



### **Abstract**

Tamil Nadu Town and Country Planning Act, 1971 - Amendment issued for exemption in respect of development of certain lands or buildings by collecting "Regularisation Fee" - Extension of the period of the Scheme - Amendment to Application, Assessment and Collection of Regularisation Fee (Chennai Metropolitan Area) Rules, 1999 under sub-section (2) of Section 122 of the Act - Approved - Orders - issued.

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### **Housing and Urban Development (UD I) Department.**

**G.O. Ms. No.400**

**Dated 29 .09.2000.**

#### **Read:**

1. G.O. Ms. No.76 Housing and Urban Development dt.27.02.1999.

#### **Read also:**

2. From the Vice-Chairman, Chennai Metropolitan Development Authority,  
Letter No.MEC1/3355/96 dated 12.9.2000 and 25.9.2000.

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#### **ORDER:**

The appended Notification will be published in Tamil Nadu Government Gazette extraordinary, dated the 29th September, 2000.

(By order of the Governor)

**AJAY BHATTACHARYA,**

**SECRETARY TO GOVERNMENT .**

To

The Works Manager, Government Central Press, Chennai - 600 079.

(for publication of the notification in the Tamil Nadu Government Gazette)

The Vice-Chairman, Chennai Metropolitan Development Authority, Chennai - 600 008.

The Member Secretary, Chennai Metropolitan Development Authority, Chennai-600 008.

The Special Commissioner of Town and Country Planning, Chennai - 600 002.

The Commissioner, Corporation of Chennai, Chennai - 600 003.

Copy to: The Law Department, Secretariat, Chennai - 600 009.

The Chief Minister's Office, Chennai-600 009.

//Forwarded/By Order//

**Section Officer.**

### **NOTIFICATION**

In exercise of the powers conferred by clause (cc) of sub-section (2) of section 122 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor of Tamil Nadu hereby makes the following amendments to the Application, Assessment and Collection of Regularisation Fee (Chennai Metropolitan Area) Rules, 1999.

### **AMENDMENTS**

In the said Rules, -

(1) in rule 2, -

(a) in clause (b), the expression "excluding the plots in approved layouts" shall be added at the end;

(b) after clause (i), the following clause shall be inserted, namely:-

"(ii) "lay-out" means division of land into plots exceeding eight in numbers;"

(c) after clause (k), the following clause shall be inserted, namely"-

"(kk) "ordinary building" means a residential or commercial building which does not fall within the definition of Special building, Group development or multi-storeyed building;"

(d) after clause (p), the following clause shall be inserted, namely:-

"(pp) "sub-division" means division of land into plots not exceeding eight in numbers;"

(e) after clause (q), the following clause shall be added, namely:-

"(r) other terms used in these rules unless the context otherwise requires, shall have the meaning as defined in section 2 of the Act and in the Development Control Rules".

(2) for rule 3, the following rule shall be substituted, namely:-

"3. Application:- (1) (a) Application for regularisation shall be made for any unauthorised or deviated development completed on or before the 31st August 2000.

Explanation. - For the purpose of these rules, when the outer walls and roof in respect of any building are constructed but the inside of such building is not completed on or before the 31st August, 2000, such building shall be treated as a completed building.

(b) In respect of a partly completed building application shall be made for regularisation in respect of that part of the building which has been completed.

(2) The application shall be accompanied by the following:-

- a. Application Form A or Form B, as the case may be prescribed in the Development Control Rules;
- b. Five copies of plans showing the construction as per site conditions including its usage, duly signed by the applicant and a Licensed Surveyor or a Chartered Civil Engineer or a Civil Engineer who is a member of the Institution of Engineers (India) or a qualified Architect who is a member of the Council of Architects;
- c. A copy of ownership document duly attested by a Notary Public;
- d. If there is an earlier approval for existing developments within the plot, a copy of the approved plan, duly attested by a Licensed Surveyor or a Chartered Civil Engineer or Civil Engineer who is a member of the Institution of Engineers (India) or a qualified Architect who is a member of the Council of Architects;
- e. (i) A copy of Patta with FMB sketch or PLR extract duly attested by

a Revenue Official or a Notary Public.

