



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 211]

CHENNAI, MONDAY, AUGUST 17, 2009
Aavani 1, Thiruvalluvar Aandu-2040

Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th August 2009 and is hereby published for general information:—

ACT No. 30 OF 2009.

An Act to provide for the constitution of Metropolitan Planning Committee in every Metropolitan area in the State of Tamil Nadu for preparation of draft development plan for the Metropolitan area.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

CHAPTER-I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Metropolitan Planning Committee Act, 2009.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Constitution” means the Constitution of India;

(b) “district” means a revenue district of the State of Tamil Nadu;

(c) “Government” means the State Government;

(d) “Metropolitan area” means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas, as may be specified by the Government by notification to be a Metropolitan area for the purposes of this Act;

(e) “municipality” means an institution of self-government constituted under Article 243-Q of the Constitution;

(f) “panchayat” means a panchayat constituted under Article 243-B of the Constitution;

(g) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

CHAPTER-II.

**CONSTITUTION OF METROPOLITAN PLANNING COMMITTEE,
ITS FUNCTIONS AND MATTERS RELATED THERETO.**

Metropolitan
Planning
Committee.

3. (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee (hereinafter referred to as the committee) consisting of such number of members, including a Chairperson and a Vice-Chairperson, as the Government may determine, to prepare a draft development plan for the Metropolitan area as a whole:

Provided that not less than two-thirds of the members of the committee shall be elected by, and from amongst, the elected members of the municipalities and Presidents of the panchayats in the Metropolitan area in proportion to the ratio between the population of the municipalities and of the panchayats in that area.

(2) The representation in the committee of the Government of India and the State Government and of such organizations and institutions as may be deemed necessary for carrying out the functions assigned to the committee shall be such as may be notified by the Government from time to time.

(3) The committee shall perform such functions relating to planning and co-ordination for the Metropolitan area as the Government may, by notification, assign to it.

(4) The committee shall, in preparing the draft development plan,—

(a) have regard to—

(i) the plans prepared by the Municipalities and the panchayats in the Metropolitan area;

(ii) matters of common interest between the Municipalities and the panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources, whether financial or otherwise;

(b) consult such institutions and organizations as the Government may, by order, specify.

(5) The Chairperson of every committee shall forward the development plan, as recommended by the committee, to the Government.

4. (1) The Chairperson, Vice-Chairperson and other members, not being elected members, of every committee shall be appointed by the Government.

(2) The term of office and other conditions of service of the Chairperson, Vice-Chairperson, and other members, not being elected members, of the committee shall be such as may be prescribed.

(3) Any vacancy in the office of the Chairperson, Vice-Chairperson, or any other member, not being an elected member, of the committee shall be filled by fresh appointment by the Government.

5. The manner of election of members of the committee and all matters related thereto shall be such as may be prescribed.

6. The elected members of the committee shall hold office for a term of five years from the date of their election, and shall receive such allowance for attending the meeting of the committee or any sub-committee thereof as may be prescribed:

Provided that every such member shall, on his ceasing to be an elected member of a municipality or President of a panchayat, as the case may be, cease to be a member of the committee notwithstanding that the term of five years has not expired, and the vacancy shall be filled by election in the manner prescribed.

7. No act or proceeding of the committee shall be invalid or called in question by reason of any vacancy, initial or subsequent, in, or defect in the constitution of, the committee.

8. (1) The committee shall meet at such places and at such times, and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum for a meeting), as may be prescribed.

(2) The Chairperson or, if, for any reason, he is unable to attend any meeting, the Vice-Chairperson or, if, for any reason, both are unable to attend any meeting, any other member elected by the members present, shall preside at the meeting.

9. (1) The committee may constitute, for such purpose as it may think fit, as many sub-committees consisting wholly of members of the committee or wholly of other persons or partly of members of the committee and partly of other persons as it may consider necessary or expedient.

Chairperson,
Vice-
Chairperson,
other
members,
not being
elected
members,
term of
office and
filling up of
vacancy.

Election of
members of
committee.

Term of office
of, and
allowance
for, elected
members of
committee.

Validation.

Meeting of
committee.

Sub-
committees.

