

A copy of the circular No.19378/60 dated 5-11-60 of the Director of Town Planning is communicated to all the Building Inspectors, clerks, Assistant Town Planning Officers and Town Planning Draftsmen and Surveyors for information and necessary action.

B. J. Jayaram
16/12/60
For Commissioner.

Copy to Town Planning Officer's table.
Spare 12 copies.
vln/16/12-a.

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Copy of letter No.19338/60 d/- 5-11-60 of the Director of Town Planning, Madras.

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CIRCULAR.

Sub:- Defects in procedures- submission of schemes to Government- maintenance of Progress Cards'- Register- instructions issued.

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It is observed that in preparation, publication and submission of the Town Planning Schemes to the Government the procedural aspects as contemplated in the Town Planning Act and rules are not fully and correctly followed by some local bodies in spite of the instructions often issued from this department. Some of the defects observed are indicated below:-

(i) Non-registration of notification.

Very often it is noticed that the registration of the Town Planning Schemes immediately after the notification are not made in time as per rule 50 - A of Town Planning Rule. It invariably results, in the issue of fresh notification by Government and the repetition of the procedures; this procedural flaw should not be allowed to creep in and all the local authorities while taking up the schemes should see that no defect of this kind occur.

(ii) Issue of "Errata" to the notifications and renotifications.

Regarding some of the schemes notified by the Government in the Tirunelveli Municipality when verified again by the local Town Planning staff with reference to the survey records available, it was found that the original proposals submitted by Executive Authority itself was defective and contain number of mistakes. Now the Executive Authority, Tirunelveli has submitted an errata for the notifications already published, which being numerous necessitates issue of fresh notification again superseding the previous one. If proper care and thorough check with the survey records at the initial stage itself were exercised at the municipal level this repetition of works could not have been caused. Further, any issue of errata or renotification sent have to be notified by council in Gazette etc., and got registered again. Government is also likely to take serious view of this avoidable delay and work. The local authorities are requested to guard against this mistakes occurring in survey boundaries and see such errors do not occur.

(iii) Improper Publication of Scheme.

(a) Regarding the publication of the scheme in Form Nos.12 and 13 it is observed that in the case of Villupuram Municipality the sixty days time required for submission of the objections and suggestions by the owners have not been mentioned, which is against the statutory obligation as per section 14(1) of the Town Planning Act. As such it has become necessary in the case of Villupuram Municipality that the schemes submitted are got back to enable them to adhere to the procedures again and publish the scheme once more calling for objections and suggestions giving time for 60 days and to carry out all the procedures thereafter.

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(b) A similar case was also noticed in the case of the Town Planning Schemes of Cuddalore Municipality and in addition that last date for submission of the objections on the schemes published were given differently in two Gazette issues one in Tamil and another in English. This sort of incoherence and non-adoption of minimum time limit contemplated in Act and Rules would invalidate the scheme in the stages of preparation and publication.

(c) Another common mistake often noticed is the failure to publish the notice of publication of the scheme in the District Gazette in form No.13 as required under the Town Planning Rules. These procedures laid down in rule 43 of the Town Planning Rules are specific and in spite of it, it is noticed that in cases of Villupuram and Virudhunagar Municipalities District Gazette publications had not been done. The omissions of this kind might lead to legal complications at a later stage.

(d) It is also reported by the Executive Officer, Sankarankoil Panchayat that the publication of the Town Planning Scheme was done only by Tom Tom only when the procedures to be followed have been clearly indicated in the Town Planning Rules.

(iv) Failure to adopt procedures:-

Another instance has been brought to the notice of the department that in the case of Town Planning Schemes in Tirunelveli and Palamcottah Municipality Town Planning Schemes were submitted to the Government directly even without publication of the schemes at all. The defects had to be pointed out and extends on of time for submission of the schemes had to be recommended by the department for the respective municipalities and to get back the schemes submitted. The local authorities are requested to see with such mistakes as indicated above are not repeated any where and avoid improper procedures.

(v) Inadequate scrutiny and verification of map and schedules.

In the cases of schemes submitted to the Government from Mayavarma Municipality it is noticed that all the sub-divisions mentioned in schedule I are not indicated in the scheme map and it was also found there were some discrepancies in the boundary of the scheme marked. Such mistakes or omission of furnishing the full details in the map cause much delay and hardship while scrutinising the schemes at different stages and every time the sub-divisions are also got to be verified. The executive authorities are requested to see and check up all the sub-divisions as well as the boundaries of the schemes as per the notification while sending the map No.1 to this office for preparation of Town Planning Scheme and also after the receipt of Map No.2 sent from this department.