- i. Where there is an earlier approved plan, if the site boundaries shown in the plan applied for match with the approved plan, then item (i) will not apply.
  - ii. In cases of applications for ordinary buildings, item (i) will not apply.
- a. Demand Draft or Banker's Cheque from any Nationalised Bank in Chennai Metropolitan Area towards scrutiny fee at the rate of Rs.1.50 per square metre for total floor area of buildings within the site or seventy five paise per ten square metres of total plot area in case of vacant plots drawn in favour of the Member Secretary, Chennai Metropolitan Development Authority;
  - b. Declaration of the violated plot or floor area category-wise and self-assessment of the regularisation fee payable with detailed working sheets duly signed by both the applicant and a Licensed Surveyor or Chartered Civil Engineer or a Civil Engineer who is a member of the Institution of Engineers (India) or a qualified Architect who is a member of the council of Architects.
  - c. Demand Draft or Banker's Cheque from any Nationalised Bank in Chennai Metropolitan Area for the sum worked out in clause (g) as payment in advance towards self-assessed regularisation fee drawn in favour of the Member Secretary, Chennai Metropolitan Development Authority. Such payment in advance shall be adjusted against the regularisation fee eventually assessed by the competent authority and other fees or charges leviable for issue of planning permission;
  - d. A Notarized Undertaking in a non-judicial stamp paper of value not less than Rs.10/- agreeing to remit the balance regularisation fee, if any, as assessed by the competent authority after

adjusting the advance payment made, and also all other fees and charges normally leviable for planning permission from time to time, by the competent authority;

- e. In the case of flatted developments, application from individual flat owners shall not be admitted. For such developments, the application shall be made jointly from a majority (i.e. above 50%) of flat owners in the plot or their association authorised by the resolution to do so, paying self-assessed regularisation fee for the total violated area within the site and furnishing an undertaking to pay the balance regularisation fee and also all other fees and charges normally leviable for planning permission, from time to time, by the competent authority for the whole building, within the plot.

(3) Any application made by any person for regularisation who does not have any right over the land or building shall be summarily rejected.

(4) No building with any encroachment including aerial encroachment on to a public road or street or on a Government poramboke land shall be regularised.";

2. for rule 5, the following rule shall be substituted, namely:-

"5. Regularisation fee for unauthorised or deviated development.

(1) The unauthorised or deviated development shall be considered in its entirety for its classification as per Development Control Rules such as ordinary building, special building or multi-storeyed building.

- a. Where the unauthorised or deviated development is not in conformity with Development Control Rules, regularisation fee shall be levied for the unauthorised or deviated plot or floor areas which are not in conformity with Development Control Rules as prescribed in rule 6.
- b. In cases of deviated developments, already approved part of the existing development shall not be liable for levy of regularisation fee, only if it is substantially relatable to the earlier approved plan geometrically in shape, size and in usage including number of dwellings. If not relatable, that portion shall also be treated as unauthorised, and regularisation fee assessed accordingly.

1. When any development or construction is made without prior approval or in excess of earlier approval, but the whole development is in conformity with the Development Control Rules, in such case, only development charges and other charges normally leviable at current rates are leviable and collectable. In that case, any previous fees or charges remitted shall be duly adjusted or subtracted, on proof of remittance.";

2. for rule 6, the following rule shall be substituted, namely:-

"6. Categorisation for levy of regularisation fee:-

(1) The deviations or violations with reference to the Development Control Rules shall be categorised for the purpose of assessing the regularisation fee as follows and the regularisation fee shall be levied as specified in the respective Tables:-

Category A (i): Plot in an unauthorised sub-division or layout or plot extent or plot frontage violation:

Irrespective of whether any plot/land is vacant, partially or fully built, if, there is violation in terms of unauthorised sub-division or lay-out, or plot extent or frontage, the plot or land alone shall first be considered for regularisation as one category and regularisation fee shall be assessed as specified in Table A(i) subject to the following conditions:-

- a. In case of a plot in an unauthorised layout, the plot shall abut a road of width not less than 4.8 metres and the unauthorised layout roads shall be connected to a public road or street maintained by the local body evidenced by their resolution.
- b. In case of plot in an unauthorised sub-division, the plot shall abut on a public road or street or gain access through an exclusive or a common passage of width not less than one metre and connected to a public road or street maintained by the local body evidenced by their resolution.
- c. No part or whole of any unauthorised layout as such is regularisable. Only individual plot shall be considered for regularisation, provided it has been divided and registered on or before the 31st August 2000.

Category A(ii): Land use violation:

Floor area constructed in violation of Development Control Rules by virtue of its being in,-

- a. Non-conforming usage to land use zoning regulations;
- b. Areas not designated for multi-storeyed buildings;
- c. Banned areas; and
- d. Street alignment,

shall be assessed for levy of regularisation fee, as specified in Table A(ii);

Provided that regularisation of a building of a particular use under these rules shall not mean that the site is deemed to have been reclassified to that conforming use zone of Master Plan or Detailed Development Plan:

Provided further that for making any additional development fresh application has to be made for reclassification of the site into a conforming use zone and site got reclassified following due process and on its merits.

Category A(iii) Road width/passage width violation:

Where a building has been constructed on a plot abutting a road width not conforming to the minimum requirement of Development Control Rules, the part of the floor area upto prescribed maximum F.S.I. as per Development Control Rules shall be assessed for levy of regularisation fee under this category as specified in Table A(iii).

