee Meeting :

1. Thiru.Rajeev Ranjan, I.A.S.,
The Chairman,
TNEB, Chennai.
2. Dr. Gopal, I.A.S.,
The Managing Director,
CMWSSB.
3. Thiru.Bhola Nath, IPS.,
The Director of Fire & Rescue Services.
4. Thiru. K.A.Annamalai,
DRO & District Collector (i/c)
Chennai.

Agenda Item No.43.02 Confirmation of the minutes of the 42nd meeting of the Monitoring Committee – Subject placed before the Monitoring Committee for confirmation.

Minutes Confirmed.

Agenda Item No.43.03 Action Taken on the minutes of the 42nd meeting of the Monitoring Committee – Subject placed before the Monitoring Committee for information.

Minutes Recorded.

Agenda Item No.43.04 CMDA – Legal Cell – Hon’ble High court of India order dated 21.12.2011 in W.P.No.23936/2010 and W.M.P.No.1/10 and 3 to 8/2011 filed by Th.T.Solomon and others and Batch Cases - Placed before the Monitoring Committee for information.

Minutes Recorded.

Agenda Item No.43.05	CMDA – Enforcement Cell – High Court Order – Suggestion for improvement of the system of enforcement against the unauthorized developments in Chennai Metropolitan Area – The Authority in its meeting held on 19.01.2010 resolved to form a Sub-Committee to examine the suggestions – Recommendations of the Sub-Committee placed before the Monitoring Committee for information and suggestions - Reg
Minutes	Deferred.
Agenda Item No 43.06	CMDA – Enforcement Cell – Constitution of Special Task Force – Revised proposal incorporating suggestions of the Monitoring Committee – Placed before the Monitoring Committee for discussion and approval.
Minutes	Deferred.
Agenda Item No 43.07	CMDA - Enforcement Cell – Kodambakkam Survey Report - the updated information in the revised format received from Chennai Corporation – Placed before the Monitoring Committee for information and discussion
Minutes	The Monitoring Committee perused the Kodambakkam Survey Report furnished by the Corporation of Chennai and suggested that the information on the permissible / approved FSI may be included in the format in line with the T. Nagar Survey Report and the Kodambakkam Survey Report may be finalized immediately. The enforcement action to be pursued by Corporation of Chennai and CMDA after finalization of the report. The updated Kodambakkam Survey Report may be placed before the next Monitoring Committee meeting.
Agenda Item No 43.08	CMDA – Enforcement Cell – Enforcement action on 48 cases of Regularisation rejected MSB Commercial Buildings for which Demolition Notices issued during 2007 – Status Report – Placed before the Monitoring Committee - Reg
Minutes	Recorded.
Agenda Item No 43.09	CMDA – Enforcement Cell – Legal opinion obtained on possible further course of Enforcement action on Reg. appeal preferred cases – Placed before the Monitoring Committee – For information and discussion – Reg.
Minutes	The Monitoring Committee suggested that the action may be pursued under Section-56 of the T&CP Act and locking and sealing notices may be issued to such of those regularization scheme rejected cases wherein appeal to Govt. under Section 113-A(6) of the Act has not been preferred within the statutory period from the date of receipt of the orders of rejection. Buildings cannot be locked and sealed, when appeal to Govt. under Section 113-A (6) is pending against Regularisation Scheme rejected applications.

**Agenda
Item No
43.10**

CMDA – Reg. Unit – MSB Divn. – Regularisation of individual commercial portions at Ground floor and 5th floor (part) in BF+GF+5F building at Door No.152-A, Greams Road, Thousand Lights, Chennai-600 006 in R.S.No.41/4, Block No.8 of Thousand Lights – Regularisation Scheme Application rejected – Appeal to Government under section 113-A(6) – Subject placed before the Monitoring Committee held on 03.01.2012 for decision.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of individual commercial portions at Ground Floor and 5th floor (part) in BF+GF+5F building at Door No.152-A, Greams Road, Thousand Lights, Chennai-600 006 in R.S.No.41/4, Block No.8 of Thousand Lights. Earlier, the site was inspected on 12.10.'99 by CMDA and observed that office shown at 5th floor was not constructed and detailed floor plans not available for verification during inspection. The appellant has not furnished Corporation of Chennai Property Tax Work Sheet for the period 2/98-99 or prior, for the Ground Floor (pt.) and 5th floor (part) for which regularization application was submitted. The Corporation of Chennai Property Tax Work sheets have been furnished for the period 2/2001-2002 for Ground floor portions, which is after the cut-off date (28.02.1999). As the appellant is the Land Owner / Promoter of the building, appellant does not have Locus-Standi for applying under Regularisation scheme for individual portion in a building. Further, individual commercial portions in a building cannot be considered for regularization as per Monitoring Committee decision.

**Agenda
Item No
43.11**

Monitoring Committee – Locked and sealed by CMDA – High Court order, dated:21.12.2011 – Individual representation – New Door No.29, Old Door No.14, Armenian Street, Chennai-1 – Placed before the Monitoring Committee for decision – Reg.

Minutes

Regularisation for the building under reference was refused in letter, dated:06.03.2007 and later rejection was reiterated in letters, dated:25.07.2007 and 12.10.2007. The reasons for rejection was credible evidence was not furnished for having completed the entire building on or before 28.02.1999, there is encroachment on the neighbour's property and there is aerial encroachment on the road portion also.

