

GOVERNMENT OF TAMIL NADU

ABSTRACT

Town Planning - Layout approval - Simplification of the procedure for approval of layout proposal without delay - orders - Issued.

MUNICIPAL ADMINISTRATION & WATER SUPPLY (MAS) DEPARTMENT

GO(Ms) No. 134

Dated: 20.9.2002

Read:

1. G.O.Ms.No. 222, MA&WS, dt. 28.8.92
2. G.O.Ms.No.69, MA&WS, dt. 29.3.2001
3. From the CMA, Lr. JOC No. 22621/01/TP3 dt. 21.2.02
4. Govt.Lr.No. 16358/UD42/2001-9 MA&UD dt. 19.6.2002.
5. From the Special Commissioner of Town and Country Planning Lr. ROC.No. 8630/2001 LA1, dt.12.7.02.

ORDER:

According to the orders issued in the GO first read above, "before the Director of Town and Country Planning gives the number and approves the layout and sends it to the local body, he may approve the road pattern and earmark the reserved sites in the plan and send it to the local body which will ask the developer to handover the reserved sites and roads after duly forming them. The Director of Town and Country Planning should not give the approval before the roads (duly formed) and reserved sites are handed over to the Municipality by the applicants".

2. In the GO second read above, a Committee was constituted with Development Commissioner as Chairman to examine and suggest simplified procedure for approval of layout. In the letter third read above the Commissioner of Municipal Administration, (Member Secretary of the Committee) has sent the suggestions of the Committee on the revised procedure for approval of the layout.

3. After examining the suggestions of the Committee and also based on the decisions communicated in the Government letter fourth read above, the Government direct that the simplified procedure as detailed below be followed for approval of layout proposal without delay: -

i) The applicant should submit his proposal to the consented local body namely, the Panchayat of the Town Panchayat or the Municipality or the Corporation which may or may not form part of any Composite Local Planning Authority. The local body concerned will verify the ownership of the land to its fullest satisfaction after verifying all the relevant documents. The local body should examine the layout proposals in accordance with the relevant Master plan and Detailed Development Plan where these are available with them. The local body should also check whether the site in question is under the process of acquisition by institutions like Tamil Nadu Housing Board or Tamil Nadu Slum Clearance Board or any other organisation. If any reclassification is required, the local body should advise the applicant at this stage itself to get necessary reclassification approved by the competent authority.

ii) The local body should also verify the following points -

- (a) that the layout application has been entertained only from the owner of the land or any one possessing a full power of attorney duly registered on his behalf.
- (b) that the application is accompanied by upto date and full encumbrance certificate.
- (c) authenticated survey sketch from the survey record has been obtained and enclosed. This would include EMB etc.
- (d) that the land of which a layout is sought for, is not affected by any proceedings under the Land Reforms Act 1961, Urban Land ceiling Act 1970 or the Land Acquisition Act.
- (e) that no Government peramboke or land belonging to any public body or quasi Government body is included in the layout proposal.
- (f) that the access to the land is a proper, public road which is regularly utilised and maintained as a proper road.
- (g) that the layout is not objectionable either because of water logging, bad drainage, unhealthy surroundings, quarries burial grounds nearby, or suffer from unsuitability due to obstructions to and natural water course, drainings etc.
- (h) that no scheme roads or drains are affected by the layout.
- (i) that details of the location of the exit roads from neighbouring layout linking to this layout have been noted.

iii) After verifying the above details and preliminary scrutiny, the Executive Authority of the local body shall forward the proposals within a period of 15 days from the date of receipt of application from the promoter to the Member Secretary of the Composite Local Planning Authority or the Regional Deputy Director of Town and Country Planning as the case may be. It would be the responsibility of the Executive Authority of the local body to certify that the ownership details have been verified to the fullest satisfaction and that the site does not fall under any prohibited usage or under land acquisition proceedings and is in conformity with the Master Plan and Detailed Development Plan which are available with them. In case such plans are not available with them, they shall verify the ownership document, confirm whether the site is under any land acquisition or not and forward the same to the above officials as mentioned.

iv) The Member Secretary/Regional Deputy Director of Town and Country Planning after scrutiny of the proposals and site inspection shall return the proposals to the local body with required technical approval within a period of 30 days from the date of receipt of the proposal. In the case of Composite Local Planning Authorities, planning permission will also be sent along with the technical approval within the same period of 30 days. The Member Secretary to Composite Local Planning Authority shall, however, ensure that the layout promoter is informed in clear terms that the final approval shall only be given by the local body concerned.

v) On receipt of the proposals approved by the Member Secretary, Composite Local Planning Authority/Regional Deputy Director of Town and Country Planning, the Executive Authority of the local body shall direct the applicant to hand over the open spaces and roads after duly forming them and also to provide all the infrastructural facilities like roads, water supply, drainage and street lights and hand them over to the concerned local bodies after executing necessary gift deed.

In case the applicant desires that the work be executed by the local body he shall remit 100% of the cost as per the estimates in advance.

vi) The process of preparation of estimates for provision of roads and other infrastructural facilities should be expedited. Local Bodies will develop standard estimates in advance which can be quickly prepared with the actual data. The promoters must be asked to execute the work as per the estimates prepared.

vii) After the above process is completed and the gift deed is submitted, a subject will be placed before the Council of the concerned local body for granting approval of the layout along with the planning permission wherever necessary.

The layout will be considered to have been approved only after it is finally approved by the Council of the local body. Final approval for layouts should be accorded only after the applicant provides all the infrastructural facilities like roads, water supply, drainage and street lights and hands them over to the concerned local bodies.

viii) On approval of the layout by the Council, the local body shall intimate the concerned Sub-Registrar that the documents be registered.

ix) All the above process should be completed well within the periods for approval or otherwise as specified in the respective Acts.

x) The Development Charges are being collected only after approval or after deciding to issue planning permission for the layout by the Local Planning Authority. This procedure will continue.

xi) In respect of ULBs, namely Corporations Municipalities and Town Panchayats powers are delegated for the approval of layouts by the concerned Regional Deputy Director/Member Secretary/Composite Local Planning Authority in an extent of 5 acres. For layouts above 5 acres, the paper shall be routed through Member Secretary/Local Planning Authority or Regional Deputy Director as the case may be, who will submit the papers to Director of Town and Country Planning along with his site inspection notes. All layouts in Hill areas, layouts of a major nature including organisations like the Tamil Nadu Housing Board, Tamil Nadu Slum Clearance Board, SIPCOT etc. should be referred to the Director of Town and Country Planning irrespectively of the extent. All the revised layouts also should be referred to the Director of Town and Country Planning.

xii) As the above procedure makes a change in the present set of instructions Orders issued in G.O.Ms.No.222, M.A.&W.S. Department, dated 23.8.92 stand modified to that extent.

(BY ORDER OF THE GOVERNOR)

SANTHA SHEELA NAIR
SECRETARY TO GOVERNMENT.

/true copy/

S. Le... 9.2012
Deputy Director of Town and Country Planning,
Chennai-2.