

**MINUTES OF THE 58th MEETING OF THE MONITORING COMMITTEE HELD ON
07.11.2016 AT 3.30 PM IN THE MAIN CONFERENCE HALL AT CMDA**

Members Present:

1. Thiru Dharmendra Pratap Yadav, I.A.S.,
Vice-Chairman (i/c), CMDA and
Convenor, Monitoring Committee
2. Thiru D. Karthikeyan, I.A.S.,
Commissioner,
Greater Chennai Corporation
3. Tmt.B. Maheshwari, I.A.S.
District Collector,
Chennai District.
4. Thiru. Ramesh C. Kudwala, I.P.S.
ADGP/Director,
Directorate of Fire & Rescue Services
5. Thiru R. Santhanam, I.A.S. (Retd.)
6. Thiru. Suresh Kuppaswamy,
Architect
7. Prof. (Dr.) S.R. Masilamani,
Head of Dept. – Dept. of Planning
School of Architecture & Planning
Anna University.
8. Thiru. Durganand Balsavar,
Architect & Urban Planner
9. Tmt. Tara Murali
Architect.

Representative:

1. Thiru.U.B. Eleni,
Chief Engineer (Commercial) / TANGEDCO

Special Invitees:

1. Thiru C. Vijayaraj Kumar, I.A.S.,
Member-Secretary, CMDA
2. Thiru M. Sivashanmugam,
Member & Chief Planner(MSB), CMDA
3. Tmt. M. Geetha,
Chief Planner (Reg.Unit), CMDA
4. Thiru P. Selvadurai,
Chief Planner (MPU), CMDA
5. Thiru P. Thangaprakasam,
Senior Planner (Reg. Unit), CMDA.
6. Thiru C.S. Murugan,
Senior Planner (EC), CMDA
7. Thiru G.A. Baskara Rajan,
Senior Law Officer, CMDA
8. Thiru R. Magudapathy,
Deputy Planner (Reg.I and I&I Divisions),CMDA
9. Tmt.R.K. Vedhavathi,
Deputy Planner (Reg.III & MSB Divisions), CMDA
10. Tmt.V. Sharmilee,
Deputy Planner (Reg.II Divisions)
11. Thiru R. Ashok Babu,
Asst. Planner (Reg.I,II & I&I Divisions), CMDA
12. Thiru John Nicholas,
Asst. Planner (Reg.III & MSB Divisions), CMDA.
13. Tmt.S. Gnaneswari,
Asst. Planner (Reg.II Divn.) CMDA.

- Agenda Item 58.01** CMDA - Reg. Unit – Leave of absence at the 58th Monitoring Committee Meeting
- Leave of absence was granted to the following members for the 58th Monitoring Committee Meeting.
1. Thiru. Vikram Kapur, I.A.S.,
Principal Secretary & Managing Director,
CMWSSB
 2. Dr. M. Saikumar, I.A.S.,
Chairman cum Managing Director,
TANGEDCO
 3. Thiru M.G. Devasahayam, I.A.S., (Retd.)
- Agenda Item 58.01A** Minutes of the 57th meeting of the Monitoring Committee (M.C.) – Confirmation of the minutes– subject placed before the Monitoring Committee.
- Minutes** M.C. members once again discussed the issue, whether the consultation given by the M.C. under Section-113-A(6) is binding on the Govt. and finally members agreed that the appellate powers of the Govt. have to be exercised independently eventhough, before passing further orders on appeals, M.C. needs to be consulted.
- Agenda Item 58.02** CMDA – Reg. Unit – Hon’ble High Court order dated 1.11.2016 in W.P. No. 26339 of 2014 filed by Thiru M.G. Devasahayam I.A.S. (Retd.) – Subject placed before MC for decision – Reg.
- Minutes** The meeting of M.C, as directed by the Hon’ble High Court in its order, dt.01.11.2016 met on 07.11.2016. The Convenor of M.C. explained to the MC that the last meeting of MC was held on 22.06.’16. The next meeting was due in August-2016. However, the same could not be held since, by then, the Hon’ble High Court order,dt.18.07.’16 was received to dispose all Regularisation Applications within 3 months. In order to comply with the time bound order of the Hon’ble High Court, all attention was diverted to scrutinizing the pending Regularization Applications. Accordingly, additional staff was provided to the Regularisation Unit and final notices were issued in all pending cases to furnish

proof of existence of the constructions prior to 28.02.1999 within one month. After this, the applications where no proof was furnished within the specified time, were rejected. As a result, 95% of the pending applications have been rejected due to non-furnishing of the proof or furnishing of insufficient proof. The remaining cases, where proof has been furnished are under scrutiny. Once, the scrutiny is completed, cases which are within the powers of Member-Secretary, CMDA as per the decision of the M.C. during its 55th and 56th meetings have to be disposed by Member-Secretary, while the rest of the cases shall be placed before the M.C. Accordingly, it was decided to hold the next meeting of the M.C. after completing the scrutiny of the cases where the applicants have furnished the proof of existence of the building prior to 28.02.1999.

