

Housing & Urban Development (UD4) Department

Regularisation of unauthorised buildings under Section 113-C of the Tamil Nadu Town & Country Planning Act,1971

PRESS RELEASE

Rapid urbanisation has led to proliferation of a large number of unauthorised developments which are detrimental to the sustained and balanced growth of urban areas in Tamil Nadu. Government of Tamil Nadu has taken various steps to arrest such unauthorised developments over a period of time including introduction of Section 56-2A in Town and Country Planning Act, 1971 to take strict enforcement action against unauthorised buildings and introduction of norms for issue of Completion Certificate in Chennai Metropolitan Area. Government is also pursuing the policy of bringing all the areas in the State under planned development through preparation of Master Plans and the Regional plans to regulate urban development in an organised and harmonious manner.

However, it is also a fact that the State has witnessed rapid urbanisation and population growth in the urban areas as a result of which there has been more demand for the limited land supply in the urban areas resulting in escalation in land prices besides shortage of lands resulting in unauthorised constructions in order to obtain more living / commercial spaces on the existing land parcels as a measure of affordability and adjustment to the new urban reality. In large number of cases, it has also been noticed that the violations are occurring due to lack of awareness of Development Regulations by the general public and people involved in real estate viz., the professionals helping people to carry out development.

Taking note of the above situation, Government has taken various steps to increase awareness and improve enforcement. At the same time, as the number of

unauthorised developments was huge and demolition of all such constructions was practically not feasible and socially disruptive since it would create huge amount of houselessness in urban areas besides lack of commercial spaces and loss of livelihood, Government came out with introduction of Section 113-C to the Town and Country Planning Act, 1971 to exempt unauthorised buildings developed on or before 01.07.2007 from the provisions of Development Regulations and Development Control Rules framed under Town and Country Planning Act for Chennai Metropolitan Area and areas covered under the control of Directorate of Town and Country Planning across the State, subject to reasonable limits and recognition of practical ground realities without compromising the safety aspects.

Government also constituted a Committee under the Chairmanship of Justice Rajeswaran to recommend rules and guidelines to make Section 113-C of Town and Country Planning Act, 1971 operational. The recommendations of the Justice Rajeswaran Committee were placed before the Cabinet meeting held on 13.06.2017 along with the rules and guidelines framed thereon for approval to grant exemption to the unauthorised constructions made on or before 01.07.2007 from the provisions of Development Regulations framed under Second Master Plan for Chennai Metropolitan Development Authority and common Development Control Rules framed for carrying out developments outside of Chennai Metropolitan Area and the same were approved by the Cabinet. The salient features of the approved rules and guidelines under Section 113-C of Town & Country Planning Act, 1971 are as follows:

- (a) The building should have been completed on or before 01.07.2007.
- (b) The buildings should be in conformity with the Civil Aviation Regulations, the Coastal Zone Regulations, Air Force Stations, the Defence Regulations, Hill Area Rules, Tamil Nadu Nuclear Installations Regulations, etc.,

- (c) A building with any encroachment including aerial encroachment on to a public road or street or any Govt / local authority owned lands including water bodies, open spaces reserved as parks and playgrounds in Master Plan or Detailed Development Plan or New Town Development Plan or approved layouts shall not be considered for exemption.
- (d) Unauthorised buildings in Red Hills Catchment Area / Aquifer Recharge Area in Chennai Metropolitan area cannot be regularised.
- (e) Exemptions in planning parameters pertaining to road width, setback, Floor Space Index, Parking and OSR up to certain extent have been allowed as per the suggestions of the Justice Rajeswaran Committee without compromising fire and life safety measures and structural stability.
- (f) The applicants desirous of regularising their building under these rules have to pay normal development charges, Premium Floor Space Index Charges for the violated Floor Space Index area, Parking and OSR violation charges and general regularisation penalty calculated at specified percentage of applicable Infrastructure and Amenities charges depending upon the range of Floor Space Index achieved.
- (g) It shall be compulsory for all the individual building owners and building promoters who have put up unauthorised / deviated constructions on or before 01.07.2007 to file an application online for regularisation to the competent authority within six months from the date of notification of these rules and guidelines along with the fees and charges as per the self assessment.
- (h) Government will come out with amendment to the electricity, water supply, drainage and sewage board and registration act to ensure these connections to the buildings which are not get regularised under the

scheme and no subsequent registration can be made in respect of such buildings.

Rules and guidelines framed based upon the recommendations of the Justice Rajeswaran Committee based on the approval obtained from the Cabinet, the Government have now notified rules and guidelines vide G.O.Ms.No.110 and 111, Housing and urban Development (UD 4(3)) Department, dated:22.06.2017. People whose buildings have been constructed in violation of Development Regulations can apply online for regularisation of their buildings within six months from the date of notification of these rules and guidelines by self declaration of the violations.

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