



ABSTRACT

Rules – Regularisation of Unapproved Plots and Layouts Rules, 2017-under section 113 read with section 122 of the Tamil Nadu Town and Country Planning Act, 1971 – Notification – Issued.

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Housing and Urban Development [UD4(3)] Department

G.O.(Ms).No.78

Dated:04.05.2017

ஹேவிளம்பி வருடம், சித்திரை திங்கள் 21,
திருவள்ளூர் ஆண்டு 2048

ORDER:

The appended Notification will be published in the Tamil Nadu Government Gazette Extraordinary dated the 4th May, 2017.

(BY ORDER OF THE GOVERNOR)

**DHARMENDRA PARTAP YADAV
SECRETARY TO GOVERNMENT.**

To

The Works Manager,

Government Central Press, Chennai - 600 079.

The Secretary to Governor,

Raj Bhavan, Chennai - 600 022.

The Additional Chief Secretary to Government,

Finance Department, Chennai- 600 009

The Principal Secretary to Government,

Rural Development and Panchayat Raj Department, Chennai-600 009.

The Principal Secretary to Government,

Municipal Administration and Water Supply Department, Chennai-600 009.

The Principal Secretary to Government,

Commercial Tax and Registration Department, Chennai-600 009.

The Secretary to Government, Revenue Department, Chennai - 600 009.

The Principal Secretary to Government, Agriculture Department,

Chennai - 600 009.

The Secretary to Government, Law Department, Chennai - 600 009.

All District Collectors

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

The Member Secretary,

Chennai Metropolitan Development Authority, Chennai - 600 008.

Copy to:

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

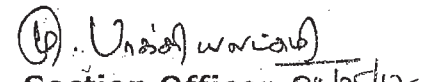
The Secretary to Chief Minister, Chennai - 600 009.

The Senior Personal Assistant to Minister (Hg&UD), Chennai - 600 009.

The Public (SC) Department, Chennai-600 009.

SF/SC.

//Forwarded By order//


Section Officer. 04/05/17

ANNEXURE

NOTIFICATION.

WHEREAS it is noticed that a large number of unapproved layouts and sub-divisions have been developed all over the State in both urban and rural areas without adequate infrastructure and public amenities and most of the plots in such layouts and sub-divisions have been purchased by poor and innocent people and there is no way to convert these layouts and sub-divisions or plots back to their original use;

AND WHEREAS it is expedient to regularise the plots in such unapproved layouts or sub-divisions so as to protect the interests of those innocent purchasers and to provide basic infrastructure facilities;

AND WHEREAS it is also observed that regularisation of sold out plots alone without considering the layout or sub-division as a whole will result in discontinuous pockets of development, causing enormous difficulty to the Local Bodies to provide services to the regularised plots in isolation and therefore, it is considered necessary to regularise these unapproved layouts and sub-division in their entirety by insisting to widen the roads, improve circulation, reserve areas for open space and public purpose to the extent feasible in each layout;

NOW THEREFORE, in exercise of the powers conferred by section 113 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor of Tamil Nadu hereby exempts all unapproved layouts, where any or all plots are sold and registered on or before the 20th October 2016 and all unapproved plots which are sold and registered on or before the 20th October 2016 from the operation of all the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and makes the following rules for regularization of such unauthorized layouts and plots under section 122 of the said Act.

RULES.

1. **Short title, application and commencement.** – These rules may be called the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017.
2. **Definitions.**– In these rules, unless the context otherwise requires,-
 - (1) "Act" means the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);
 - (2) "Competent Authority" means,-
 - (i) for regularisation of unapproved individual plot in a sub-division or layout-

- (a) in case of a City Municipal Corporation, the Commissioner;
- (b) in case of a Municipality, the Commissioner;
- (c) in case of a Town Panchayat, the Executive Officer; and
- (d) in case of a Village Panchayat, the Block Development Officer (Village Panchayats);

