

GOVERNMENT OF MADRAS

**Education and Public Health Department.
(PUBLIC HEALTH)**

G.O. No. 1920, 26th May 1939.

Town Planning--Private Layouts--Difficulty in enforcing the street-making provisions of the Madras District Municipalities Act--Remarks of the Director of Town Planning--Communicated.

READ--the following papers:-

G.O. No. 557, P.H., dated 24th March 1931.
G.O. No. 1616, P.H., dated 2nd September 1931.
G.O. No. 4725, L.S.G., dated 28th October 1936.

II

Letter from Sri C. KRISHNASWAMI CHETTY, B.A., Commissioner, Salem Municipality to the Secretary to Government, Education and Public Health Department, dated Salem, 1st February 1939, No. 5-C-1-39.

I invite attention to sections 175 and 176 of the District Municipalities Act in regard to the procedure to be followed when any landlord desires to divide his land within the municipality into house-sites or to form private streets.

2. Applications received with proper plan of layout showing streets, etc are after scrutiny by the Health Officer and Municipal Engineer got approved by the Municipal Council, if necessary in consultation with the Director of Town Planning, and permission is granted subject to the following conditions:-

- (1) That the party should divide and sell house plots in accordance with the sanctioned layout;
- (2) that he should form new private streets and lanes as provided for in sections 175 and 176, i.e., level, pave, metal, drain, and light the streets;
- (3) that he should hand over the streets and lanes through a gift deed free from encumbrances to the Municipal Council;
- (4) that he should draw an agreement on a general stamp paper to the value of 12 annas embodying the above conditions.

3. Once licence is granted for layout, it is found difficult to enforce the conditions of the licence. The licensees plot out the house-sites and commence in a few cases to sell the sites even before laying the streets or lighting. They leave the required land for formation of streets. Beyond that they either do nothing or form the streets very unsatisfactorily. Notices are issued and prosecutions are launched, and necessary action is taken under section 177. They are let off with a small fine and the offence not being a continuous one, further prosecutions are not possible. It happens sometimes that the owner of the land who sold the house-sites is dead and no further action lies against his heirs.

Under section 178 notices to the owners or occupiers of the land or premises fronting, adjoining or abutting upon such street have to be issued to level, pave, metal, drain, and light such streets giving reasonable time for compliance and if the requisition is not complied with, the work has to be executed and the cost recovered from the persons. The recovery of the cost by apportionment among the various owners within the period allowed in the general law of limitation is also beset with difficulties. Several suits have to be filed for the amount due and the recovery watched.

4. In view of the difficulties pointed out above at every stage in enforcing the provisions of the Act, it is for consideration whether the following procedure may be adopted to ensure that the charges on account of these layouts, do not fall on municipal funds at a later date.

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When a party applies for licence for layout of his property, he should along with his application and other particulars, deposit Rs.500/- per acre of land or fraction thereof as security for satisfactory fulfilment of the conditions that may be imposed by the Council in regard to formation of roads, lighting, etc. On receipt of the application and scrutiny in the Municipal Office to see if it complies with the general conditions that may be laid down from time to time, an estimate should be prepared by the Municipal Engineer for formation of the roads and lanes and metalling them, for construction of drains, for putting up of lights (as existing in the town, i.e., electric or oil light), etc. This estimate should cover only the actual expenditure on these works and not include any percentage of contribution.

The application of the party together with the estimate should be placed before the Council for sanction. After sanction, the applicant should be asked to deposit into the municipal treasury, the amount of the estimate. When this is done, the licence for layout may be given and the improvements carried by the municipality at once. From the deposits, the expenses for the necessary draft gift deeds, etc., may be drawn out vesting the streets in the Municipality.

5. No doubt the above conditions may act as a severe strain on the owners of the land and retard the progress of Town Planning. It must, however, be remembered that the owners of the land are not paying the cost of these improvements from their funds but would add these expenses to the cost price of the land and distribute them over the number of house-sites into which they divide the land. One advantage would be that the streets are formed and lighted simultaneously with the selling of house-sites and construction of houses is facilitated, as easy access is provided, water is made available and lighting is given. Better prices for the house-sites may be obtained once these facilities are afforded.

If the Government agree, suitable rules may have to be framed for proper provision of layouts. In this town there are number of plots of lands which when the Mettur water supply is introduced may develop into house-sites. Enforcement of conditions such as those outlined above may remove difficulties which may be encountered with owners of lands.