Category B: Floor Space Index (FSI) violation:

For excess built up area constructed in violation of maximum Floor Space Index prescribed in Development Control Rules; and the covered parking space converted into any other use, regularisation fee shall be assessed as specified in Table B.

Category C- Setback violation:

For built up area in violation of set back requirements prescribed in Development Control Rules not amounting to excess built up area covered in Category-B, regularisation fee shall be assessed as specified in Table C.

Category D - Parking violation:

For parking violation not amounting to Categories B and C, regularisation fee shall be assessed as specified in Table D.

(2) If there is more than one category of violation, the regularisation fee shall be leviable for each category and shall be cumulative of the amounts assessed for violations of Category A(i), Category A(ii), Category A(iii), Category B, Category C and Category D."

2. in rule 7, -

- a. in sub-rule (1), the expression "after adjusting the advanced amount" shall be added at the end;
- b. in sub-rule (2), for the expression "the deposit made under clause (b) of sub-rule (3) of rule 3 above", the expression " the advance made under clause (h) of sub-rule (2) of rule 3", shall be substituted;
- c. after sub-rule (2), the following sub-rule shall be added, namely:-

"(3) In cases where the self-assessed regularisation fee amount paid as advance is less than seventy five percent of the amount assessed by the competent authority, then the balance regularisation fee payable shall attract an interest at the rate of eighteen per cent per annum from the date of filing of application with the advance.";

(6) to rule 8, the following proviso shall be added, namely:-

"Provided that no appeal shall be entertained unless it is accompanied by satisfactory proof of the payment of the self-assessed regularisation fee advance.";

(7) after rule 11, the following rule shall be added, namely:-

"12. Transitory provisions. -- (1) (a) All the applications for regularisation under these rules pending before the competent authority shall be disposed of in accordance with the rate of regularisation fee as revised under these rules.

(b) All appeals pending before the Government shall be remitted to the competent authority and the competent authority shall dispose of the cases in accordance with the rate of regularisation fee as revised under these rules;

Provided that the disposal under this sub-rule shall be effected on payment of self-assessed regularisation fee advance, along with the working sheet.

(2) Any person whose application was rejected or refused under these rules immediately before the 29th September, 2000 may make an application afresh satisfying the provisions of these rules as amended.";

8. for the Tables, the following Tables shall be substituted, namely:-

9. CATEGORY -A (i) REGULARISATION FEE - RATE IN RUPEES PER SQUARE METRE OF PLOT EXTENT FOR PLOTS, WHICH ARE UNAUTHORISED SUB-DIVISIONS / INADEQUATE IN PLOT EXTENT / INADEQUATE PLOT FRONTAGE.

SL.NO.	LOCATION	RATE OF LEVY ( RUPEES PER SQUARE METRE)
1.	Chennai City and Banned Area	Rs.40/-
2.	Municipalities and Municipal Townships	Rs.25/-
3.	Rest of Chennai Metropolitan Area not included in Serial No.1 and 2	Rs.15/-

NOTE: These rates shall apply irrespective of whether the plot is vacant or constructed partly or fully.

CATEGORY -A (ii) REGULARISATION FEE - RATE IN RUPEES PER SQUARE METRE OF FLOOR AREA FOR LAND USE VIOLATION.

SL.NO.	LOCATION	RATE OF LEVY FEE PER SQUARE METRE OF BUILT UP AREA
1.	Chennai City and Banned Area	Rs.300/-
2.	Municipalities and Municipal Townships	Rs.225/-
3.	Rest of Chennai Metropolitan Area not included in Serial No.1 and 2	Rs.150/-

**TABLE - A**

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( See rule 6 (1) )

CATEGOREY-A (iii) REGULARISATION FEE - RATE IN RUPEES PER SQUARE METRE OF FLOOR AREA FOR ABUTTING ROAD WIDTH VIOLATION.

USAGE AND TYPE	RESIDENTIAL	COMMERCIAL	OTHER THAN RESIDENTIAL OR COMMERCIAL	
	Special Building, Group Development & Multi-storeyed Building Rs.	Special Building, Group Development & Multi-storeyed Building Rs.	Multi-storeyed Building Rs.	Other than Multi-storeyed Building Rs.
LOCATION				
1. Chennai City and Banned Area	500	2000	700	300
2. Municipalities and Municipal Townships.	250	1000	350	150
3. Rest of Chennai Metropolitan Area not included in 1 & 2 above	150	500	175	75



**TABLE-B**

( See rule 6(1) )

**\_CATEGORY- B - REGULARISATION FEE - RATE IN RUPEES PER SQUARE METRE FOR THE BUILT UP AREA CONSTRUCTED IN VIOLATION OF THE MAXIMUM FLOOR SPACE INDEX PRESCRIBED IN DEVELOPMENT CONTROL RULES AND COVERED CAR PARKING SPACE CONVERTED**

INTO ANY OTHER USE.