(ii) for regularization of layout,-

- (a) in the Chennai Metropolitan Planning Area, the Member-Secretary of Chennai Metropolitan Development Authority;
 - (b) in any other areas, the Member-Secretary of the Local Planning Authority or the Regional Planning Authority or the New Town Development Authority functioning under the control of Town and Country Planning Department or the Regional Deputy Director or Assistant Director of the Town and Country Planning Department, as the case may be, in whose jurisdiction the layout exists;
- (3) "Development charge" means the amount to be collected towards the cost of providing amenities and infrastructure facilities in urban and rural areas within the jurisdiction of the Local Authorities at the rates specified in rule 10;
 - (4) "Development Control Regulations" means the development control regulations for the areas other than the Chennai Metropolitan Planning Area;
 - (5) "Development Plans" means Master Plans, Regional Development Plans, New Town Development Plans, Detailed Development Plans and Town Planning Schemes in force in the respective planning area;
 - (6) "Development Regulations" means the development regulations for the Chennai Metropolitan Planning Area forming part of the Second Master Plan for the Chennai Metropolitan Planning Area;
 - (7) "Guideline value" means the guideline value of the land fixed by the Registration Department prevailing as on 1st August, 2007 for the plots registered upto 31st March, 2012 and for the plots registered on or after 1st April, 2012, the prevailing guideline value as on the date of notification of these rules. For the unsold plots in the layout, the value fixed by the Registration Department on the date of issue of in-principle approval of layout framework;

- (8) "Layout" means,—
- (i) division of land into plots exceeding 8 (eight) in numbers in Chennai Metropolitan Planning Area;
 - (ii) division of land into plots by introducing a new road or street in areas other than Chennai Metropolitan Planning Area;
- (9) "Layout framework" means Layout plan approved by the Competent Authority specified in rule 2(2)(ii) with or without changes, showing the changes made to the as on ground layout plan submitted by the layout Promoter / Society / Association or prepared suomotu as per rule 5(4) for the purpose of improving the layout.
- (10) "Layout Promoter" means a person whether owner or authorized person of any land including a registered co-operative society and an Association, who has developed land into a layout for the purpose of selling the plots in the said layout;
- (11) "Local Authority" means all City Municipal Corporations, Municipalities, Town Panchayats, Panchayat Unions and Village Panchayats;
- (12) "Plot holder" means a person in whose name the plot is registered with a registered sale deed or title deed executed on or before the 20th October, 2016;
- (13) "Plot or Unapproved plot" means a plot in an unapproved layout or sub-division;
- (14) "Regularisation charge" means a charge to be paid for regularising the unapproved plot or the unapproved sub-division as provided in rule 9;
- (15) "Regularisation of unapproved layout" means the regularization of unapproved layout framework. Such regularisation of unapproved layout framework will not automatically regularise the individual plot in the layout. The individual plot owner / promoter (in the case of unsold plots) shall, after regularization of unapproved layout framework, apply for regularization of his plot/plots separately.
- (16) "Sub-division" means,—
- (i) division of land into plots not exceeding eight in numbers in the Chennai Metropolitan Planning Area;
 - (ii) division of land abutting an existing road or street into plots without introducing any new road or street in an area other than Chennai Metropolitan Planning Area;
- (17) "Unapproved layout or sub-division" means a layout or sub-division of land made without the prior approval or concurrence of the Director of

Town and Country Planning or the Chennai Metropolitan Development Authority, as the case may be;

- (18) Words and expression used, but not defined in these rules, shall have the same meaning assigned to them in the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).

3. **Cut-off date for considering regularisation of unapproved plots and layouts.**— Only those unapproved layouts where a part or full number of plots have been sold through a registered sale deed as on 20th October, 2016 shall be considered for regularization under these rules. Similarly, all plots including unsold ones are eligible for regularization in layouts where at least a part of the total number of plots have been sold through a registered sale deed as on 20th October, 2016. Individual plot in a sub-division registered by a sale or title deed as on 20th October, 2016 shall also be eligible for regularization. As proof and evidence, the plot holder or the layout promoter is required to furnish copies of the sale deed or title deed for the plots sold. Agreement for sale or General Power of Attorney shall not be considered as evidence for proof of sale of plot.

