

**MINUTES OF THE 30th MEETING OF THE MONITORING COMMITTEE
HELD ON 07.03.2008 @ 3.30 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT :

1. Thiru T.R. Srinivasan, I.A.S.,
Vice-Chairman, CMDA
2. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
3. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai
4. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
5. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.
6. Dr. A. Srivathsan,
Architect and Urban Planner

Leave of absence:

1. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
2. Thiru. S. Machendranathan, I.A.S.,
Chairman, TNEB.
3. Dr. K.R. Shyamsundar, I.P.S.,
Director of Fire and Rescue Services.
4. Thiru. Louis Menezes, I.A.S., (Retd.)
5. Thiru. Durganand Balsaver,
Architect and Urban Planner
6. Thiru. P.T. Krishnan,
(Architect)

GENERAL

Before taking up the items listed in the Agenda, the Monitoring Committee discussed in general, the issues that need to be taken up by the Committee on priority. After detailed discussion, the following decisions were taken;

- (i) Legal opinion may be obtained on Tamilnadu Ordinance No.1/2007, whether demolition notices can be issued and any other action such as disconnecting electricity & water and sewerage connections can be taken up, keeping in view the interim orders of the Supreme Court.
- (ii) From the 146 list of MSB Commercial cases, erring builders may be identified and furnished to the Monitoring Committee
- (iii) The list of service connections given by TNEB / CMWSSB based on the High Court Orders without insisting Completion Certificate may be obtained and placed before the Monitoring Committee.
- (iv) While receiving fresh Planning Permission Applications, details of builders have to be obtained, atleast for future accountability of builders on the deviated / unauthorized constructions.
- (v) The status of Enforcement action initiated by CMDA on the MSB constructions after 27.7.2007 may be furnished in the next Monitoring Committee meeting. Similar report for enforcement action taken by the Corporation of Chennai may also be obtained and placed before the Monitoring Committee.
- (vi) The details on subsequent action taken after the T.Nagar survey report placed before the Monitoring Committee may be furnished to the Monitoring Committee. Similarly Corporation of Chennai along with CMDA may take up a survey at Kodambakkam on the approvals given on MSB Residential buildings and report may be furnished to the Monitoring Committee.
- (vii) Action taken on officials in CMDA / Corporation of Chennai and other Local Bodies may be reported in the next meeting.
- (viii) At the request of member Thiru A. Srivathsan, his e.mail dated 22.12.2007 was taken on record. (copy annexed to these minutes.)

Thereafter, the items on the Agenda were taken up for discussion.

AGENDA ITEM NO.30.1 Confirmation of the minutes of the 29th meeting of the Monitoring Committee.

Minutes Confirmed except for the agenda item No.28.6.1 and General, the minutes for which are to be replaced with the following:

Agenda Item No.28.6.1

It was pointed out that an Action Taken Report approved by this Monitoring Committee has already been filed by the Monitoring Committee before the Hon'ble High Court stating that the CMDA is basically a Planning Body and is not configured to perform the implementation / enforcement functions it has been charged with. Urban Local Bodies within Chennai Metropolitan Area lack technical / managerial expertise to monitor and enforce the building rules and regulations. Combination of these is the cause of the present condition. What is required is major governance reforms to reconfigure and streamline the institutional mechanism and redefine the duties, responsibilities and functions of CMDA, Chennai Corporation and Urban Local Bodies in Chennai Metropolitan Area.

However **non-official members** of the Monitoring Committee stated that as for as fixing of responsibilities on officials for allowing unauthorised constructions within Chennai Metropolitan Area is concerned, there are well laid down procedures in Government for accountability, fixing responsibility for lapses and proceeding against officials and if there are problems these are internal to the Govt. and the Court appointed Monitoring Committee should not be brought into this.

General :

Non-official Members stressed that issues like fixing responsibility on officials for allowing unauthorised construction and identifying erring builders and taking action against them need to be given priority. **On taking action against Officials, it was pointed by the Non-official members that there are well laid down procedures in Govt. and any problems therein are internal to the Govt.**

With regard to fixing responsibility it was informed to the Monitoring Committee by CMDA that as already reported in previous meetings as well as through the ATR filed in the High Court there are several systemic problems and hence it is very difficult to fix responsibility on the officials for unauthorised construction in most of the cases. However, wherever dereliction of duty has been clearly established, action has been taken against officials and so far disciplinary action has been initiated against four officials in CMDA. Similarly, Corporation has also taken action against some of the officials, details of which are awaited from them.

