GOVERNMENT OF MADRAS.

Abstract.

Buildings - District Municipalities and Corporation of Madras-Violation of the Building Rules - Exemption - appeal to Director of Town Planning and Government - Provision in the Building Rules Orders passed.

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Health, Education and Local Administration
Department.

G.O. Ms.No.3052, Health.   Dated 16th October 57.

Read the following:-

From the Commissioner, Madurai Municipality
    No.K.6.32897/53, dated 24-7-1953.
From the Director of Town Planning Roc.No.10094/53-A4,
    dated 21-5-1954 and 18-6-1954.
From the Commissioner, Corporation of Madras, W.D.C.
    No.A1.11146/54, dated 14-10-1954.
From the Director of Town Planning, Roc.No.10700/54-A4,
    dated 22-2-1954.
From the Commissioner, Corporation of Madras, W.D.C.
    No.A2.1146/54, dated 29-4-56 and 15-10-56.
From the Government of Bombay (L.S.G.& P.H Department)
    No.MP3.5755/25998-E, dated 25-4-1956,
    BMC

O R D E R.

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3. It has been represented to the Government by the Commissioner, Madurai Municipality that the building regulations cannot be enforced effectively in the Municipality in view of the frequent appeals preferred by private parties at every stage to the Municipal Councils or the Director of Town Planning or the Government irrespective of the fact whether there is an appeal to these authority or not. In order to meet the difficulty the Commissioner has requested that he may be authorized to withhold, or reject all second 'appeals' to the Councils and also the 'appeals' which do not lie to the Council and to proceed further in all such cases. The Commissioner, Madurai Municipality and the Commissioners of other Municipalities are informed that the Government have no objection to the Commissioners withholding 'appeals' which do not lie to the authority to whom they are addressed.

4. Under the Revised Building Rules issued under the District Municipalities Act, the Government have been given appeal powers. These powers have been delegated to the Director of Town Planning. But the parties are filling appeals to the Director of Town Planning and then to the Government any number of times apparently to gain time. It has been represented that there should be only one appeal each to the Director of Town Planning and the Government and that such appeals against the orders passed by the Municipal authorities or the Director of Town Planning should not be entertained if they are preferred after 30 days from the dates of orders appealed against. The Government accept the above representation. The Director of Town Planning is requested to submit suitable amendments to the Building Rules relating to the District Municipalities.

Similar provision should be made in the Building Rules for the Corporation of Madras also. The Director of Town Planning and the Commissioner, Corporation of Madras are requested to take action accordingly.

5. Under Section 366 of the Madras City Municipal Act, an appeal lies to the standing Committee and the Council of the Corporation of Madras against refusal by the Commissioner to approve a site for building or to grant permission to construct or reconstruct a building. The High Court has held that the decision of the Standing Committee or the Council on appeal is final and

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binding on that they cannot review their decision on appeal under that section. The above view is communicated to the Municipal Councils for information and guidance.

/By Order of the Governor/

K.V. RADHAKRISHNAN
Deputy Secretary to Government

To xx   xx   xx
"   All Commissioners of Municipalities through the Chairmen,
          Municipal Councils concerned).
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No.   Municipal Office, Coimbatore
                                       Dated 7-11-1957.

        Paras 3, 4 and 5 are communicated to all Departmental heads
Personal Assistant to Commissioner, Town Planning Officer, Head
Clerk, Town Planning Section and all clerks in the Town Planning
section (10 spare copies to the Town Planning Officer).

                                    Sd. M.Sanjiva Talwar,
                                       Commissioner

        /True copy forwarded/By Order/

                                    M A N A G E R

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