(2) The members of a sub-committee, not being members of the committee, shall be paid such fees and allowances for attending the meetings thereof as may be prescribed.

CHAPTER-III.

MISCELLANEOUS.

Power to
remove
difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the *Tamil Nadu Government Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulties:

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Power to give
directions.

11. The Government may, from time to time, issue such directions to the committee as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the committee to comply with such directions.

Authority to
assist
Metropolitan
Planning
Committee.

12. Notwithstanding anything contained in this Act or any other law for time being in force, the Government may, by notification, appoint any authority constituted under section 11, including the Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971, to assist the Metropolitan Planning Committee in preparation of draft development plan and the authority so appointed shall also act as the office of the Metropolitan Planning Committee.

Tamil Nadu
Act 35 of
1972.

Power to
make rules.

13. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule, notification or order made or issued under this Act shall as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such rule, notification or order, or the Legislative Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or order shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

CHAPTER-IV.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Amendment of
section 3.

14. (1) In section 3 of the Chennai City Municipal Corporation Act, 1919 (hereafter referred to as the 1919 Act), clause (13-AA) shall be omitted.

Tamil Nadu
Act IV of 1919.

Omission of
section 27-B.

(2) Section 27-B of the 1919 Act shall be omitted.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th August 2009 and is hereby published for general information:—

ACT No. 31 OF 2009.

An Act further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act 22 of 1959.

2. In section 34-B of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), in sub-section (1), after the expression "on the non-payment of lease rent", the expression "or on violation of any of the conditions imposed in the lease agreement" shall be inserted.

Amendment of section 34-B.

3. In section 114-A of the principal Act, in sub-section (1), for the expression "under item (iii) of clause (a) or the second proviso to clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49", the expression "under this Act" shall be substituted.

Amendment of section 114-A.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th August 2009 and is hereby published for general information:—

ACT No. 32 OF 2009.

An Act to provide for the levy and collection of duty on transfers of property in the municipal areas in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Duty on Transfers of Property (in Municipal Areas) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "Government" means the State Government;

(2) "municipal area" means the territorial area of a municipality;

(3) "municipality" means—

(a) the Municipal Corporations of Chennai, Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem, Tiruppur, Erode, Vellore, Thoothukudi or any other Municipal Corporation that may be constituted under any law for the time being in force; or

(b) "a municipal council" constituted under the Tamil Nadu District Municipalities Act, 1920.

3. There shall be levied a duty on transfers of property in every municipal area,—

Levy of duty on transfers of property.

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899 (hereinafter referred to as the Stamp Act) as in force for the time being in the State of Tamil Nadu, on every instrument of the description specified below, which relates to immovable property situated within the limits of the municipal area; and

(b) at such rate as may be fixed by the Government, not exceeding five per centum, on the amount specified below against such instrument:—

Description of instrument.

Amount on which duty should be levied.

(1)

(2)

(i) Sale of immovable property.

The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Stamp Act, the market value as so determined by such authority.

(ii) Exchange of immovable property.

The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Stamp Act, the market value as so determined by such authority.

(iii) Gift of immovable property.

The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Stamp Act, the market value as so determined by such authority.

Tamil Nadu Act V of 1920.

Central Act II of 1899.