4. **Restrictions for regularization of unapproved plots and layouts.** —

- (1) No plot or layout in part or whole, which is located in public water body like Channel, Canal, Tank, Lake, River, etc. shall be eligible for regularization.
- (2) No plot or layout in part or whole in Government Poramboke land shall be eligible for regularisation.
- (3) No plot or layout in Open space reservation(OSR) land, Park or Play-field reserved in any approved layout or sub-division shall be considered for regularization.
- (4) Vacant plots blocking access to surrounding lands which do not have any other means of access are not eligible for regularisation.
- (5) No plot or layout in part or whole, lying in the lands affected by the alignments of proposed road or rail corridors and street alignments specified in the development plans shall be regularised.
- (6) No plot with any encroachment on to a public road or street or on any other land over which the applicant does not possess ownership right and lands affected by the repealed Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Tamil Nadu Act 24 of 1978) shall be considered for regularisation.

- (7) No plot or layout in part or whole, lying in the lands below the alignment of high tension and extra high voltage electric line including tower lines shall be regularised.

5. Compulsory application for regularization.— (1) It shall be compulsory for all the individual plot owners and layout promoters eligible under rule 3 to file an application on-line in Form-I for regularisation to the Competent Authority concerned within six months from the date of commencement of these rules along with the fees and charges as per the self assessment made and annexed with the application. The Competent Authority shall process the application and pass orders of regularization on-line.

Provided that the application for individual plot regularization in a layout shall be considered for regularization only after in principle approval of the layout framework is issued by the Competent Authority. Accordingly, all the individual plot owners in an unapproved layout shall apply for regularization of their plots along with a sketch of the layout.

- (2) Application for regularization of unapproved layout can also be made by the Layout Promoter / Registered Co-operative society / Association of the plot holders in an unapproved layout where more than two-thirds of the total number of plots in the layout have been sold before the cut-off date.
- (3) Within 15 days from the date of notification of these rules the Competent Authority specified in rule 2(2)(ii) shall call upon the Competent Authority specified in rule 2(2)(i) to furnish a certified list of unapproved layouts formed within its jurisdiction along with the details of name of the revenue village, survey numbers or ward numbers, town survey numbers, name of the local body, as the case may be covered by the layout and its extent.
- (4) Upon receipt of the list of unapproved layouts, the Competent Authority specified in rule 2(2)(ii) shall suo-motu prepare and approve and give in-principle approval for the layout framework as existing on ground by employing the services of licensed surveyors for those layouts which are covered in the list furnished by the Competent Authority specified in rule 2(2)(i) but not applied for regularization by any of the layout Promoter/Registered Co-operative Society/Association of plot owners.
- (5) The Layout Promoter / Registered Co-operative society / Association applying for regularization of the layout shall be jointly and severally responsible for undertaking the rectification of deficiencies in such unapproved layout and to comply with the conditions as directed by the Competent Authority concerned, and pay the required fees and charges as prescribed in these rules by the Competent Authority.

- (6) Application for regularisation of unapproved individual plot in a layout or sub-division shall be made to the Competent Authority concerned as specified in rule 2(2)(i).
- (7) Application for regularisation of unapproved layout shall be made to the Competent Authority concerned as specified in rule 2(2)(ii).
- (8) An application made by any person for regularisation of plot or layout who does not have any right over the land shall be summarily rejected.
- (9) The application shall be accompanied by the following documents, namely:-

(a) For regularisation of unapproved individual plot in a sub division or layout:

- (i) Three copies of plan showing the site plan with dimensions of the plot or sub division as per the patta or Field Measurement Book (FMB) sketch, and the width of the access road duly signed by both the applicant who has the right over the land and the Licensed Surveyor or other professionals prescribed in the relevant Act or Building Rules;
- (ii) A copy of layout plan showing the plot proposed for regularization, dimensions of the plots, road network, width of the roads, dimensions of public open spaces and public purpose plots along with survey field numbers of the village covered by the layout;
- (iii) A copy of topo sketch showing the location of layout and connectivity of the layout to the public road and physical features surrounding the layout;
- (iv) A self attested copy of sale deed or title deed for the plot.
- (v) A copy of patta, Permanent Land Record (PLR) or Town Survey Land Record (TSLR) extract in favour of the applicant shall be furnished. If the patta, Permanent Land Record (PLR) or Town Survey Land Record (TSLR) in favour of the applicant has not been obtained, then, the same in favour of the previous owner of the land shall be furnished;
- (vi) Encumbrance certificate issued by the Registration Department covering the plot transaction issued not more than a week before the date of application;
- (vii) In case of plot falling in agriculture land, a certificate or status report from the Tahsildar of the concerned Taluk that the

layout is not obstructing the waterways on the common field irrigation channels on the ground and flood level or inundation status.

(b) For regularisation of unapproved layout:

- (i) Five copies of layout plan showing the dimensions of the plots, road network, width of the roads, dimensions of public open spaces, public purpose plots and the survey field numbers of the village covered by the layout and marking the plots sold in the layout before the commencement of these rules;
- (ii) A copy of the topo sketch plan showing the public access to the layout, width of the access road and the surrounding physical features within a radius of 500 metres from the layout;
- (iii) Encumbrance Certificate (EC) issued by the Registration Department covering all the survey field numbers of the layout for the period from the date of commencement of sale of plot to the date not more than a week before the date of application;
- (iv) A self attested tabular statement showing the details of the plots sold including plot number, dimensions and its extent, date of sale, document number, name of the purchaser tallying with the encumbrance certificate and the details of unsold plots in case where the application is made by the layout promoter;
- (v) Self attested copy of ownership document in favour of the owner of the land in which the layout has been formed in case where the application is made by the layout promoter;
- (vi) Latest Patta, Permanent Land Records (PLR) or Town Survey Land Records (TSLR) and Field Measurement Book (FMB) sketches for the survey fields covered in the entire layout;
- (c) A self declaration in Form-II to the effect that the layout is not attracted under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Tamil Nadu Act 24 of 1978) and the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961);
- (d) In case of applications submitted by layout Promoter / Society / Association, an undertaking in a non-judicial stamp paper of value

not less than twenty rupees in Form-III agreeing to undertake the rectification works as directed by the Competent Authority and remit the development charges, regularisation charges and Open space reservation charges as applicable as assessed by the Competent Authority; In suo-motu cases specified in rule 5(4), the plots falling in spaces specified for rectification in the layout by the competent authority will not be regularized to the extent of required rectification.

- (e) Any other document as may be required by the Competent Authority;

6. An application under these rules shall be in conformity with the following, namely:-

- 1) The Civil Aviation Regulations of the Ministry of Tourism and Civil Aviation under the Aircraft Act, 1934 (Central Act XXII of 1934);
- 2) The Ministry of Defence Regulations for developments in the vicinity of the Air Force Stations within 100 metres around the areas notified under the Works of Defence Act, 1903 (Central Act 7 of 1903);
- 3) The Coastal Zone Regulations of the Ministry of Environment and Forest under the Environment (Protection) Act, 1986 (Central Act 29 of 1986), notified in the Gazette of Government of India Extraordinary, Part-II, Section 3, sub-section (ii), dated 6th January, 2011;
- 4) The Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993;
- 5) Annexure-XI to the Development Regulations of Chennai Metropolitan Planning Area in respect of Aquifer Recharge Area;
- 6) Annexure-XII to the Development Regulations of Chennai Metropolitan Planning Area in respect of Red Hills Catchment Area;
- 7) Areas notified under the Ancient Monuments and Archaeological Sites and Remains Act, 1959 (Central Act 24 of 1958), and the Tamil Nadu Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1966 (Tamil Nadu Act 25 of 1966).