It was also suggested that if the Monitoring Committee is not satisfied with the action taken by CMDA in this regard it may constitute a small sub-committee consisting of some of its members to go through the individual cases / files and fix responsibility on the erring officials. **This suggestion was not accepted.**

With regard to identifying erring builders and for imposition of penalties on them etc., already a list 21 erring builders have been identified and the same was placed before the Monitoring Committee. Difficulties in identification of erring builders have already been informed to the Hon'ble High Court in the Action Taken Report. Some more files are under scrutiny further report would be submitted shortly.

Meanwhile a decision is to be taken by the Monitoring Committee on the quantum of penalty to be imposed and the mode of recovery of penalty, etc. **Once this recommendation is made by the Monitoring Committee, CMDA will initiate action for appropriate legislation.**

**AGENDA ITEM
NO.30.2**

Action taken on the minutes of the 29th meeting of the Monitoring Committee.

Minutes

Recorded.

**AGENDA ITEM
NO.30.3**

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

The Monitoring Committee resolved to regularize certain 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 30.3.1
(Deferred Item
No.29.3.4)**

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising Basement Floor (Part) + Ground Floor + 4 Floors of deviated / unauthorized construction at Door No.76, Thambu Chetty Street in S.No.3280, Block-29 of George Town, Chennai – 1** had been completed before 28.02.1999. The CMDA's inspection report dated 13.10.99 was accepted as credible evidence. The habitation room and A.C. Sheet roofed toilet not shown in the regularisation plan submitted on 29.05.99 but found during inspection can not be treated as completed prior to 28.02.1999 and hence these structures in the terrace floor has to be removed by the applicant. Also the applicant

has to remove the aerial encroachment of projection with a depth of 2 feet 4.1/2 inches over the road portion.

**Minutes 30.3.2
(Deferred Item
No.29.3.5)**

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising Basement Floor + Ground Floor + 3 Floors + 4th Floor Part at Plot No.C1, Block No.1, S.No.298 Part of Mogappair Village** had been completed before 28.2.1999. The CMDA's inspection report dt.23.11.99 was accepted as credible evidence.

**Minutes 30.3.3
(Deferred Item
No.29.3.2)**

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising GF + 3F + 4th Floor (Pt) Bank & Guest House Building at Door No.55, 4th Main Road, Ganthi Nagar, Adyar, Chennai – 20 in T.S.No.18 and Block No.34 of Kottur Village** had been completed before 28.02.1999. The CMDA's inspection report dt.26.10.99 was accepted as credible evidence. The number of floors, floor area details mentioned in the certificate of sale deed dt.30.7.1997 was accepted as supportive evidence.

**Minutes 30.3.4
(Deferred Item
No.29.3.3)**

The Monitoring Committee on going through the file resolved to accept that the **MSB Commercial Building comprising GF+5 Floors (Mezzanine floor exceeds one third floor area) of deviated / unauthorized construction at Door No.32 and in R.S.No.11135, Block No.90 of George Town, Chennai – 1** had been completed before 28.02.1999. The CMDA's inspection report dt.27.9.1999 and the Corporation of Chennai Property Tax Assessment order dt.3.8.1998 (temporary) were considered as credible evidences.

**Minutes 30.3.5
(Deferred Item
No.29.3.6)**

The Monitoring Committee on going through the file of the **MSB Commercial Building comprising GF + 3F + 4th & 5th Floor (Part) at Plot No.231, R.S.No.1548/24 and 1549 Pt., at the Junction of Murrays Gate Road, T.T.K. Road, Alwarpet, Chennai** had been completed before 28.2.1999. The CMDA's inspection report dt.15.11.1999 and the XX Metropolitan Magistrates Court Order dt.24.10.1994 was accepted as credible evidences.

**Minutes 30.3.6
(Deferred Item
No.29.3.1)**

The Monitoring Committee on going through the file of the **MSB Commercial Building comprising BF+GF+4 Floors of deviated/unauthorised construction at Door No.6, College Road, Nungambakkam, Chennai – 6 in R.S.No.78/2-2B, Block No.14 of Nungambakkam Village** decided to reject the Regularisation application as the applicant has not established that the building had been completed prior to 28.02.1999.

Minutes 30.3.7

The Monitoring Committee on going through the file resolved to accept that only **BF+GF+3 Floors (Commercial and Garment Factory Building) of deviated / unauthorised MSB Commercial Building construction at Door No.4, Old Door No.8, Appasamy Street, 7th Avenue, Harington Road, Chetpet, Chennai in R.S.No.325/2, Block No.19** had been completed before 28.02.1999. The CMDA's inspection report dated 12.10.1999 along with the property tax assessment receipt G.R.S. No.Z078/01758 dated 1.3.1999 for the construction of GF + 3 Floors were accepted as credible evidences. The applicant has to remove the 4th & 5th Floor, which has been constructed after the cut-off date 28.02.1999.

