

GOVERNMENT OF MADRAS.

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Health Department.

G.O. No. 2652, 18th August, 1 9 5 2.

BUILDINGS - Unauthorised constructions, etc. - Demolition of - Issue of a stay - clarification of certain points - Protests from certain Municipal Councils - Orders passed.

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READ---the following papers:-

- G.O. No. 3211, Health, dated 13th September 1950.
- From the Commissioner, Bellary Municipality, dated 8th January 1951.  
Rc. No. C-4-9791/50.
- From the Commissioner, Tiruchirappalli Municipality dated 12th January 1951.  
Rcc No. G-1-2837/50.
- From the Commissioner, Eluru Municipality, dated 13th March 1951,  
Orc. No. G-1-17004/50.
- From the Commissioner, Srivilliputtur Municipality, dated 28th July 51.  
L.Dis No. 12735/51.
- From certain other Municipalities representations.
- From the Director of Town Planning dated 5th April 51, L.Dis No. 753/51.
- From the Director of Town Planning dated 4th July 51, L.Dis No. 6375/51.
- From the Director of Town Planning, dated 19th July 51, L.Dis No. 3013/51.
- From the Director of Town Planning, dated 12th April 1952, Rc. No. 3058/51.
- From the Director of Town Planning, dated 31st May 52, Rc. No. 3058/51.

ORDER---- No.2652, Health, dated 18th August 1952.

In March 1950, the Inspector of Municipal Councils and Local Boards raised the following points for clarification.

- (1) Whether on an appeal preferred to the higher authorities through the chairman of a municipal council against the issue of a notice of demolition by the executive authority under section 339 of the Madras District Municipalities Act, the chairman or his delegate can, under any circumstances, issue a stay order; and
- (2) whether the issue of such a stay will be in order.

After a careful examination, the Government issued the following clarification in G.O. No. 3211, Health, dated the 13th September 1950.

- (1) The only authority who can issue a stay under in such cases is the appellate authority (i.e) the Director of Town Planning or the State Government.
- (2) Neither the Municipal council, nor the chairman, nor his delegate can issue a stay order with reference to such a petition under any circumstances.

2. The Tiruchirappalli Municipal Council has, in its resolution No. 810 dated the 29th December 1950, protested against the above orders and has requested that the power to grant stay on appeals may be retained in the chairmen of municipal councils as before. A number of other municipal councils have passed similar resolutions supporting the above resolution of the Tiruchirappalli Municipal council. The Municipal Councils of Bellary, Eluru and Srivilliputtur have also passed independent resolutions requesting that the power to grant stay might be vested with the chairmen or the councils.

3. The Government have carefully examined the requests of the protesting municipal councils and they observe that the orders issued in G.O. No. 3211, Health, dated the 13th September 1950 (and communicated to local bodies by the Director of Town Planning in his D.Dis No. 6415/50, dated the 25th October 1950, were only an explanation of the existing provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920). That Act does not confer any powers on the chairmen or the councils to grant stay in the case of appeals to the Director of Town Planning and the Government and the orders in the above Government order do not withdraw any powers from the chairmen or the councils as

as presumed by the Tiruchirapalli Municipal Council and its supporters. All the Councils are, therefore, informed that it was not the intention of the Government to interfere with any of the powers conferred on them or their chairmen, that the Government order in question merely reiterated the correct procedure to be adopted according to the statutory and other provisions in the matter of grant of stay on appeals, and that their requests for vesting powers to grant stay either in them or their chairmen require an amending legislation and cannot be raised in the manner in which the issue has in fact, been raised.

(By order of the Governor of Madras)

S.R. Kaiwar,  
Secretary to Government.

To: The Executive Authorities of all Municipalities (through the Chairmen of Municipal Councils concerned)

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/True Copy/

Municipal Office, Coimbatore,  
19--11--52.

Copy communicated to all clerks, Building Inspectors and T.P.S.

srv 28-11-52.

*Atankaranayagan*  
TOWN PLANNING OFFICER.