

G1/33575/68.

SALEM MUNICIPAL OFFICE,
DATED 17-9-1968.

ENDORSEMENT.

Copy communicated to Town Planning Officer, Assistant Town Planning Officer, Building Inspectors and Building Clerks for guidance.

SSV/27-9-a.

To T.P.O., A.T.P.O.,
Building Inspectors and Building Clerks.
Copy to G.I. for stock file.

V 2/11/68
FOR COMMISSIONER.

GOVERNMENT OF MADRAS,
Rural Development and Local Administration Department.
Memorandum No. 86013/M2/65-9, dated 5th August, 1968.

Sub:- BUILDINGS - Construction of Boundary wall abutting street - Permission under Section 197 of the Madras District Municipalities Act 1920 - clarification - reg.

Ref:- From the Municipal Commissioner, Nagercoil, letter No. 4829/65-F2, dated 15-4-1965.
From the Director of Town Planning, Roc.No.20936/65 D6 dated 6-7-1965.
From the Chief Electoral Officer, L.Dis.No.45651/65 dated 13-9-1965.

The Commissioner, Nagercoil Municipality solicited the instructions of Government in regard to the construction of compound walls with reference to Section 197 of the Madras District Municipalities Act 1920 read with the definition in section 3(3), in the light of a recent judgment of the High Court. The following instructions are issued in the matter.

Section 197 of the Madras District Municipalities Act, 1920, (Madras Act V of 1920) requires that any person intending to construct or reconstruct a building should send an application for approval of the site and another for permission to execute the work. For the purposes of sub-section (1) of section 197, the expression 'building' includes a wall or fence of whatever height, bounding or abutting on any public street. The term 'building' has been defined in Section 3(3) of the Act as including a wall other than a boundary wall not exceeding eight feet in height. The expression 'building' will, therefore, convey the meaning assigned in Section 3 (3) whenever it occurs in the Act except for the purposes of sub-section (1) of Section 197 where it is assigned a different meaning.

The Madras High Court has held in its judgment dated the 13th August 1964, that the special definition or explanation for building provided in section 234 (1) (b) of the Madras City Municipal Corporation Act, 1919 (corresponding to Section 197 (1) of Madras Act V of 1920) must be limited to that sub-section and cannot be extended to cover the use of the word 'building' in section 236 of Madras Act IV of 1919. Section 199 of Madras Act V of 1920 corresponds to Section 236 of Madras Act IV of 1919. Having regard to the judgment referred to above, the expression 'building' occurring in section 199 of the Madras Act V of 1920 can have the meaning only as defined in Section 3 (3) of the Act. Consequently, permission for the construction of a Boundary wall separately is necessary under section 199 only when the height is more than eight feet.

T.A.S. BALAKRISHNAN,
Secretary to Government.

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