

MINUTES OF THE 46th MEETING OF THE MONITORING COMMITTEE HELD ON
12.9.2012 AT 4.00 P.M. IN THE MAIN CONFERENCE HALL OF CMDA

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MEMBERS PRESENT:

1. Thiru K. Phanindra Reddy, I.A.S.,
Secretary, Housing & Urban Development Dept. and
Vice-Chairman (i/c), CMDA
2. Dr. D. Karthikeyan, I.A.S.,
Commissioner,
Corporation of Chennai
3. Thiru M.G. Devasahayam, I.A.S.,(Retd.)
4. Prof. Suresh Kuppuswamy,
Anna University
5. Dr. A. Srivathsan,
Architect and Urban Planner
6. Thiru Durganand Balsaver,
Architect and Urban Planner

Representatives:

7. Thiru K.K. Thangavel,
Superintending Engineer(S)/Chennai
TANGEDCO
8. Thiru S. Vijayasekar,
Deputy Director,
DF&RS

Special Invitees

9. Thiru R. Venkatesan, I.A.S.,
Member-Secretary, CMDA
10. Thiru S. Selvakumar,
Senior Planner, Reg./CMDA
11. Thiru B. Nagalingem,
Senior Planner (EC), CMDA
12. Thiru G.A. Baskara Rajan,
Senior Law Officer, CMDA

Agenda Item No.46.01 CMDA – Reg. Unit – Leave of absence of the 46TH Monitoring Committee Meeting

Minutes Leave of absence was granted to the following members of the 46th Monitoring Committee Meeting:

1. Thiru Rajeev Ranjan, I.A.S.,
Chairman/TANGEDCO
2. Thiru Apurva Varma, I.A.S.,
Managing Director,
CMWSSB
3. Tmt. S. Jayandhi, I.A.S.,
Collector,
District of Chennai
4. Thiru Bolonath, I.P.S.,
Director of Fire and Rescue Services

The monitoring committee noted that not even representatives of MD, CMWSSB and District Collector were present and decided to address them to depute responsible officials in the event of their inability to attend the meetings of the monitoring committee.

Agenda Item No.46.02 The minutes of the 45th meeting of the Monitoring Committee – Placed for confirmation

Minutes Confirmed. Except Minutes of the Agenda Item No.45.16 pertaining to the action taken on the various instructions of the Hon'ble High Court. The Monitoring Committee has suggested that the action taken can be recorded as the version of CMDA and not that of the Monitoring Committee. The Monitoring Committee has also not fully agreed with the reasons for inaction on the enforcement front.

Agenda Item No.46.03 Action taken on the Minutes of the 45th meeting – Placed before the Monitoring Committee for information

Minutes Recorded

Agenda Item No.46.04 CMDA – Reg. Unit – Reg. MSB Division – Regularisation of unauthorized/deviated construction of BF+GF+5F Commercial building at Door No.240, (Lloyds Road) Avvai Shanmugam Salai, Chennai-14 – R.S.No.108/7 and 109/14, Block No.4 of Mylapore village – Applicant complied the MC decision – Again placed before the Monitoring Committee for decision – Regarding.

Minutes The Monitoring Committee on going through the file resolved to accept the evidence furnished by the applicant for Regularisation of unauthorized/deviated construction of BF+GF+5F Commercial building at Door No.240, (Lloyds Road) Avvai Shanmugam Salai, Chennai-14 in R.S.No.108/7 and 109/14, Block No.4 of Mylapore village.

Agenda Item No.46.05 CMDA – Reg. Unit – Reg.II Division – Regularisation of GF+3 floors residential building with 6 dwelling units at Door No.23 C, South Thirumalai Nagar Main Road, T.S. No.49, Block No.1 of Malligaicherry Village, Villivakkam, Chennai – Evidence on completion of building before 28.2.1999 – Examined – Placed before the Monitoring Committee for decision

Minutes The Monitoring Committee on going through the file observed that in the evidence given by the applicant by way of Corporation of Chennai Working Sheets there is a variation in extent between the Regularisation application submitted by the applicant during 2000, CMDA working sheet calculation and property tax assessment by Corporation of Chennai. The Monitoring Committee also noticed that the Working Sheet for the year 2/1998-99 has been furnished during the year 2010. Hence, it was decided to call for the Corporation working sheet duly attested by responsible officer in Corporation of Chennai to check the genuineness and then again place it before the Monitoring Committee for suitable decision.

