

D.Dis No. 21885/61/H12

Municipal Office, Coimbatore,
Dt. 8-1-62

Copy of G.O.Ms.No.773 L.A., d/-15-3-61 of R.D & L.A. Department together with a copy of G.O.Ms.No. 1659 Home d/-3-6-60 are communicated to all the Town Planning staff for information.



For Commissioner.

Copy to Mpl: Health Officer.
Copy to A.T.P.O. (w) for information.
He is requested to make necessary amendments to the relevant clauses in respect of the sanctioned T.P.schemes and report the fact urgently.
srv 20-1-p

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Government of Madras.
Abstract.

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Town Planning - construction of cinema theatres in residential areas under Town Planning Schemes - Instructions - issued.

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Rural Development and Local Administration Department.

G.O.Ms.No. 773 L.A.,

Dated 15-3-1961.

Read the following:-

G.O.Ms.No. 1659 Home d/-3-6-1960.

From the Commissioner, Mannargudi Municipality Letter No.

P.R. 116/59-60 d/-14-2-60.

From the Collector of Thanjavur letter Rc. No. 1800/60-C4 d/-6-5-60.

From the Director of Town Planning, Madras Letter Rc. No. 10738 60/H3 d/-20-11-60.

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In G.O.Ms.No. 1659 Home d/-3-6-60, the Government have observed that a cinema theatre cannot be said to be a factory with the meaning of section 92 of the Madras Public Health Act, 1939 and that though the exhibition of films with music, dance and other common features in a residential area can be said to be a nuisance and therefore amounts to offensive trade within the mischief of section 92 of the Madras Public Health Act, 1939, yet as theatres are constructed with sound proof materials, it cannot be said that nuisance will be caused. Instructions have therefore been issued in that Government Order to the effect that the licensing authorities should use their discretion to grant or refuse licence, having regard to the locality, in which the cinema is proposed to be located, and whether it will disrupt or be injurious to residential amenity giving due regard to the recommendation of the local authority. A question has been raised whether construction of cinema theatre can be permitted in residential areas under the Town Planning Scheme. The Director of Town Planning, Madras has stated that there is no specific provision at present in the draft or sanctioned schemes to permit construction of cinema theatres within the residential areas under Town Planning Schemes and that there may not be any objection to permitting construction of cinema theatres in the area set apart for residential purposes under the sanctioned or draft scheme as the case may be, subject to the conditions mentioned in G.O.Ms.No. 1659 Home d/-3-6-1960. He has pointed out the desirability of amending the relevant clauses of the draft and sanctioned schemes suitably in this regard. The Government have examined the matter in detail and have decided that construction of cinema theatre may be permitted in residential areas under the Town Planning schemes prepared under the Madras Town Planning Act, 1920 subject to the conditions mentioned in G.O.No. 1659 Home d/-3-6-60.

2. The Commissioner, Corporation of Madras and the Executive Authorities of Municipalities and Panchayats (which have taken up preparation of Town Planning Schemes) are requested to make necessary provision in this regard in the draft Town Planning Scheme under preparation. In respect of sanctioned schemes

they are requested to submit to the Government through the Director of Town Planning necessary draft amendments to the relevant clauses.

(By order of the Governor)

J. Deva Amugraham,
Deputy Secretary to Govt:

To: All Executive Authorities of Municipalities through the Chairman
Mpl: Councils concerned with enclosures.

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/True copy/By order

Sd..

Superintendent.

Copy of G.O.Ms.No. 1659 Home Department dated 3rd June 1960.

Cinemas - Location of Cinemas in residential areas notified under sections 89 and 90 of Madras Public Health Act, 1939 - Instructions issued.

Read:- From the Collector of Madurai Roc No. 1190/M/59-C1 d/-18-9-59.
From the Director of Town Planning, Madras D.Dis No. 17690/59/A3
d/-24-12-59.

From Sri A.omasundara Mudaliar, petition d/-5-4-60.

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O r d e r :-

The Collector of Madurai has enquired whether cinema houses permanent or temporary can be allowed to be constructed in the areas set apart for residential purposes by the local bodies. Section 92 of the Madras Public Health Act, 1939 prohibits the construction of any new factory, workshop or workplace or the carrying on of any new offensive trade in the areas reserved for residential purposes. The matter was explained in consultation with the Director of Town Planning. The Director is of the view that there is no bar to the grant of a "no objection" certificate for the construction of a permanent cinema theatre though the site may be in a notified residential area. He is also of the view that while according a "no objection" certificate in respect of establishment of a cinema in a notified residential area, special care should be taken to see that the cinema would not injure the residential amenity of the locality, assessed in terms of quietness and peace required in residential living, which a cinema might destroy.

2. The Government are advised that a cinema theatre cannot be said to a factory within the meaning of section 92 of the Madras Public Health Act, 1939. Though the exhibition of films with music, dance and other common features in a residential area can be said to a nuisance and therefore amount to offensive trade within the mischief of section 92 of the Madras Public Health Act, 1939 yet as theatres are constructed with sound proof materials it cannot be said that nuisance will be caused. The licensing authorities should use their discretion to grant or refuse licence, having regard to the locality, in which the cinema is proposed to be located and whether it will disrupt or be injurious to residential amenity giving due regard to the recommendation of the local authority.

(By order of the Governor)

Sd...
Deputy Secretary to Govt:

To: All Collectors except the Collector of Madras.

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/True copy/

Sd...
Superintendent.

Superintendent.