(vi) Failure to furnish required informations:-

(a) Again, the furnishing of particulars in the proforma accompanying the scheme submitted to Government (G.O.2542, P.H. dated 31-10-54) would also provide another opportunity for Executive Authorities to check up the correctness of procedures adopted for the scheme submitted, but it is noted that the information required and ill-furnished, or not furnished at all, in many of the columns (for instance "Tuticorin and Tiruchirapalli Municipalities".)

(b) The attention of Executive Authorities are also invited to Section 14(2) of Town Planning Act, which specifically requires (i) submission of objections and suggestions in original (received from public after publication of scheme.) along with the scheme submitted to Government through proper channel. (ii) Submission of one set of scheme to this department as advance copy. These may be verified for the schemes submitted and carefully adopted in future while submission of schemes.

(vii) Rush hour submission of schemes:-

The likely pit falls in the procedural steps during preparation, publication and submission to Government as enumerated above have been most predominantly noticed ~~the~~ with respect to some of the schemes submitted to Government during the March 1955. "The last minute rush" in the submission of schemes should also be avoided.

The attention of Executive Authorities of local authorities are invited to the detailed instructions and stages of preparation of Town Planning Schemes issued in G.O.No.1788, P.H. d/- 12-8-5 1933 and they are informed that they

will be held personally responsible to see that the procedures, in the Town Planning Act and rules are strictly followed in the preparation, publication and submission of the schemes and the gradual and systematic progress is made by prescribing a suitable schedule of programme and to finally submit the schemes to Government within the time granted by the Government.

(viii) Instructions to watch progress:-

As a measure to watch the progress from initial stages the Executive Authorities of Local Bodies are requested to maintain a progress card for each scheme notified by the Government as per the annexure 'A' to this circular and to keep the register with upto date entries.

The Executive Authorities are requested to acknowledge the receipt of this circular.

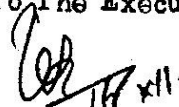
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For Director of Town Planning,

To The Executive Authorities of Municipal Councils and Panchayats.

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" ANNEXURE "

PROGRESS CARD.

Place.	Name.	Extent.	Reference with <u>date.</u>	<u>Initials.</u>
1. (a) Notification by Government under Section 12 (G.O. and Gazette issue) or Section 10.				
(b) Variations in Boundary or errata issued:				
2. Republication in Form 16 (+Rule 49) on:				
Notice Board of Municipal office				
Notice Board of every local authority				
Newspaper in the district.				
3. Registration document ref. (Rule 50-4)				
4. (a) Map No.1 sent by the Council to D.T.P.				
(b) Draft Scheme (Map 2) sent by D.T.P.				
(c) Verify boundaries and subdivisions in Map No.2 with reference to notification by Government.				
5. (a) Date of notice for owners meeting (Rule 30-2 Ten days time to be given)				
(b) Dates of owners meetings.				
(c) Remarks of D.T.P. on owners suggestions.				
6. (a) Copy of scheme and schedules sent to D.T.P. (Rule 40) (fifteen days before council meeting)				
(b) approval of scheme by council under rule 40.				
(c) Publication under section 11 in Form 12 (Rule 41) (60 days time to be given for receipt of objections)				
(d) Notice of publication in Form No.13 to be published on				
(i) Notice board of all local authorities.				
(ii) In District Gazette				
(iii) In Newspaper				
(iv) In conspicuous places.				

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7. Objections in form 14 sent to +D.T.P.(Rule 44) (15 days before council meeting)
 - (b) Remarks of Director of Town Planning in Form 14 received.
8. Final adoption of scheme by Council (Rule 44 & 45)
9. (a) Submission of scheme to Government through Collector, Board of Revenue and Director of Town Planning (Rule 45)
 - (b) Copy of scheme with Map 3 sent to Director of Town Planning(Rule 45)
10. Fact of submission published in Form No.15.
 - (a) On Municipal Notice Board
 - (b) In the District Gazette.
11. Collector's reference forwarding to Board of Revenue.
12. Reference of Board of Revenue forwarded to D.T.P.
13. Reference of Director of Town Planning forwarding to Government.
14. Final sanction by Government.
15. Periodical extension of time granted.
16. All interim layouts approved by D.T.P.
17. Loans received for preparation of scheme.
18. General notes and any important decisions.