Minutes 30.3.8 The Monitoring Committee on going through the file of the **MSB Commercial Building comprising GF+3 Floors + 4th floor (part) of deviated/unauthorised construction at Door No.206, Peters Road, Royapettah, Chennai-14 in R.S No.365/1 of Mylapore Division** and resolved to accept the request of the applicant, vide his Lr. dt. 03.01.2008 to remove the 4th Floor (one room) and to treat the building under Special Building category so that the question of obtaining NOC from DF & RS does not arise.

Minutes 30.3.9 The Monitoring Committee on going through the file of the **MSB Commercial Building (Hospital) comprising GF+3F+4th Floor (Part) at Door No. 1, Lawyer Jaganathan Street, Guindy in S.No.11/1, Alandur village, Chennai** resolved that as the earlier rejection was based on I.C.C. (Rail) alignment, the Monitoring Committee has nothing to say on the issue. The Monitoring Committee directed to check with the Railways about the validity of I.C.C (Rail) alignment and inform Govt. accordingly.

Minutes 30.3.10 The Monitoring Committee on going through the file of the **MSB Commercial Building comprising GF+4 Floors at Door No.55, Medavakkam Tank Road, Kellys, R.S. No. 3180/191, Block No.55 of Purasawakkam Village** resolved to reject the Regularisation Application as the building was not completed before the cut-off date 28.02.1999.

Minutes 30.3.11 The Monitoring Committee on going through the file of the **MSB Commercial Building comprising BF+GF+5 Floors of deviated /unauthorised construction at Door Nos. 7 & 8, Aziz Mulk 1st Street, Thousand Lights in R.S. No.44/254, 348**

and 349 of Nungambakkam village resolved to reject the Regularisation Application as the building was not completed prior to 28.02.1999 and to inform the Govt. accordingly.

**AGENDA ITEM
NO. 30.4**

Special Buildings (Commercial and Residential) – 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.

**AGENDA ITEM
NO. 30.4.1
(Deferred Item
No.29.4.1)**

The Monitoring Committee on going through the file decided to verify the genuineness of the Show-Cause Notice No.P.O.No.57/98, dated 02.12.1998 issued by the Chennai Corporation by addressing the Corporation of Chennai in respect of the **Residential Special building comprising GF+3 Floors at Plot No.3128A2, Door No.6, A.G.Block II Street, Anna Nagar, Chennai – 40 in S.No.403 Pt., of Naduvakkarai Village** and then place it before the ensuing Monitoring Committee meeting.

**AGENDA ITEM
NO. 30.4.2
(Deferred Item
No.29.4.2)**

The Monitoring Committee on going through the file of the **Residential-cum-Commercial building comprising GF+ FF + 2nd Floor (Part) at Old Door No.1, New No.66, Varadharaja Perumal Koil Street, Tondiarpet, Chennai – 81 in R.S.No.3635, Block No.54 of Tondiarpet Division** resolved that the building was constructed after 28.02.1999. Since the building is predominantly residential, this case will have to be

examined with reference to the guidelines, which Government may decide for “Less Stringent Measurers” applicable to residential development.

**AGENDA ITEM
NO. 30.4.3
(Deferred Item
No.29.4.3)**

The Monitoring Committee on going through the file resolved to accept that the **Residential Special building comprising GF+FF+2nd Floor (Part) (Residential & Play School) at Door No.2, Waddels Road, Kilpauk, Chennai – 10 in R.S.No.3116/15, Block No.51 of Purasawalkam Division** had been completed prior to 28.2.1999. The Property tax assessment order dt.1.3.1999 of Chennai Corporation was accepted as credible evidence. The Monitoring Committee decided that regularisation fee shall be collected after the receipt of Govt. orders on “Less Stringent Measures”.