III

ENDORSEMENT OF THE DIRECTOR OF TOWN PLANNING, D.T.P. No. 574/39,
Dated 15/16th March 1939-

(Reference--Letter from the Commissioner, Salem municipality, dated 1st February 1939 No. V5-C-1-39)

FORWARDED.

2. Sections 175-178 and 321 of the Madras District Municipalities Act provide ample powers to the municipal authority in the matter of laying out of land as sites for the construction of buildings, making new private streets and imposing suitable conditions in the licence and permission granted by it. There appears to be no need for the Government to issue general rules in the matter. The municipal councils may sanction the layouts imposing suitable conditions on the merits of individual cases dealt with, duly taking the advice of the Director of Town Planning.

3. Ordinarily, the sanction of layouts may be subject to the following conditions:-

1) The sites and streets shall be suitably demarcated with stones within (say one month) from the date of sanction, as per approved plan.

(2) The streets shall be formed to approved levels and width (not less than 40 feet or in areas occupied by huts 20 feet), metalled, sowed, drained (providing proper culverts wherever necessary), conserved and lighted, to the satisfaction of the executive authority to comply with the requirements of sections 175-179 of the District Municipalities Act and handed over to the municipality within months from the date of sanction.

(3) In case the street works and other amenities are proposed to be done by private agency, the owner or owners shall deposit with the municipal council within (say one month) from the date of sanction, per cent (say 50 per cent) of the estimated cost of the works as "Security Deposit" which shall be returned as soon as the road works and other amenities are completed to the satisfaction of executive authority.

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- (4) The junction of streets should be splayed as shown in the approved plan.
- (5) The building line (5 to 15 feet) and street boundary for the respective streets shall be adopted as marked in the approved plan, i.e.
- (6) The area shall be entirely used for residential purposes only. (If the lay-out is for construction of buildings and not huts, construction of huts and thatched sheds shall be prohibited. If the lay-out is for construction of huts, buildings other than huts shall be prohibited.)
- (7) No house-site shall be less than grounds (or square feet) and no site in the lay-out shall further be subdivided.
- (8) Only detached dwelling houses (or huts) for occupation by a single family shall be permissible in a site. No building shall be designed for being let out as separate tenements for more than one family.
- (9) No building (or hut) shall be permitted between the building line and street or road boundary except a boundary wall or fence of approved material and design.
- (10) Houses shall be constructed with frontage facing the streets and roads.
- (11) Between a house and side boundaries of the site.....(5 to 10) feet of land shall be left open to the sky.
- (12) There shall be a minimum rear open space of.....(10 to 30) feet in each site; only a latrine or ash pit may be permitted in the rear open space.
- (13) Not more than(one-third to two-thirds) the extent of a site shall be built on.
- (14) The space left unbuilt on in a site shall be maintained as private open space garden or courtyard in a sanitary condition.
- (15) Except to the extent necessary for the excavation of foundations, or well or for levelling or sloping off ground, earth shall not be removed from a site so as to create hollows or pits in it.
- (16) The owner shall give a written agreement to abide by the above conditions and the sale or lease of sites shall be also subject to compliance with the above conditions. The owner shall be bound to mention it in the sale or lease deed; but the absence of any such mention shall not stand in the way of the Municipal authority enforcing the fulfilment of the above conditions or carrying out any work itself and recovering the expenses incurred from the owner, purchaser, lessee or occupier in default as the municipal authority may deem fit.

4. The conditions suggested above may be adopted generally by all Municipalities and the corporation of Madras with slight variations, if necessary, to suit individual circumstances.

Sd. S.RANGANATHAN,

Ex Officio Director of Town Planning.

ORDER--No.1920, P.H., dated 26th May 1939

A Copy of the remarks of the Director of Town Planning in his Endorsement No.574/39, dated 16th March 1939, is communicated to the Commissioner, Salem Municipality for information and guidance.

(By order of His Excellency the Governor)

/True copy/

Sd. G.H.Cooke,
Secretary to Government.

Municipal Office, Coimbatore,
Dated 12-6-1950.

Copy communicated to all Building Inspectors, Town Planning Supervisor and Town Planning Surveyors, H1 to H5 for information and guidance.

GKD/12-6-1950.

TOWN PLANNING OFFICER