

GOVERNMENT OF TAMILNADU

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

LETTER NO. 37050/UDI(I)/82-3, dated the 20th October 1982

From
Thiru C. Ramachandran, I.A.S.,
Commissioner and Secretary to Government.

FORT ST. GEORGE
MADRAS 600 009

To
The Member Secretary,
Madras Metropolitan Development Authority,
Madras 600 007
The Director of Town and Country Planning,
207, Anna Salai, Madras 600 002
The Commissioner, Corporation of Madras,
Madras 600 003

All Heads of Departments, Madras.
The Director of Municipal Administration, Madras 600 001

Sir,

Sub: Urban Development -Madras Metropolitan Area
and non Madras Metropolitan Area-Issue of
Planning permission under Tamil Nadu Town
and Country Planning Act, 1971- pre-requisite
for building permit-instructions-issued.

Ref: From the Member Secretary, Madras Metropolitan
Development Authority, Ir.No. 25268/82-N1,
dated 21.7.1982.

In his letter cited, the Member Secretary, Madras Metropolitan Development Authority, has requested the Government to issue specific instructions to all the local planning authorities (or local bodies for that purpose, if no planning authority has been constituted in its area) informing them that the issue of planning permission under the Tamil Nadu Town and Country Planning Act, 1971 is a pre-requisite for issue of building permission or any other permission for development in respect of any land or building in the State of Tamil Nadu. Although the building permission, issued by the local bodies under the respective local bodies Acts, follows the planning permission issued under the Tamil Nadu Town and Country Planning Act 1971, and this procedure is in practice, it has not been expressly stated by the Government that the above procedure should be followed by the local bodies, which has resulted in certain procedural difficulties in a few cases where the applicants secured permissions under other Acts, but they were refused planning permission under the Tamil Nadu Town and Country Planning Act, which is essential to make any development

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on land or building lawful. It has, therefore, become necessary for the Government to invite the attention of the Heads of Departments and the Executive authorities of all local bodies to the relevant provisions contained in the Tamil Nadu Town and Country Planning Act, 1971.

2. According to section 49 of the Tamil Nadu Town and Country Planning Act, 1971, any person not being a State Government or the Central Government or any local authority, intending to carry out any development on any land or construct building shall obtain planning permission from the appropriate planning authority. According to section 58 of the same Act, when any department of the State Government or the Central Government, or any local authority intends to carry out development on any land or buildings, the Officer in charge there of shall inform in writing the planning authority concerned the intention to do so, giving full particulars thereof, and get their clearance, if necessary, the consent of the Government with modifications suggested therefor. According to section 111 (2)(b) of the said Act, when permission for development in respect of any land or building has not been obtained under section 49 or 58 of the Town and Country Planning Act, 1971, such development shall not be deemed to be lawfully undertaken or carried out.

3. Thus, it is abundantly clear from the position explained in para 2 above that, for any development either on any land or to a building, the permission defined under section 49 or 58 of the Tamil Nadu Town and Country Planning Act, 1971 is a prerequisite condition, in as much as this permission alone paves way for any individual to start such developments. These developments should conform to the Development Control Rules prescribed by Madras Metropolitan Development Authority in Madras Metropolitan Area or such other rules prescribed by local authorities concerned for that purpose. Only after obtaining the above planning permission, any individual who obtains such other permission is legally bound to carry out that development. If the development involves construction of building or any such structures, then the question arises as to how such construction should be carried out. For this purpose, the issue of building permit or any other such permission is necessary, as this alone prescribes the mode or regulations as to how such constructions or developments should be made. Thus, the developments on any land or building carried out without the permission required under the Tamil Nadu Town and Country Planning Act, 1971, i.e. without planning permission as defined under section 49 or 58 of the above said Act, are unlawful, even if they carry permissions under any other Act. This situation will arise in cases of factories, industries, cinema theatres, etc. So, the impression that planning permission will be automatic, once they get permissions under other relevant Acts is not correct. Moreover such contingencies place both the Government and the applicant in an embarrassing position in the sense that the Government have to either agree the development reluctantly or refuse permission to the detriment of the applicant, who might have by that time invested enormous amount by way of loans through Government

or quasi Government agencies.

4. I am, therefore, to request you to insist upon the applicants intending any development on any land or building, the planning permission issued under Tamil Nadu Town and Country Planning Act, 1971, as a pre-requisite for issue of permission or No objection certificate under any other law/Act to comply with the provisions of sections 49, 58 and 111(2)(b) of the Tamil Nadu Town and Country Planning Act, 1971.

5. The above position may be clarified to the subordinate officers concerned under your control for future guidance.

Yours faithfully,

T. G. Varadachari
for Commissioner & Secretary to Government

gv.