The Monitoring Committee decided not to consider the representation of the petitioner for de-sealing the building as an appeal dated:31.12.2011 has been already filed by the petitioner before the Govt. under Sec.80-A of T&CP Act against the sealing operation of CMDA and under Sec.80-A(III) praying for interim direction to CMDA to open the lock and seal and the same is pending with the Govt.

- Agenda Item No 43.12** Monitoring Committee – Service connection disconnected – High Court order, dated:21.12.2011 – Individual representation – Door No.240, Llyods Road, Mylapore, Chennai-14 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.13** Monitoring Committee – Locked and sealed by CMDA – High Court order, dated:21.12.2011 – Individual representation – Old Door No.34/1, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.14** Monitoring Committee – Locked and sealed by CMDA – High Court order, dated:21.12.2011 – Individual representation – Door No.73/1 and 73/2, Usman Road, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.15** Monitoring Committee – Locked and sealed by CMDA – High Court order, dated:21.12.2011 – Individual representation – Door No.65,66 and 67, Usman Road, T. Nagar, Chennai-17 (Two separate blocks) – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.16** Monitoring Committee – Locked and sealed by CMDA – High Court order, dated:21.12.2011 – Individual representation – Door No.1107/15, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.17** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – New Door No.92, Old Door No.47, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.18** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – New Door No.12, Old Door No.54, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.19** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.75 Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.

- Agenda Item No 43.20** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.75 Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No 43.21** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High Court order, dated:21.12.2011 Individual representation – Door No.73 Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No. 43.22** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – New Door Nos.20, 21, Old Door No.24, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No. 43.23** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – New Door No.49, Old Door No.20/1, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No.43.24** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – New Door No.86, Old Door No.124, Usman Road, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No.43.25** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.32/1, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No.43.26** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.32/2, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No.43.27** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.13, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No.43.28** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.12, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.
- Agenda Item No.43.29** Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – Door No.32/1, Ranganathan Street, T. Nagar, Chennai-17 – Placed before the Monitoring Committee for decision – Reg.

**Minutes
(43.12 to
43.29)**

The Monitoring Committee taken note of the fact that CMDA and Corporation of Chennai have processed all the representations filed up to 02.01.2012. Representatives of building owners/shops who had made requests for de-sealing met the Committee and made a representation. The Committee then decided to defer the hearings based on the communication received on 03.01.2012 that the Supreme court in SLP No.36425-27 of 2011 filed by the Ranganathan Street Merchants' Association has observed that "it was not proper on the part of the High Court to relegate the petitioners' de-sealing applications to the Monitoring Committee."

**Agenda
Item
No.43.30**

Monitoring Committee – Locked and Sealed by Corporation of Chennai – High court order, dated:21.12.2011 Individual representation – New Door No.244, Old Door No.116, NSB Bose Road, Park Town, Chennai-3 – Placed before the Monitoring Committee for decision – Reg.

Minutes

Deferred.

General:

1) The Director of Fire & Rescue Services(DF&RS) submitted a report on fire safety measures available in the buildings covered under T.Nagar Survey Report and other buildings at Usman Road and Ranganathan Street in letter No. Rc.No.21471/C1/2011, dated:22.11.2011 and the report was filed before the Hon'ble High Court on 20.12.2011. A copy of the above report received from DF&RS may be furnished to Monitoring Committee members.

2) The Monitoring Committee desired that the Directorate of Fire & Rescue Services may suggest draft amendments on levying penalties on fire safety to make them more effective and the same may be placed before the Monitoring Committee before forwarding to the Govt.

3) The Monitoring Committee requested DF&RS to conduct survey on fire safety measures available in the buildings covered in Kodambakkam Survey Report.

4) The 1st meeting of the Sub-Committee to examine inter-departmental co-ordination issues / process delays and to suggest measures to overcome the same, was held on 30.11.2011. The Monitoring Committee also decided to extend the scope of the Sub-Committee to examine and suggest required measures on computerization processes with cross linkage for referral and digitization of maps of the approved plans and other referral documents.

5) The Monitoring Committee requested to take up survey of Special and Multistoreyed Commercial buildings by Corporation of Chennai with the assistance from CMDA, in the following locations:-

1. Lattice Bridge Road at Adyar and Tiruvanmiyur ;
2. 2nd Avenue, Anna Nagar ; and
3. Santhi Colony, Anna Nagar.

6) Enforcement action may be initiated by issuing notices on the 136 Multistoreyed Commercial buildings rejected under Regularisation Scheme.

7) The details of action taken on the buildings constructed after 27.07.2007 may be furnished to Monitoring Committee.

8) The Monitoring Committee felt, it is necessary for the Corporation of Chennai to involve in enforcement action on major deviated / unauthorized buildings. The Monitoring Committee desired that in each Corporation Zone dedicated manpower should be available exclusively for plan approval and enforcement action on deviated / unauthorized buildings. In this regard, Commissioner, Corporation of Chennai and Secretary, Municipal Administration & Water Supply Dept. may be addressed.

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

TRUE COPY/FORWARDED/BY ORDER/

PERSONNEL MANAGER/REG.UNIT