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**Abstract**

Urban Development – Developments by Central/State/Local Government Departments – Obtaining Planning Clearance prior to commencement of development from the concerned Planning Authorities – Formulation of Guidelines – Orders – Issued.

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**Housing and Urban Development (UD5(1)Department**

G.O.(Ms)No.167

027723

Dated:12.09.2022

சுபகிருது வருடம், ஆவணி திங்கள் 27,  
திருவள்ளூர் ஆண்டு, 2053,

**Read:**

G.O.(Ms)No.31, Housing and Urban Development (UD5(1))  
Department, dated 24.03.2022.

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**ORDER:-**

Section 58 of the Tamil Nadu Town and Country Planning Act, 1971  
reads as follows:-

Section:58 (1) When any Department of any Central Government or the State Government or any local authority intends to carry out development of any land or building, the officer-in-charge thereof shall inform, in writing to the planning authority concerned the intention to do so, giving full particulars thereof, and accompanied by such plans and documents at least thirty days before undertaking such development:

Provided that in case where any local authority is the local planning authority under this Act, it shall inform the fact of any such proposed development to the regional planning authority concerned within whose jurisdiction such local authority is situated.

Section:58 (2) Where a planning authority concerned or the regional planning authority concerned, as the case may be, raised any objection to the proposed development on the ground that the development is not in conformity with the provisions of any development plan under preparation or for any other material consideration, the officer of the State Government, Central Government or any local authority, as the case may be, shall-

(i) either make necessary modifications in the proposals for development to meet the objections raised by the planning authority concerned, or

(ii) submit the proposals for development together with the objections raised by the planning authority concerned to the Government for decision.

Section: 58 (3) The Government, on receipt of the proposals for development together with the objections of the planning authority concerned shall, in consultation with the Director, either approve the proposals with or without modifications or direct the officer to make such modifications in the proposals as they consider necessary in the circumstances and the officer concerned shall be bound to make such modifications as proposed by the Government.

2. In this regard, it is found that many Central Government / State Government Departments/Local Authority are either carrying out the developments without obtaining planning clearances from the respective Planning Authorities or the buildings constructed are deviated to the approved plan. Only after completion of the construction, such Departments are sending proposal to this department for planning clearance, with a request to exempt/ relax the planning rules for their respective building. Due to the large scale of violation, exemptions / relaxations are not feasible and the Government finds it difficult to waive such large scale of violations.

3. In order to examine this matter in detail in Government order read above, a Committee was constituted to prepare the guidelines regarding the procedure in obtaining the Planning Clearance for Government Buildings with the following members:

- (1) Chief Planner,  
Chennai Metropolitan Development Authority.
- (2) Joint Director,  
Directorate of Town and Country Planning.
- (3) The Engineer in Chief (Buildings) and  
the Chief Engineer (Buildings),  
Chennai Region, Public Works Department.
- (4) The Chief Architect,  
Public Works Department.
- (5) Deputy Director,  
O/o. Commissioner of Municipal Administration.
- (6) The Chief Architect,  
Central Public Works Department.
- (7) The Additional Secretary (Technical) - Member/Convener  
Housing and Urban Development Department.

4. The Committee examined the issue in detail and recommended the guidelines to be followed prior to the construction of Government Buildings.



5. The Government examined the guidelines and after careful consideration decided to issue following guidelines while taking up new developments.

**I. General**

- (i) Planning clearance shall be obtained by the work executing agency on behalf of the concerned Central / State / Local Authority prior to commencement of construction.
- (ii) The Central/State/Local Authority and/or work executing agency shall first confirm the permissibility of the proposed development in the site with the respective land use plans in the Master Plan as well as Zoning Regulations and then submit the drawings in the online scrutiny engine of the Planning Authority/Director of Town and Country Planning (DTCP) to obtain the Auto Smart Development Control Regulation (DCR) or Electronic Development Control Regulation (EDCR) report.
- (iii) The Public Works Department or other work executing department may submit the applications as hard copy at times when they are not able to obtain the Auto Smart DCR or EDCR report.
- (iv) Since, Tamil Nadu Combined Development and Building Rules (TNCD&BR), 2019 is applicable to all categories of buildings, these agencies shall adhere to the provisions of Tamil Nadu Combined Development and Building Rules, 2019.
- (v) If the EDCR/Smart DCR reports are successfully obtained and all the parameters are satisfied, the requesting department shall submit an application to the concerned planning authority for obtaining Planning Clearance.
- (vi) The Planning Authority shall inform its objections or remarks on issue of Planning Clearance within 30 days from the date of receipt of such application from the officer of work executing agency on behalf of Central/State Government or Local Authority.
- (vii) In the event of the planning authority failing to send its remarks or decision within 30 days of submission of application the proposal will be deemed to have been approved.
- (viii) The Officer of the Government Central/ State / Local authority as the case may be shall make necessary modification in the proposal for development to satisfy the remarks intimated by the Planning Authority concerned.
- (ix) In the event of the objection raised by the Planning Authority or the rules cannot be satisfied, the Central Government/State Government / Local authority who intends to carry out the works shall submit the proposal to the Government under section 58 (2) (ii)

- (x) of the Tamil Nadu Town and Country Planning Act, 1971 for taking final decision on issue of Planning Clearance to the proposal along with the objection/remarks of the planning authorities and reasons for non-implementation/non-compliance.
- (xi) Foundation Stone may not be laid to Government/Local Authority building which do not possess planning clearance and it may not be inaugurated unless Completion Certificate, Fire NOC (if applicable) are obtained.
- (xii) Finance Department may also direct the concerned departments in the Government Order for financial sanction of the building, to commence the work only after planning clearance is obtained.

