

GOVERNMENT OF MADRAS.

Education and Public Health Department.

(Public Health)

Town Planning- Disposal of applications in Town Planning areas-  
Section 17 of the Planning Act- procedure- explained.

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Read the following papers:-

- From the Commissioner, Trichinopoly Municipality, d/- 9th May 1940, No.57/40-41.
- From the Commissioner, Beswada Municipality d/- 25th May, 1940, No.D.2- 9171/40.
- From the Director of Town Planning d/- 29th May 1940, No.1311/40.
- From the Director of Town Planning, d/- 18th June 1940, No.1510/40.

ORDER No.3030, P.H. Dated 9th July, 1940.

The Commissioners of Trichinopoly and the Beswada Municipalities have asked instructions regarding the procedure to be followed in the disposal of applications for permission to construct buildings, etc., received under section 17 of the Madras Town Planning Act, 1920. The following procedure is laid down for the guidance of the executive authorities of Municipalities, municipal councils and the president of panchayat boards to which the provisions of the Madras District Municipalities Act, 1920, and the Madras Town Planning Act, 1920 have been extended.

2. In as much as the provisions of the Madras District Municipalities Act also apply to town planning areas every application received under section 17 of the Town Planning Act should be considered also in the light of the provisions of the District Municipalities Act. If the executive authority finds that the provision of the Madras District Municipalities Act are not satisfied, he may himself straightway reject the application for the reasons and within the time specified in the Madras District municipalities Act without referring the application to the municipal Council (or the town planning committee) for ~~examination~~ disposal under section 17 of the Town Planning Act. If he finds that they are satisfied he will place the application before the municipal council (or town Planning committee) for examination and approval in the light of the scheme settled or under preparation. It is then open to the Municipal Council (or town planning committee) to reject the application within the time limit specified in the provisions to section 17 of the Act. The fact that the executive authority has not passed orders rejecting the application within the time specified in the District Municipalities Act will not debar Council (or town Planning Committee) from exercising its powers under section 17 of the Town Planning Act.

3. The permission granted by the executive authority under the Madras District Municipalities Act cannot take the place of the permission required under section 17 of the Town Planning Act from the Municipal Council or the Town Planning Committee. Section 17 of the Town Planning Act is general and under it is open to the Municipal council (or town Planning Committee) to refuse to grant permission on any ground including the one or which the executive Authority may refuse permission under the Madras District Municipalities Act.

( By Order of His Excellency the Governor)

Sd, R.V. KRISHNA AYYAR,  
SECRETARY TO GOVERNMENT.

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/True Copy/

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