

Registration of Unapproved Plots in Tamil Nadu

G V Akshaya
Plot no.288, Door no.8,
36th Street, 7th Sector,
K K Nagar, Chennai- 78

ABSTRACT:-

There are instances of large number of unapproved layout of house sites developed and sold in Tamil Nadu. Gullible and innocent purchasers have been duped to purchase plots in the layouts sold by unscrupulous land promoters as approved plots. Innocent purchasers have invested their hard earned life time savings in the unapproved plots. Agricultural wet lands, ponds, lakes and lands abetting water bodies were converted into house sites and sold to innocent purchasers on which house building were constructed in violation of development rules and regulations. Many social activists from time to time have raised this issue before various authorities which fell into their deaf ears. The law on development was inadequate to prevent unchecked growth of layouts. Rampant violation with the connivance of local authorities reported. Only after the judiciary interfered in this vexatious matter and passed directions the state government woke up and passed law to check and regulate development of layouts in the state of Tamil Nadu. This paper talks about the regularisation scheme introduced by the Government of Tamil Nadu for checking unauthorised conversion of lands and regularisation of plots already sold.

Keywords: - Agricultural lands, CMDA, DTCP, Regularisation scheme, Unapproved layouts.

INTRODUCTION

The Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1972) has given out various regulations

and restrictions for approving the layouts and plots under the country planning act. So many purchasers of land have invested a huge amount of money in unapproved

plots without knowing that these plots are not properly registered. These plots include Agricultural lands, wet lands, ponds, lakes and lands abetting water bodies which was converted into house sites on which house building were constructed in violation of development rules and regulations. As a result during heavy rains such buildings were submerged in 10-15 feet deep water causing heavy loss and damage to men and material. Due to unchecked and mass conversion of agricultural wet lands, the farming activity in the state has been affected, and the land less labourers are forced to leave their job and move from rural to urban areas in search of alternative employment resulting in crowding of urban agglomeration. Many people have raised this issue and wanted a solution to this problem. But the law on development was not adequate to prevent unchecked growth of layouts. Only after the judiciary interfered in this vexatious matter and passed directions the state government

woke up and passed law to check and regulate development of layouts in the state of Tamil Nadu. Taking into account the above problems, various regulations were imposed by the legislature for regularising the layouts in Tamil Nadu. These are dealt below.

Development Regulations

Under the Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1972) as amended from time to time, the development regulations for Chennai metropolitan area and areas outside falling outside metro are passed. The power to approve layout of house sites and sub division of plots is vested with Chennai Metropolitan Development Authority (CMDA) for lands situate within Chennai Metropolitan limits and the Directorate of Town and Country Planning (DTCP) for lands situate outside Chennai Metropolitan limits.

All developments shall be regulated with reference to the Land Use classification indicated in the Master Plan/Detailed

Development Plan for that area and development regulations classified as :-

1. Primary Residential
2. Mixed Residential
3. Commercial
4. Light Industrial
5. General industrial
6. Special and Hazardous Industrial
7. Institutional
8. Open Space & Recreational
9. Non-Urban
10. Agricultural
11. Urbanisable

Restrictions on development

No development shall be made in a site which is near a water body or a water course and the proposed development is likely to contaminate the said water body or water course, or if the site is likely to be inundated and arrangement for proper drainage is not possible. The site has to abut any existing public or private street forming part of the Lay-out conforming to the minimum width prescribed for various uses. With a view to protect the

environment, no development activity is permitted in coastal regulation zone (CRZ) area which is within 500 metres from the high tide line of a sea coast, aquifer recharge areas, catchment areas of lakes which are the main sources of water supply to cities, swamp areas and marshy lands. Agricultural wet lands, ponds, lakes and lands abetting water bodies cannot be converted into house sites. No land shall be developed, subdivided, amalgamated, reconstituted, laid-out, changed or put to use which is not in conformity with the provisions of these regulations.