## **II. Ownership**

- (i) In the event of departments not able to furnish Patta / Town Survey Land Register (TSLR) / Permanent Land Record (PLR), a certificate may be furnished by the concerned department that the land is in possession with their department and it does not lie in water course / waterbody / encroach on to waterbody and does not lie in objectionable land.
- (ii) The Field Measurement Book (FMB) sketch with dimensions certified by the appropriate authority of the department applying for planning clearance shall be furnished. The extent noted in the FMB sketch shall be considered for calculating Floor Space Index (FSI) and other requirements.

## **III. Handing over of Open Space Reservation area (OSR)**

- (i) OSR area shall be calculated for the site extent of the proposed construction and reserved if it is available.
- (ii) In case of application of Planning Clearance gifting of OSR area need not be insisted as implementing agency is carrying out work for public building only.
- (iii) An undertaking shall be obtained that the space so reserved would be maintained as OSR area and no structure would be erected.
- (iv) Access from public road is required.
- (v) The other conditions of Tamil Nadu Combined Development and Building Rules, 2019 Rule No.41 (1) shall be applicable.

## **IV. Handing over of Street Alignment**

The concerned departments may construct compound wall leaving the required land for street alignment/widening for cases where it is proposed in the Master Plan/New Town Development Plan/Detailed Development Plan of the Local Planning Authority, before issue of



planning clearance or to give undertaking that as and when the road is widened in street alignment, that portions will be surrendered.

**V. Scrutiny of Planning Parameters**

- (i) If all the existing blocks have been regularised by obtaining planning clearance, the planning clearance applications shall be processed as per existing rules in force.
- (ii) If the site comprises many blocks for which no approval has been obtained earlier, the departments shall show all the existing blocks in a line sketch and a table in the site plan mentioning the name of the blocks, number of floors, usage and floor area shall be mentioned so that FSI could be computed. The proposed block shall be shown legibly in the site plan. In such cases approval will be considered only for the proposed blocks and not for regularizing the existing blocks.
- (iii) For the proposed block within the site a clear 7.2 m vehicular access way from the public road to the proposed building within the site shall be shown to consider the application.
- (iv) In the event of all the existing blocks need to be regularized then the departments shall furnish the detailed floor plan for each block.

**VI. Parking**

- (i) The required parking space for the proposed blocks shall be clearly demarcated in the site plan.
- (ii) In the event of all the buildings are to be regularized then the parking required for all the blocks shall be provided as per Tamil Nadu Combined Development and Building Rules, 2019.

6. These guidelines shall be implemented with immediate effect. The above guidelines are to be followed scrupulously. If violation is observed, then responsibility to be fixed on the concerned Executive Engineer/Superintending Engineer/Chief Engineer of the respective executing Departments.

**(BY ORDER OF THE GOVERNOR)**

**DR.V.IRAI ANBU,  
CHIEF SECRETARY TO GOVERNMENT.**

To

- 1. The Chief Secretary to Government,  
Secretariat, Chennai – 09.
- 2. The Additional Chief Secretaries/  
Principal Secretaries / Secretaries to Government,  
Department of Secretariat, Chennai-9.
- 3. The Member Secretary,  
Chennai Metropolitan Development Authority, Chennai – 08.

4. The Director of Town and Country Planning,  
Chennai - 107.
5. The Managing Director,  
Tamil Nadu Housing Board, Chennai-35.
6. The Managing Director,  
Urban Habitat Development Board, Chennai -5.
7. Registrar of Co Operative Societies,  
No.170, N.V.Natarajan Maaligai, Periyar EVR High Road,  
Poonamallee High Road, Kilpauk, Chennai - 600 010.
8. The Principal Secretary/Commissioner,  
Greater Chennai Corporation, Chennai - 03.
- ✓ 9. The Commissioner of Municipal Administration,  
Ezhilagam, Chennai - 600 005.
10. The Director of Town Panchayat,  
Kuralagam, Chennai - 108.
11. The Director,  
Rural Development and Panchayat Raj,  
Panagal Building, Chennai - 600 005.
12. The Commissioner of Revenue Administration,  
Chepauk, Chennai - 600 005.
13. The Engineer - in - Chief,  
Public Works Department, Chepauk, Chennai 600 005.
14. The Registrar of General,  
High Court of Madras, Chennai - 104.
15. All District Collectors,
16. All Head of Departments/All District Judges/  
Magistrates,
17. The Managing Director,  
Tamil Nadu Police Housing Corporation,  
No.132, E.V.R. Road, Kilpauk, Chennai - 10.

**Copy to**

The Hon'ble Chief Minister Office,  
Chennai - 600 009.

The Special Personal Assistant to Hon'ble Minister,  
Housing and Urban Development Department,  
Chennai - 600 009.

The Special Personal Assistant to Hon'ble Minister,  
(Finance) Chennai - 600 009.

The Special Personal Assistant to Hon'ble Minister,  
(Municipal Administration) Chennai - 600 009.



The Special Personal Assistant to Hon'ble Minister,  
(Public Works) Chennai - 600 009.

The Private Secretary to Chief Secretary to Government,  
Secretariat, Chennai - 600 009.

The Private Secretary to Additional Chief Secretary to Government,  
Finance Department, Chennai - 600 009.

The Private Secretary to Additional Chief Secretary to Government,  
Municipal Administration and Water Supply Department,  
Chennai - 600 009.

The Private Secretary to Additional Chief Secretary to Government,  
Public Works Department, Chennai 600 009.

The Private Secretary to Principal Secretary to Government,  
Housing and Urban Development Department,  
Chennai 600 009.

Housing and Urban Development (OP-1) Department,  
Chennai - 600 009.

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**//FORWARDED BY ORDER//**

*[Signature]*  
12/19/22  
**SECTION OFFICER.**  
*[Signature]*  
12/19/22