



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 16th July 2012 is hereby published for general information:-

TAMIL NADU ORDINANCE No. 6 OF 2012.

An Ordinance further to amend the Tamil Nadu Town and Country Planning Act, 1971.

WHEREAS, the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:-

1. (1) This Ordinance may be called the Tamil Nadu Town and Country Planning (Amendment) Ordinance, 2012.

Short title and
commence-
ment.

(2) It shall come into force at once.

Tamil Nadu
Act 35 of
1972.

2. In section 57 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as the principal Act), sub-section (6) shall be re-lettered as clause (a) of that sub-section and after clause (a) as so re-lettered, the following clauses shall be added, namely:-

Amendment of
section 57.

“(b) No person shall continue the development after obtaining any order of stay or interim injunction from any court against the notice served by the appropriate planning authority under section 56 or under this section.

(c) Any development continued after obtaining the order of stay or interim injunction referred to in clause (b), shall be deemed to be unauthorised development and the appropriate planning authority may demolish such unauthorised development without any notice.”.

3. In section 83 of the principal Act, -

Amendment of
section 83.

(1) in sub-section (1), for the expression “one thousand rupees”, the expression “one lakh rupees” shall be substituted;

(2) in sub-section (2), for the expression “shall not be less than twenty-five rupees and not more than fifty rupees”, the expression “shall not be less than two thousand and five hundred rupees and not more than five thousand rupees” shall be substituted;

(3) after the Explanation thereunder, the following sub-section and Explanation shall be added, namely:-

“(3) Without prejudice to the provisions of sub-sections (1) and (2), whoever-

(a) having been convicted in the prosecution under sub-section (5) of section 56, carried out any development of land or building as specified in clause (a) or (b) or (c) or (d) of sub-section (1) of section 56; or

(b) continues to carry out development of land or building, whether for himself or on behalf of the owner or on behalf of any other person, subsequent to the notice served under sub-section (1) of section 57,

shall, on conviction, be punishable with imprisonment for a term which shall not be less than three months and not more than three years and also with fine which shall not be less than fifty thousand rupees and not more than one lakh rupees.

Explanation.- For the purpose of this section and sections 84, 85 and 86, the term “whoever” means and includes the land owner, power of attorney holder, builder, promoter, architect and licensed surveyor, jointly and severally.”.

Amendment of
section 84.

4. In section 84 of the principal Act, for the expression “shall not be less than fifty rupees and not more than one thousand rupees”, the expression “shall not be less than five thousand rupees and not more than one lakh rupees” shall be substituted.

Amendment of
section 85.

5. In section 85 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:-

“(b) such person shall, without prejudice to the provisions of clause (a), be punishable -

(i) with fine which shall not be less than two thousand and five hundred rupees and not more than fifty thousand rupees; and

(ii) in case of continuing failure, with fine which shall not be less than five hundred rupees and not more than ten thousand rupees for every day during which such failure continues.”.

Amendment of
section 86.

6. In section 86 of the principal Act, for clauses (a) and (b), the following clauses shall be substituted, namely:-

“(a) for the first offence, with fine which shall not be less than five hundred rupees and not more than five thousand rupees; and

(b) for a second or any subsequent offence, with fine which shall not be less than two thousand rupees and not more than twenty thousand rupees.”.

Amendment of
section 88.

7. In section 88 of the principal Act, in sub-section(2),—

(1) in item (i), for the expression “five hundred rupees”, the expression “fifty thousand rupees” shall be substituted;

(2) in item (ii), for the expression “twenty five rupees”, the expression “two thousand and five hundred rupees” shall be substituted.

Amendment of
section 89.

8. In section 89 of the principal Act, in sub-section (1), the expression “within three months from the date of the commission of the offence” shall be omitted.

9. After section 113-B of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
113-C.

“113-C. *Exemption in respect of development of certain buildings.*— Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, taking into consideration the ecology and environment of the area and having regard to public interest and in order to improve the infrastructure, reduce public inconvenience and ensure public safety in the area, by order, exempt any building or class of buildings developed on or before the 1st day of July 2007, from all or any of the provisions of this Act or any rule or regulation made thereunder, subject to the guidelines made in this behalf, by collecting such amount, not exceeding three times of the guideline value of the land, as may be prescribed. Different rates may be prescribed for different planning parameters and for different parts of the planning area.”.

10. For Schedule I to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of
Schedule-I.

“SCHEDULE-I. (See section 83.)			
<i>Section.</i>	<i>Sub-section or clause.</i>	<i>Subject.</i>	<i>Penalty.</i>
(1)	(2)	(3)	(4) Rs.
47	...	Failure to use and develop the land in conformity with the development plan.	7,500
48	...	Erection of building or change in use of land without permission.	10,000
49	...	Failure to apply for permission and get permission.	5,000
56	(5)	Power to require the removal of unauthorised development.	5,000
57	...	Power to stop the unauthorised development.	5,000
62	...	Failure to comply to pay development charges.	10,000
106	...	Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities.	10,000”.

16th July 2012.

K. ROSAIAH,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

The need for controlling and regulating unauthorised developments throughout the State of Tamil Nadu has been keenly felt and was the concern of the Government for sometime. The committee constituted under the Chairmanship of Justice Thiru S. Mohan, retired Judge of Supreme Court of India, to review the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) has suggested amendments for effective enforcement action and for providing limited solution to the unauthorised developments made prior to 1st day of July 2007. In this context the committee has suggested certain amendments to sections 57, 83, 84, 85, 86, 88 and 89 of that Act, to insert a new section 113-C in that Act along with the guidelines proposed thereunder and to enhance the penalty amount specified in Schedule I to that Act. Accordingly, the Government have decided to amend the said Act suitably for the above purpose.

2. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*