Requirements for obtaining approval

Layout means division of land into plots exceeding eight in number. Sub-division of plots means division of land into plots not exceeding eight in number. Local Authority or Local Body means a Municipal Corporation, Municipality, Town Panchayat, Panchayat Union or Village Panchayat. No person shall carry out any development activity including subdivision / layout or reconstitution or

amalgamation of land without the written permission of the Authority viz. CMDA/DTCP or such other Executive Authority of Local Body or Agency or Person to whom this power has been delegated by CMDA/DTCP.

For the purpose of obtaining Permission, the owner of the land or his power agent shall submit an application in the prescribed form to the Member-Secretary of the Authority or to such other authority or person as designated by the Authority. If the layout / sub division plan and the information furnished by the Applicant are found to satisfy the requirements of these regulations, written permission will be issued by the Authority or person designated for this purpose and while granting permission the Authority may impose such restrictions and conditions, which may be necessary under these regulations. The applicant has to pay to the Authority application scrutiny fee, reclassification fee, development charges, sub division / layout preparation charges,

cost of publication of reclassification in news papers and official gazette and such other charges as may be prescribed.

Depending on the area and the size of the layout:-

- I. The plots in the layout shall be a of a minimum size
- II. The roads inside the layout shall be of a minimum width
- III. Minimum plot frontage has to be provided
- IV. Maximum height of the building shall not exceed prescribed metres
- V. Maximum floor space index for the building shall not exceed 1.5
- VI. Number of floors constructed will depend on the size of the plot and the width of the road
- VII. Land used for road to be gifted to local authority
- VIII. The promoter has to provide land for use as park, play ground, open space reservation area and the land has to be gifted to local authority

IX. Such other conditions as may be imposed from time to time

Violation

The unscrupulous land promoters found that the requirements for obtaining layout approval from CMDA/DTCP was cumbersome and not profitable. They could not make big profits from the sale of approved plots because in the first place they have to shell out money in the form of fees and development charges, secondly they have to gift land to local authority towards Road, Park, Play ground and open space reservation area which otherwise would be converted by them into plots and sold for a huge sum. Moreover availability of lands in residential zone was scarce, and the Authority would not approve conversion of agricultural lands, therefore the layout promoters formed layouts in agricultural lands (wet and dry) and sold to innocent purchasers as approved plots.

The promoters used a novel method of marketing sale of plots as

approved by Panchayat. In fact the Panchayat President who is only an elected representative does not have the power to approve layout of house sites or sub division of plots. It is only the CMDA or DTCP or such other executive officer under the delegated powers of CMDA/DTCP can approve the layout of house sites or sub division of plots less than 8 in number. However, large number of unapproved layouts and sub-divisions have been developed in both rural and urban areas claimed to be approved by Panchayat President and these have been purchased by innocent people who are now facing consequences. It is impossible to convert these plots and sub-divisions back to their original use.

Some officials connived with layout promoters, involved in irregularities and gave building plan approval to plots formed in agricultural lands. So many agricultural lands were converted into residential plots without prior approval from DTCP/CMDA authorities. Soon this

started happening all over Tamil Nadu, and many plots and sub-layouts were sold in the name of Panchayat approved layouts.

The Courts have time and again instructed the state government to take corrective measures but due to political compulsions the successive governments were not co-operative and forthcoming in checking the illegal formation of layouts and sale of plots therein. Although the governments promised to take corrective steps in this direction, nothing affirmative was done and rampant violation continued. In December 2015 when Chennai and surrounding areas faced unprecedented rain and flood, the present generation witnessed the fury of nature and the actual damage it can cause to men and material. The low lying areas which were originally agricultural lands were submerged in flood water and in some places the water level reached the second floor of the buildings sending shock waves to the residents of Chennai. The flow of

flood water into drain was obstructed due to blocking of water ways and channels by illegal and unauthorised construction patronised by some dishonest officials.