7. **Guidelines for regularization.**— The unapproved individual plot and the unapproved layout seeking regularization should conform to the following, namely:-

- (a) The individual plot in a layout or sub-division seeking regularisation should have been sold or transferred in favour of the applicant by a registered sale deed executed before the date of coming into force of these rules.

- (b) The unapproved layout seeking regularization shall be a contiguous piece of land.
- (c) Any plot for regularisation shall abut a public road or gain access from a public road through a passage over which the applicant has the right to access.
- (d) The layout applied for regularisation shall gain access from a public road of minimum width of 4.8metre in case of Corporations and Municipalities and 3.6metre in case of Town Panchayats and Village Panchayats.
- (e) In case of individual plot :
 - (i) All plots in a layout for which in-principle approval of layout framework is granted by the Competent Authority specified in rule 2(2)(ii) under these rules shall be eligible for regularization.
 - (ii) The individual plot in a sub division, shall be regularized irrespective of the building violations in the residuary plot.
 - (iii) The individual plot in a layout shall be regularized only to the extent it tallies with the plot dimensions and abutting road width in the in-principle approved layout framework.
 - (iv) The applicant shall to the extent any part of a plot in an in principle approved layout framework is required for road widening or providing access to the surrounding areas shall be gifted to the local body through a registered gift deed as required by the Competent Authority.
- (f) In case of layouts where less than one-third of the total number of plots in the layout have been sold before the cut off date:
 - (i) The layout shall conform to the Development Regulations or Development Control Regulations, as the case may be, and the land use prescribed in the Master Plan except the width of the access road and conversion to other purpose from Agriculture usage in non-planned area.
 - (ii) The procedures normally followed in the regular applications for approval of layout shall apply.
- (g) In case of layouts where one-third and above and upto two-third of the total number of plots in the layout have been sold:
 - (i) The layout shall conform to the Development Regulations or Development Control Regulations, as the case may be, to the extent feasible and shall be eligible for exemptions in respect of road width, land usage, etc., to the extent conformity is not feasible.

- (ii) The layout pattern in respect of the unsold portions may be reorganised if required to improve the circulation.
 - (iii) The reservation of land for Open space reservation and public amenities shall be provided by amalgamating or altering the unsold plots. Only in cases where it is not feasible to reserve the land for Open space reservation, equivalent guideline value shall be collected for the shortage area.
 - (iv) In layouts where a portion or whole of the layout is formed in agricultural lands in areas other than planning areas, the Competent Authority shall examine whether any common irrigation field channel has been obstructed or encroached or removed due to the formation of layout and also the level of inundation to decide on the in principle approval of the layout framework.
 - (v) In case of layouts still possessing some unsold plots under layout regularization scheme, the promoter shall hand over minimum space in the layout to provide common amenities e.g., Over head water tank, Electricity transformer etc., as required by the Local Planning Authority.
- (h) In case of layouts where more than two-third of the total number of plots have been sold before the cut-off date:
- (i) The layout shall be regularised 'as is where is' condition except for the restrictions in rule 4.
 - (ii) The reservation of land for Open space reservation shall be provided if feasible by amalgamating or altering the unsold plots. In such cases either the promoter or all the plot owner shall give No Objection Certificate for such modification or reservation. Only in cases where it is not feasible to reserve the land, equivalent guideline value in lieu of Open space reservation shall be collected for the shortage area.
 - (iii) In layouts where a portion or whole of the layout is formed in agricultural lands in areas other than planning areas, the Competent Authority shall examine whether any common irrigation field channel has been obstructed or encroached or removed due to the formation of layout and also the level of inundation and to decide on the in principle approval of the layout framework.
 - (iv) In case of layouts still possessing some unsold plots under layout regularization scheme, the promoter shall hand over minimum space in the layout to provide common amenities e.g., Over head water tank, Electricity transformer etc., as required by the Local Planning Authority.