The Monitoring Committee requested Chennai Corporation to examine if there is a revenue loss as the variations in the figures of built up space suggest.

It was also decided that in future the Reg. division may produce the corporation file for verification by the Monitoring Committee.

Agenda Item No.46.06 CMDA – Reg. Unit – Regularisation Dn.III – Special building – Regularisation of deviated construction Ground floor + 3 floors Residential building at Door No.1, Prithvi Avenue, Abiramapuram, Alwarpet, Chennai-18 in R.S.No.3672/30, Block No.72 of Mylapore Village – Opportunity given – Particulars received – Examined and placed before the Monitoring Committee for decision.

Minutes The Monitoring Committee on going through the records furnished by the applicant for Regularisation of deviated construction of Ground floor + 3 floors Residential building at Door No.1, Prithvi Avenue, Abiramapuram, Alwarpet, Chennai-18 in R.S.No.3672/30, Block No.72 of Mylapore Village noticed that there is a vast variation in the built up area assessed by Corporation of Chennai and the area constructed as per Regularisation application. The Corporation Working Sheet for the year 2/1998-99 has been furnished during the year 2012. Hence, it was

decided to call for the Corporation working sheet duly attested by responsible officer in Corporation of Chennai to check the genuineness and then again place it before the Monitoring Committee for suitable decision.

**Agenda
Item
No.46.07**

CMDA –Reg. Unit – MSB Reg. Division – Regularisation of commercial building of BF+GF+FF+Service Floor + 2nd Floor to 7th Floor (Restaurant cum Lodge) at Door No.41, Thirumalai Pillai Road, T.S.No.8672, Block No.117 of T. Nagar – Appeal to Government against Rejection under Sec.113-A(6)– Subject placed before Monitoring Committee for decision – Regarding.

Minutes

The Monitoring Committee on going through the file and records resolved to recommend rejection of the appeal to the Government for the Regularisation of commercial building of BF+GF+FF+Service Floor + 2nd Floor to 7th Floor (Restaurant cum Lodge) at Door No.41, Thirumalai Pillai Road, T.S.No.8672, Block No.117 of T. Nagar for the following reasons:

- i) The building permit from Corporation of Chennai was obtained only on 5.3.1999 which is after the cut of date i.e. 28.2.1999.
- ii) On re-inspection on 2.12.12 it was found that the applicant has made some more additions.
- iii) The applicant also not furnished the working sheet from Corporation of Chennai for the period II/98-99 or prior to prove that the building was completed on or before 28.2.1999.

**Agenda
Item
No.46.08**

CMDA – Reg. Unit – Reg. MSB Dvn. – Regularisation of unauthorized/deviated construction of residential building of GF + 4F at D.No.69, Medavakkam Tank Road in R.S.No.3180/1, Block No.55 of Purasawalkam Village – Appeal to Government against rejection under Sec.113-A(6) – Subject placed before MC for decision – Reg

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of unauthorized/ deviated construction of residential building of GF + 4F at D.No.69, Medavakkam Tank Road in R.S.No.3180/1, Block No.55 of Purasawalkam Village for the following reasons:

- i) On re-inspection on 23.11.1999, it was noticed that the partition wall are under construction and the 4th floor roof was laid i.e. after the cut of date of 28.2.1999.
- ii) On re-inspection on 12.3.12, it is noticed that the applicant has put up some more additional construction.

- iii) The applicant has not furnished property tax working sheet for the number of floors for the built up area for the period II/98-99 or prior to establish that the entire building was completed prior to 28.2.1999.

**Agenda
Item
No.46.09**

CMDA – Reg. Unit – MSB Reg. Division – Regularisation of unauthorized/deviated construction of GF+5 Floors (Block A & B) Hotel cum Lodge building at Door No.20 & 21, Cuddappa Rangiah Street in R.S.No.562/2 and 566, Block No.13 of Vepery village, Chennai-3 – Evidence furnished – Examined – Regularisation Rejected – Appeal to Govt. against rejection under Sec.113-A(6) – Remarks sought by Government – Subject placed before Monitoring Committee for decision – Regarding

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of unauthorized/ deviated construction of GF+5 Floors (Block A & B) Hotel-cum-Lodge building at Door No.20 & 21, Cuddappa Rangiah Street in R.S.No.562/2 and 566, Block No.13 of Vepery village, Chennai-3 for the following reasons:

The applicant has not furnished Corporation property tax working sheet for the period II/98-99 or prior, details on number of floors and total building area for having completed the building on or before 28.2.1999.

