



## **ABSTRACT**

Urban Development – Curbing of Unauthorized Developments – Powers under Sections 56 & 57 of Tamil Nadu Town and Country Planning (Amendment) Act, 2008 – Delegation of powers to Commissioner of Corporations/ Municipalities, Executive Officers of Town Panchayats / Member Secretaries of Composite Local Planning Authorities & New Town Development Authorities , Regional Deputy Directors – Orders - Issued.

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### **Housing & Urban Development (UD 4-1) Department**

**G.O.( Ms) No. 289**

**Dated:16.12.2010**

**Read:**

1. From the Commissioner of Town and Country Planning Letter Roc.No. 12249/2009, dated 14.12.2009.
2. From the Commissioner, Corporation of Coimbatore, letter Roc. No.16215/2008/MH5, dated 26.02.2010

### **ORDER:**

In the letter first read above the Commissioner of Town and Country Planning has referred to the proposal received from the Commissioner Corporation of Coimbatore for delegation of powers to the Coimbatore Corporation regarding the unauthorized constructions. The Commissioner, Coimbatore Corporation has stated that despite severe action taken against the unlawful buildings, including demolitions, it is difficult to control the unauthorized developments in Coimbatore city limit. The Coimbatore Corporation cannot exercise any of the provisions of Town and Country Planning Act, 1971. As the amended Act of Tamil Nadu Town and Country Planning, 2008 provides to serve notice, seize the materials, sell the materials so seized and also to take action to discontinue the development by locking and sealing the unlawful building, the Commissioner, Coimbatore Corporation has requested to delegate the powers vested under section 57 to control the unauthorized developments in the city.

2. In his letter first read above, the Commissioner of Town and Country Planning has stated that even though, sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971 was amended for imposing stringent enforcement such as sealing, seizing of materials etc., on the unauthorized developments, the planning authorities find it difficult to exercise their powers as the men and materials available with them are inadequate to deal with those developments. In order to ensure the planned growth of the urban areas and to curtail the unauthorized developments and to curb them in the nascent state itself, it has been decided that the powers under sections 56 & 57 of the Tamil Nadu Town and Country Planning (Amendment) Act 2008 may be delegated.

3. The Commissioner of Town and Country Planning has therefore requested the Government to delegate the powers of enforcement actions for curtailing unauthorized construction under sections 56 & 57 of the Tamil Nadu Town and Country Planning (Amendment) Act 2008 to the Commissioners of Corporations / Municipalities and

Executive Officer of Town Panchayats in addition to Member Secretary of Composite Local Planning Authorities, New Town Development Authorities and Regional Deputy Directors.

4. Section 91-A(1) of the Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1975) provides that the appropriate planning authority may, subject to such conditions as may be prescribed, authorize by order, any committee or officer specified in such order to exercise any of the powers vested in such appropriate planning authority by the said Act. In view of the above provision, as the powers specified in sections 56 and 57 of the Tamil Nadu Town and Country Planning (Amendment) Act 2008, are powers vested with the appropriate planning Authorities, they can be delegated to any officer by an order of the respective planning authorities under section 91-A of the said Act.

5. The Government after careful consideration, accept the proposal of the Director of Town and Country Planning in para 3 above for delegation of powers of enforcement actions for curtailing unauthorized construction specified in sections 56 & 57 of Tamil Nadu Town and Country Planning (Amendment) Act, 2008 to the Commissioners of Corporations / Municipalities and Executive Officers of Town Panchayats in addition to Member Secretary of Composite Local Planning Authorities, New Town Development Authorities and Regional Deputy Directors of Town and Country Planning Department. The Director of Town and Country Planning is directed to ensure the issuance of an order by the respective planning authorities themselves under section 91-A of the said Act, for delegation of powers of enforcement actions for curtailing unauthorized construction specified in sections 56 & 57 of Tamil Nadu Town and Country Planning (Amendment) Act, 2008 to the Commissioners of Corporations / Municipalities and Executive Officers of Town Panchayats in addition to Member Secretary of Composite Local Planning Authorities, New Town Development Authorities and Regional Deputy Directors of Town and Country Planning Department in their respective jurisdictions as may be necessary.

(By Order of the Governor)

Ashok Dongre,  
Secretary to Government.

To

The Director of Town and Country Planning, Chennai 2.

Copy to

The Member Secretary, Chennai Metropolitan Development Authority, Chennai 8.

The Secretary to Deputy Chief Minister, Chennai 9

The Principal Secretary to Government, Municipal Administration and Water Supply Department, Chennai 9.

The Principal Secretary to Government, Rural Development and Panchayat Raj Department, Chennai 9.

The Law Department, Chennai 9.

✓ The Commissioner for Municipal Administration, Chennai 5.

The Director of Town Panchayats, Chennai 5.  
The Director of Rural Administration, Chennai.  
The Senior PA to Minister (Information), Chennai 9.  
The Private Secretary to Secretary(Hg &UD), Chennai 9.

Forwarded / By Order

G. Shanthi  
Section Officer.

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29/12/10