2. With regard to erection of Display Boards in respect of buildings that are non-compliance of fire safety norms, the DF&RS reported that in 45 sites, display boards have been erected and for the remaining buildings, the work will be completed within 10 days. The total no. of buildings that are not in compliance with DF&RS norms was reported as 675 by the DF&RS and as 272 by CMDA. Monitoring Committee directed that the number be reconciled and correct no. be posted in the website as well as erection of display boards ensured in the respective premises.

3. In respect of buildings where Regularisation application has been rejected and other cases of violation stringent enforcement action must be taken, as these buildings cannot seek relief under Section-113C, till the rules under the scheme are notified by the Govt. However, initially, only the commercial buildings should be targetted.

**Agenda
Item
58.03**

CMDA – Reg. Unit – Action taken report on Hon’ble High court order dated 18.7.2016 in W.P. No. 26339 of 2014 filed by Thiru M.G. Devasahayam I.A.S. (Rtd.) – Subject placed before MC for decision – Reg.

Minutes

The directions of the Hon’ble High Court in its Order dated 18.07.2016

were discussed and the following decisions were taken:

1) M.C. sought the list of all the 200 cases of MSB buildings approved under Regularisation Scheme under Section-113A during its next meeting.

2) A total of 2,445 MSB regularisation applications have been rejected. The MC wanted the list of these MSB buildings to be posted on the website of CMDA, to caution the public with regard to their non-compliance to fire safety norms. Simultaneously, the DF&RS may erect Display Boards of caution in the premises of the said buildings.

Agenda item 58.04 CMDA – Reg. Unit – Immediate action to be taken on para 3 (d) of the Hon’ble High Court order dated 18.07.2016 in W.P. No. 26339 of 2014 – Subject placed before MC for decision – Reg.

Minutes The recommendations of MC for utilization of the regularisation fees amount collected from regularisation applicants towards alleviation of the problems with regard to unauthorised / deviated construction were given as follows:-

- i) The local authorities to provide multilevel car parking or community parking wherever feasible in densely developed areas. The proposed locations may be taken from the CTTS study of CMDA;
- ii) The local authorities to provide community fire hydrants at vantage points in highly developed areas particularly in predominantly in commercial areas ;

Agenda item 58.05 CMDA – Reg. Unit – Plan of action for disposing of 113-A applications within specified time period – Subject placed before MC – Reg.

Minutes With regard to processing of regularisation application pending under Section-113A, MC noted the progress and suggested that in respect of 69 MSB buildings which are yet to be processed and the remaining MSB cases where responses are still being received should be scrutinised and placed before the M.C. during next meeting.

Agenda item CMDA – Reg. Unit – Observations arising out of internal discussion on Justice Rajeswaran Committee Report – Subject placed before MC – Reg.

58.06

Minutes Observations arising out of internal discussion on Justice Rajeswaran Committee Report, the hard copy of the power point presentation on the same was given to the members. With regard to placing of the Justice S. Rajeswaran Committee report before Monitoring Committee, as per directions of the Hon’ble High Court, some of the members expressed their reservations regarding role of M.C. in offering their remarks on the Section-113C recommendations of Justice Rajeswaran Committee, since they feel that the role of the M.C. ends with disposal of applications under Section-113A. After detailed discussion, the members sought some more time on the issue including offering their remarks and requested that the Hon’ble High Court may be informed accordingly.

GENERAL:

The general issues discussed and the decisions arrived at are as given below:-

- As far as enforcement action against illegal constructions in CMA is concerned, the members opined that the Area Engineer of the concerned Local Body has thorough knowledge of the ongoing constructions in the area. Therefore, the Area Engineer will be right person to take immediate action even while the construction is coming up. Also, the Local Authorities have the powers under their respective Act and also by way of powers delegated by CMDA under T&CP Act-1971. These powers should be liberally exercised to take enforcement action against all category of buildings by the Local Authorities. The Committee was informed that the Commissioner, Greater Chennai Corporation has been requested to insist on Completion Certificate for all ordinary buildings having more than 3 dwelling units.

- The representative from TNEB was asked not to grant E.B. connection to the unauthorised buildings and disconnect wherever already provided. However, TANGEDCO representative informed that this requires an Amendment to TNERC Act.
- While discussing about parking shortage in the urban areas, it was opined that the parking requirements may be looked into along with overall policy of vehicle ownership and other transport related policies, in order to deter private vehicle ownership and to motivate people to use public transport, thereby fulfilling the goal of Master Plan relating to achieving of 70% public transport.
- The M.C. stressed the need for interdepartmental co-ordination for working together against prevention of unauthorised / deviated construction among Departments such as CMDA, GCC, DF&RS, TANGEDCO, DTCP, CMA, Transport Dept., Metrowater & Collectorate etc.,

Sd/-xxx 10.11.2016
VICE-CHAIRMAN (i/c), CMDA &
CONVENOR, MONITORING COMMITTEE

/True Copy/

Personnel Manager (Reg. Unit)