Usage & Type	Residential		Commercial		Other than Residential or Commercial	
LOCATION	Special Building Group Development and Multi-storeyed Building	Other Buildings	Special Building, Group Development and Multi-storeyed Building	Other Building	Multi-storeyed Building	Other than Multi-storeyed Buildings
1. Chennai City and Banned Area	Rs.1250	Rs.500	Rs.5,000	Rs.2,000	Rs.1750	Rs.750
2. Municipalities and Municipal Townships	Rs.625	Rs.250	Rs.2500	Rs.1000	Rs. 875	Rs. 375
3. Rest of Chennai Metropolitan Area not included in items 1 and 2 above.	Rs.315	Rs.125	Rs.1250	Rs.500	Rs.440	Rs. 190

**TABLE-C**

( See rule 6(1) \_

**CATEGORY- C – REGULARISATION FEE-RATE IN RUPEES PER SQUARE METRE OF FLOOR AREA FOR SET BACK DEVIATIONS NOT AMOUNTING TO CATEGORY-( B )**

- Usage & Type	Residential		Commercial		Other than Residential or Commercial	
	Special Building Group Development and Multi-storeyed Building	Other Buildings	Special Building, Group Development and Multi-storeyed Building	Other Building	Multi-storeyed Building	Other than Multi-storeyed Buildings
1. Chennai City and Banned Area	Rs.1000	Rs.400	Rs.2,500	Rs.1,000	Rs.1500	Rs.600
2. Municipalities and Municipal Township	Rs.500	Rs.200	Rs.1250	Rs.500	Rs. 750	Rs.300
3. Rest of Chennai Metropolitan Area not included in items 1 and 2 above.	Rs.250	Rs.100	Rs.625	Rs.250	Rs.375	Rs.150

**TABLE-D**

( See rule 6(1) )

**CATEGORY-D - REGULARISATION FEE - RATE IN RUPEES PER CAR/LORRY PARKING SPACE  
SHORTAGE NOT AMOUNTING TO CATEGORY- B AND -C**

LOCATION	Residential per Car Parking Space	Commercial per car parking space	OTHERS	
			Per Car parking space	Per Lorry parking space
1. Chennai City and Banned Area	Rs.12,500	Rs.12,500	Rs.12,500	Rs.37,500
2. Municipalities and Municipal Townships	Rs.6,250	Rs.6,250	Rs.6,250	Rs.18,750
3. Rest of Chennai Metropolitan Area not included in items 1 and 2 above.	Rs.3,125	Rs.3,125	Rs.3,125	Rs.9,375

**Explanatory Note:**

(a) The area required for one car parking space : 25 Square metre

(b) The area required for one lorry parking space : 75 Square metre

(c) When working out areas and number of car or lorry parking spaces required, not amounting to category-A and Category- B, any fractional deficiency in area shall be rounded off to the next higher

integer of number of parking spaces.

(d) The rates have been arrived as given below:

\* Chennai City and Banned Area : Rs. 500/- per square metre

\*\* Municipalities and Municipal Townships : Rs. 250/- per square metre

\*\*\* Rest of Chennai Metropolitan Area : Rs. 125/- per square metre

**AJAY BHATTACHARYA,**

**SECRETARY TO GOVERNMENT.**

//True Copy//

**Section Officer.**

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**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

**NOTE**

During 1999, a new section 113(A) was incorporated in the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and Regularisation Fee Rules, 1999 were made for regularisation of unauthorised/deviated constructions in the Chennai Metropolitan Area upto 28.02.1999 within ninety days from 01.03.1999.

2. During August 2000, it was decided to reduce the rates already fixed under the above Regularisation Fee Rules, 1999 and to extend the scheme covering all the buildings constructed upto 31.08.2000 by amending the said Act and the relevant Rules. Accordingly, an Ordinance was issued on 26.09.2000 for amending section 113(A) of Town and Country Planning Act and the same was published in the Tamil Nadu Government Extra-Ordinary Gazette on 27.09.2000.

3. Based on the above Ordinance, orders were issued in G.O. Ms. No.400 Housing and Urban Development Department dt.29.9.2000 reducing the rates of the regularisation fee, a copy of which is annexed to this note. Application should be submitted under this revised rules **on or before 31.10.2000.**

4. Application, Working Sheet etc. can be obtained from the Member Secretary, Chennai Metropolitan Development Authority, Chennai-8 on payment of cost, on or before 31.10.2000. For further details, Member Secretary, Chennai Metropolitan Development Authority, Thalamuthu Natarajan Maligai, Egmore, Chennai-600 008 may be contacted.

**AJAY BHATTACHARYA, SECRETARY TO GOVERNMENT.**

**SECTION OFFICER**