The Monitoring Committee has also suggested Corporation of Chennai to take necessary action for the removal of the road encroachment.

**Agenda
Item
No.46.10**

CMDA – Regularisation Unit – MSB Dn. – Regularisation of unauthorized/deviated construction of GF+5th Floor of Commercial building at Door No.16/2, Umberson Street, Broadway, Chennai-108 in R.S.No.11426, Block No.93 of George Town – Evidence furnished – Examined – Regularisation Rejected – Appeal to Government against rejection under Sec.113-A(6) – Remarks sought by Government – Subject placed before Monitoring Committee for decision – Regarding.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of unauthorized/ deviated construction of GF+5th Floor of Commercial building at Door No.16/2, Umberson Street, Broadway, Chennai-108 in R.S.No.11426, Block No.93 of George Town for the reason that the applicant has not furnished any credible evidence for having completed the building prior to 28.2.1999. Also the applicant has put up additional construction of 6th floor (part) and 7th floor (part) after filing the Regularisation application under Reg. Scheme 1999.

The Monitoring Committee has also suggested the Corporation of Chennai for taking necessary action on the 0.76 m wide aerial encroachment on the road portion.

**Agenda
Item
No.46.11**

CMDA – Reg. Unit – Reg. MSB Dvn. – Regularisation of an unauthorized deviated Residential building (now converted as commercial) of GF + 4 Floors at Plot No.E-30, 2nd Avenue, Besant Nagar in S.No.153 of Thiruvanmiyur Village – Appeal to Government against Rejection under Sec.113-A(6) – Subject placed before Monitoring Committee for decision – Regarding.

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of an unauthorized deviated Residential building (now converted as commercial) of GF + 4 Floors at Plot No.E-30, 2nd Avenue, Besant Nagar in S.No.153 of Thiruvanmiyur Village for the following reasons:

The applicant has furnished Corporation tax receipt, working sheet dt.1.3.1999, which shows that the extent of 4th floor is only 2000 sq.ft., whereas during inspection on 13.5.2011, it was noticed that the entire 4th floor is constructed to the extent of 2600 sq.ft. Also the entire building is converted from residential use to commercial use after 28.2.1999.

**Agenda
Item
No.46.12**

CMDA – Reg. Unit - Reg.I Division – Regularisation of GF+2 floors residential building with 9 dwelling units at Door No.2/5, Vijaya Street, Vadapalani, Chennai-26, T.S.No.1/16 and 1/17, Block No.1 of Kodambakkam Village – Regularisation rejected – Appeal to Government under section 113-A(6) – Subject placed before the MC for decision – Reg

Minutes

The Monitoring Committee on going through the file resolved to recommend rejection of the appeal to the Government for the Regularisation of GF+2 floors residential building with 9 dwelling units at Door No.2/5, Vijaya Street, Vadapalani, Chennai-26, T.S.No.1/16 and 1/17, Block No.1 of Kodambakkam Village:

The Monitoring Committee has also noted that GPA has been given by Tmt.V.R.Leela and Thiru.V.G. Thangamani only for an extent of 2616 sq.ft. to Thiru Vetrivelan, GPA, whereas the site extent is 3262 sq.ft., which is excess by 640 sq.ft. for which Thiru Vetrivelan, GPA has no right for applying Reg. planning permission. In this regard, the Senior Law Officer of CMDA has given his opinion for processing the regularisation application based on the patta furnished by the applicant for the entire extent. Based on the SLO's opinion, the Reg. Application was processed.

The Monitoring Committee decided to re-examine the opinion given by the Senior Law Officer, CMDA as the GPA Thiru Vetriselvan has no right for the excess land of 640 sq.ft.

