

GOVERNMENT OF MADRAS.

Rural Development and Local Administration Department.

Memo No. 26740/M2/55-17, 12th April 1962.

Buildings- Reconstruction-certain instructions- issued.

READ the following papers:-

- From the Director of Town Planning, Madras Rc.No.5423/54-A4 dated 14th March 1955, No.5423/54-A4 dt:30th January 1959 and D.Dis.No.7835/59-A4, dated: 4th October 1959
- From the Director of Town Planning, Madras Rc.No.5/60-A4 Dated 27th April 1960.

Memorandum No.26740/M2/55-17, Rural Development and Local Administration
Dated: 12th April 1962.

In Government memorandum No.2862/43-1 Health Dated: 15th January 1944, instructions were issued that the mere changing of one type of roofing into another, type need not be construed to be a reconstruction of a building with view to apply the building Rules as long as the walls or pillars supporting the roof were not removed and reconstructed, and that it should be treated as a new construction if the whole shed or building was removed, both thatch and pillar and construction begun entirely new. In Government Memorandum No.938/H5/55-3 Health dated 7th April 1955 the Director of Town Planning the Executive Authorities of Municipal Councils and Panchayats were informed that the High Court of Madras had given the following interpretation of the word 'Building' and of the implication of section 215 of the M.D.M. Act viz- that the mere demolition and reconstruction of the walls on new foundations will not amount to reconstruction of a building and that the word 'affect' in the proviso to section 215 of the M.D.M. Act should be given liberal interpretation so as to mean materially and substantially affect and not technically or mathematically affect the dimensions of a building. They were also informed that the above interpretation should be given effect to when administering the M.D.M. Act and the building Rules. The Government have also observed that the owners of buildings may carry out extensive repairs and alterations to their buildings without coming up to the Municipal Council for necessary permission and that the municipal councils may not be able to regulate and control such cases of repairs and reconstructions in view of the interpretations given by the Government.

2) The instructions in the above mentioned two Government memoranda are further explained with a view to make it clear that the intention of the Government is only that the revised building Rules need not be applied to re-roofing from thatched or tiled roofing to tiled or terraced roofing so long as the walls or pillars supporting the roof are not touched and no pillars or walls are reconstructed in the course of re-roofing. In this connection, the attention of the Executive Authorities is invited to the definition of "reconstruction" given in clause (a) and (b) of clause (24) of section 3 of the M.D.M. Act, 1920 wherein the removal of not less than half of the cubical contents of the building (as originally existing) would be deemed as a reconstruction. In this respect therefore while permitting a re-roofing as a matter of course even if the front wall is retained and the interior walls are removed or replaced to an extent of half of the cubical contents of the building together with the change of the roofing, such construction should be construed as a reconstruction as per the definition and rules applied. Similarly, even if all the interior walls are retained and the outer wall is reconstructed wholly or partly as contemplated in sub-clause (b) of clause (24) of section 3 of the M.D.M. Act, 1920, the work will constitute a reconstruction and the building rules will apply in such a case.

-2-(P.T.O.)

3) The conditions in respect of granting of permission for alteration or change of roofing therefore should be that supporting walls, pillars, etc. should not be removed and rebuilt and that these instructions will ~~be removed and rebuilt and that these instructions will~~ not apply in cases where the definition of the reconstruction as given in section 3 of the M.D.M. Act is applicable. However, there is no objection to allow a reasonable increase or decrease of height of the existing tiled roof into a terraced one during such change of roofing. Such minor adjustments in the heights of walls or pillar need not be constructed as falling within the meaning of reconstruction or alteration.

4) The Executive Authorities will follow the above instructions while permitting re-roofing of a building or effecting a change of roofing as from a thatched or zinc sheet etc. roof to a tiled roof or of a tiled roof to a terraced roof and the like.

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