**AGENDA ITEM
NO. 30.4.4**

CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of BF + GF+ 3 Floor Commercial Building at Door No.78 Anna Salai, Guindy, Chennai – 32 T.S.No.6/1, Block No. 5 of Adyar Village – Particulars not received – Placed before the Monitoring Committee.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.5**

CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of BF + GF+ 2 F Commercial Building at Door No.4.A B.S.R. Janus, Tank Bund Road, Nungambakkam, Chennai – 34 in S.No.563/98, Block No.33 of Nungambakkam Village – Particulars Examined – Placed before the Monitoring Committee.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.6**

CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of BF + GF+ 2 F Commercial Building at Door No.73, Ranganathan Street T.Nagar, Chennai – 17 in R. S.No.5553/1 part, Block No.127 of T.Nagar Village – Particulars examined – Placed before the Monitoring Committee.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.7**

CMDA – Regularisation Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of GF+3rd Floor Commercial Building at Shed No.7, SIDCO Industrial Estate, Guindy, Chennai – 32 in T.S. No.8/4, Block No.6 (Part) Adyar Village - Evidence to prove the building is completed on or before 28.02.1999 – Evidences not furnished Available particulars examined – Subject placed before the Monitoring Committee.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.8**

CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized /deviated construction of GF+ 2 F Commercial Building at Plot No.PC.50,Razak Carden Street, MMDA Colony, Chennai – 106 in T. S.No.106/2 part Block No.21 of Arumbakkam Village – Available particulars examined – Subject placed before the Monitoring Committee.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.9**

CMDA – Reg. Unit – Reg. Dvn-III – Regularisation of unauthorized /deviated construction of BF + GF + 3 Floors of Commercial Building at Door No.2, Anna Salai, Chennai-2 in R.S.No.911, Block No.1 of Triplicane Village – Additional particulars received – Placed before the Monitoring Committee for a decision.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.10**

CMDA – Reg. Unit – Reg. Dvn-III – Regularisation of unauthorized /deviated construction of GF + 2 Floors + 3rd Floor (Part) Commercial Building at door No.12, Ramasamy Street, West Tambaram, Chennai-45 – Particulars examined and placed before the Monitoring Committee for a decision.

Minutes

Deferred.

**AGENDA ITEM
NO. 30.4.11**

The Monitoring Committee on going through the file relating to regularisation of **Special building Commercial comprising GF + FF (Part) of unauthorised / deviated construction at S.No.28/4B, Sakthi Garden Main Road, Rajiv Complex (Near**

Sakthi Garden Layout) of Senneerkuppam Village, Chennai-56 resolved to accept that the building was in existence prior to 28.2.1999. The copies of the Property Tax receipts, TNEB Card, Income Tax returns and advertisement appeared in the Tamil Daily “Kathiravan” on 07.03.1996 were accepted as credible evidences.

**AGENDA ITEM
No. 30.5**

CMDA – Enforcement Cell – Completion Certificate for obtaining service connections - Progress Report - Placed before the Monitoring Committee for information

Minutes

Recorded. In the next meeting the details on the status of pending applications may be furnished.

**AGENDA ITEM
No. 30.6**

CMDA – Regularisation Unit – Industries & Institution Division – Regularisation of unauthorized / deviated construction of Ground Floor Industrial building at Door No.33, Arunachalam Road in S.No.146 Pt., 147/1D1&1D2& 146/2C&3, T.S.No.68 of Saligramam Village – Credible evidence not submitted by the applicant as per the High Court direction – Subject placed before the Monitoring Committee for decision

**Minutes
(Deferred Item
No.29.8)**

The Monitoring Committee on going through the file relating to regularisation proposal of an unauthorised Industrial building **comprising Ground Floor at Door No.33, Arunachalam Road in S.No.146 Pt., 147/1D1&1D2&146/2C&3, T.S.No.68 of Saligramam Village** resolved to reject the regularisation application, since the building was constructed after 28.2.99.

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My email dated 22 December 2007

Dear Mr. Srinivasan

I am sending this mail on behalf of the non-official members of the monitoring committee.

In the last many meetings we have discussed various issues regarding regularisation issues and individual building applications. But we have not spent enough time on issues of enforcement, errant builders and fixing responsibility on officials. I request that we take these three issues in the forthcoming monitoring committee meeting.

In addition and in follow up to what we briefly discussed in the beginning of the last meeting, an action taken report on unauthorized construction in T. Nagar should be discussed. Notices and follow up action should be listed. This list and the T. Nagar survey done earlier would help in fixing the responsibility on officials connected with it. This can be a start.

We also requested you in the last meeting that similar surveys should be taken up at more areas. We wish that this issue be discussed in the forthcoming meeting.

In the last few months, we have witnessed continued building rules violation in many parts of the city. We like to know what action the enforcement wing has taken in the last year and what arrangements have been made to improve the enforcement mechanism.

Next, we request that the monitoring committee issue a statement regarding regularisation of residential buildings. We also discussed in the last meeting that press release approved by the monitoring committee be periodically issued.

I suggest that the individual cases for building regularisation be discussed in alternative meetings and the above-mentioned issues be given priority.

Best Wishes
A. Srinivasan