	(1)	(2)
	(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
	(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.
Application of certain provisions of Stamp Act.	<p>4. (a) Section 27 of the Stamp Act, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within the limits of a municipal area and outside such limits;</p> <p>(b) Section 64 of the Stamp Act shall be read as if it referred to the municipality concerned as well as the Government.</p>	
Apportionment of duty on transfers of property.	<p>5. Fifty per cent of the duty on transfers of property collected under this Act in respect of any property situated in a municipal area, shall be credited to the municipal fund, within whose territorial area such property is situated and the balance of fifty per cent shall be credited to the Tamil Nadu Urban Road Infrastructure Fund (hereinafter referred to as the Fund), in such manner as may be prescribed:</p> <p>Provided that the duty on transfers of property collected under this Act in respect of any property situated in a panchayat town shall be credited to the fund of the town panchayat within whose territorial area such property is situated.</p>	
Power to remove difficulties.	<p>6. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the <i>Tamil Nadu Government Gazette</i>, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty:</p> <p>Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.</p>	
Power to give directions.	<p>7. The Government may, from time to time, issue such directions to the municipalities or any other authorities as it may deem fit, for giving effect to the provisions of this Act, and it shall be the duty of the municipalities or the other authorities to comply with such directions.</p>	
Power to make rules.	<p>8. (1) The Government may make rules to carryout the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,—</p> <p>(a) regulating the collection of duty on transfers of property;</p> <p>(b) deduction of the expenses incurred by the Government in the collection of duty on transfers of property;</p> <p>(c) the distribution of the Fund among the municipalities;</p> <p>(d) any other matter which has to be or may be prescribed.</p> <p>(3) All rules made under this Act shall be published in the <i>Tamil Nadu Government Gazette</i> and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.</p> <p>(4) Every rule made or order or notification issued under this Act shall, as soon as possible after it is so made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or order or notification or the Legislative Assembly decides that the rule or order or notification should not be made or issued, the rule, order or notification shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.</p>	

9. On and from the date of commencement of this Act, the relevant provisions in the enactments mentioned in the Schedule to this Act shall stand repealed.

Repeal of certain enactments.

SCHEDULE.

(See section 9).

PART I.

THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu
Act
IV of 1919.

Sections 135, 136 and 137 of the Chennai City Municipal Corporation Act, 1919 are hereby repealed.

Repeal of sections 135, 136 and 137.

PART II.

THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu
Act
15 of 1971.

Sections 164, 165 and 166 of the Madurai City Municipal Corporation Act, 1971 are hereby repealed.

Repeal of sections 164, 165 and 166.

PART III.

THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu
Act
25 of 1981.

Sections 164, 165 and 166 of the Coimbatore City Municipal Corporation Act, 1981 are hereby repealed.

Repeal of sections 164, 165 and 166.

PART IV.

THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu
Act
V of 1920.

Sections 116-A, 116-B and 116-C of the Tamil Nadu District Municipalities Act, 1920 are hereby repealed.

Repeal of sections 116-A, 116-B and 116-C.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th August 2009 and is hereby published for general information:—

ACT No. 33 OF 2009.

An Act further to amend the Tamil Nadu Motor Vehicles Taxation Act, 1974.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu
Act 13 of
1974.

2. In section 2 of the Tamil Nadu Motor Vehicles Taxation Act, 1974 (hereinafter referred to as the principal Act), for clause (1-A), the following clauses shall be substituted, namely:—

Amendment of section 2.

“(1-A) “floor area” means total floor area inside the body of the vehicle (measuring length into breadth) less ten per cent standard deduction of the total floor area:

Provided that the fraction of a square metre beyond the first decimal point of the net floor area arrived at after standard deduction shall be rounded off to the next higher decimal point;

(1-B) “Government” means the State Government;”.

3. In the First Schedule to the principal Act, in class 2, for paragraph II, the following paragraph shall be substituted, namely:—

Amendment of First Schedule.

“II. Vehicles permitted to ply solely as contract carriage, whether classified as “Tourist Vehicle” or not, which the vehicle is permitted to carry,—

- | | |
|---|-----------------|
| (a) not more than thirty-five persons (other than driver), for every square meter of floor area of the vehicle; | Rs. 4,900.00 |
| (b) more than thirty-five persons (other than driver), for every person (other than the driver) | Rs. 3,000.00.”. |

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th August 2009 and is hereby published for general information:—

ACT No. 34 OF 2009.

An Act further to amend the Tamil Nadu Motor Vehicles Taxation Act, 1974.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Motor Vehicles Taxation (Second Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the Government may, by notification, appoint.

2. In section 20-B of the Tamil Nadu Motor Vehicles Taxation Act, 1974, the following proviso shall be added, namely:—

Amendment of section 20-B.

“Provided that, no appeal against the direction of the licensing officer under section 15-A shall be entertained unless it is accompanied by satisfactory proof of the payment of fifty per cent of the tax as so directed to be paid by the licensing officer.”.

Tamil Nadu
Act 13 of
1974.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*