Agenda Item No.46.13 CMDA – Reg.III Dn. – Regularisation of Ground floor + 2 floors residential building at D.No.5 and Plot No.39, Seethammal Colony 2nd Main Road, S.No.3766/3 part of Mylapore village, Chennai – Rejected – Appeal to Government against rejection under section 113-A (6) – Placed before M.C. 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 Ground floor + 2 floors residential building at D.No.5 and Plot No.39, Seethammal Colony 2nd Main Road, S.No.3766/3 part of Mylapore village, Chennai for the following reasons:

- i) The applicant has not furnished evidence to prove that the building was completed before 28.2.1999.
- ii) On re-inspection dated 26.12.2011 it was noticed that the applicant has put up additional construction and converted part of the 2nd floor from residential use to office use. Also, the terrace floor a room of size 15'x9' with fibre sheet roof has been constructed.

Agenda Item No.46.14 CMDA – Reg. Unit – Details of disposal of Regularisation Applications as on 31.08.2012 – Reg.

Minutes Recorded. The Monitoring Committee suggested giving details such as number of Regularisation applications received in each category, number of Reg. Applications rejected, number of applications accepted and number of Reg. Applications pending in each meeting.

Agenda Item No.46.15 CMDA – Enforcement Cell (Central) – Survey of Multi-storeyed Buildings by Tamil Nadu Fire & Rescue Service Department in Kodambakkam area – Placed before the Monitoring Committee for information – Reg

Minutes The Monitoring Committee on going through the report submitted by the DF&RS in respect of 21 Multi Storeyed Buildings in Kodambakkam area expressed grave concern at the widespread deficiencies in fire safety provisions in these buildings and decided as follows:

- i) Within the frame work of act provisions Corporation of Chennai and CMDA shall take action on the violated buildings in terms of fire safety aspects.

- ii) Corporation of Chennai can also examine whether they can delegate powers to DF&RS for taking necessary action against the buildings for which no fire safety methods has been adopted. DF&RS also can issue notices to these buildings for not taking necessary fire safety measures.
- iii) DF&RS may submit a copy of the proposal sent to Government for the perusal of the Monitoring Committee.
- iv) The above is applicable even for the T. Nagar buildings.

**Agenda
Item
No.46.16**

CMDA – EC(North) – Monitoring Committee suggested to carry out survey of Special and Multistoreyed commercial buildings abutting 2nd Avenue and 4th Avenue (Shanthi Colony) by Corporation of Chennai – Survey report – Placed before 45th Monitoring Committee – Cross check and to give independent report on correctness suggested to CMDA – Report placed before the Monitoring Committee – Reg

Minutes

The Monitoring Committee on going through the survey report submitted by CMDA on the Multi-Storeyed Commercial buildings abutting 2nd Avenue and 4th Avenue (Shanthi Colony) observed that the independent survey report given by CMDA reveals higher order deviations in many of the buildings surveyed by the Corporation of Chennai. Hence, the Monitoring Committee suggested Corporation of Chennai to cross check with the report furnished by the CMDA and take necessary action.

**Agenda
Item
No.46.17**

CMDA – E-mail dt.11.9.2012 received from the independent member of the Monitoring Committee – Remarks – Furnished – Reg.

Minutes

Recorded. Further follow up action to be taken.

- (i) Regarding digitisation of records it was discussed that the main purpose of documentation is to monitor the movement of regularisation applications. The information to be retrieved like details of disposal of reg. Application, area, category, street, rejection, approval, appeal etc.,
- (ii) As exclusive teams have been constituted for enforcement action in CMDA and Corporation of Chennai delegation of powers shall be given to the concerned in CMDA and Corporation of Chennai for taking necessary action.
- (iii) The telephone numbers and email addresses of these officers to be publicized.

- (iv) Diagnostic study of a few EC files be taken up to identify delays, bottlenecks, etc and presented before the ensuing Monitoring Committee meeting.
- (v) Progress of Enforcement action taken against Reg. rejected cases, cases generated by area study reports commissioned by the monitoring committee etc., may be submitted as a regular agenda item in the monitoring committee meeting.
- (vi) A list of cases, wherein the Hon'ble Court has ordered for giving power supply, water supply and sewerage connections to be placed before the ensuing Monitoring Committee meeting with details of the deviations.
- (vii) In respect of the above cases enforcement action should be initiated including forfeiture of security deposit.

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

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PERSONNEL MANAGER(REG.UNIT)