A Public Interest Litigation was filed before the Hon'ble Madras High Court by an advocate named Yanai Rajendran highlighting the above violations and seeking suitable directions from the Court for preventing illegal and unauthorised conversion of agricultural lands. The Court reacted positively and passed a blanket order banning registration of sale of all un approved plots whether old or new which meant even plots already sold in an unapproved layout irrespective of whether a building is there or not could not be sold and registered. Although this blanket ban on registration of sale helped in checking illegal conversion of agricultural lands, people who have already purchased plots and constructed a house building thereon and living there for years were the most affected because those who want to sell their property and

use the proceeds for emergent needs could not do so because of the blanket ban. A person who needed money to meet the medical expenses of his family member or to meet the marriage expenses of his/her son or daughter by sale / mortgage of property could not do because of the blanket ban. Even the banks / financial institutions refused to lend money against the security of such property because the mortgage deed could not be registered. The association of land promoters who had invested huge sums in the affected lands and whose business was directly affected approached the court for modification of the order providing for the blanket ban and enable sale of plots against payment of development charges, fee, penalty etc., as may be fixed by the government

Regularisation scheme

In order to protect the interest of innocent purchasers and to provide adequate facility to the people, it was necessary to regularise the plots in unapproved layouts and sub-divisions. As

per the directions of the Hon'ble High Court of Madras, the Tamil Nadu government announced a regularisation scheme for unapproved plots across the state. In exercise of powers conferred by section 113 of the Town and Country Planning Act (Tamil Nadu Act 35 of 1972), the Government exempted all unapproved plots sold and registered on or before October 20, 2016 from the operation of the provisions of the Tamil Nadu Town and Country Planning Act. Sec 22 (A) of Town and Country Planning Act, notified on October 20, 2016 allowed plots to be registered if they were registered under the category of 'Housing site' at least once in the past. It permits the regularisation of unsold plots that are a part of the layout, if a portion of the larger layout was sold through a registered sale deed on the cut-off date of October 20, 2016. Meaning even if the plots are not in conformity with the provisions of the said Act, they will be exempted provided they are regularised under the special scheme

formed for this purpose. The rule excludes unauthorised plots and layouts located in government Poramboke land, water bodies, OSR and plots that block access to surrounding plots. They cannot be regularised.

The Tamil Nadu Regularisation and Unapproved Layout and Plot Rules, 2017 recently notified that the land owners and layout promoters needed to apply for regularisation of unapproved plots. This scheme is available only for unapproved plots registered before October 20, 2016. This decision benefitted 13 lakh unapproved plots in 26,000 layouts across the state. As per the Rules mentioned in the Act, it shall be compulsory for all the eligible individual plot owners and layout promoters to file an application on-line for regularisation to the competent authority concerned within 6 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 period of six months has been extended.**

The Madras High court permitted the sale and resale of such plots on the condition that they are strictly in accordance with rules which are pursuant to the notification of a new set of rules to regularise unapproved plots and layouts in Tamil Nadu,

The Competent Authority for regularisation of layout in the Chennai Metropolitan Planning Area is the Member – Secretary of Chennai Metropolitan Development Authority and 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, in whose jurisdiction the layout exists.

The Competent Authority for regularisation of unapproved individual plot in a sub-division of layout –

- (a) Commissioner for city municipal corporation
- (b) Commissioner for Municipality
- (c) Executive officer for a Town Panchayat
- (d) Block Development officer for a Village Panchayat

The competent authority will process the application and pass orders of regularisation on-line. The application made for individual plot regularisation in a layout shall be considered for regularisation only after in-principle approval of the layout framework is issued by the competent authority. In an unapproved layout, all the individual plot owners shall apply for regularisation of their plots along with a sketch of the layout.

A plot owner of unapproved layouts and other layout promoters should submit a sketch of the layout in order to apply for

regularization of their plots online, to the competent authority in charge within 6 months of this order, along with all the necessary fees and charges mentioned in the online application. If the competent authority gives in-principle approval of the layout, it will process application and pass the regularization order online.

Restrictions for regularisation

- (1) A layout or a plot located in public water body like channel, tank, canal, lake, river etc., shall not be eligible for regularisation.
- (2) No plot or layout in part or whole in Government Poramboke land shall be eligible for regularising.
- (3) No plot or layout in Open Space Reservation (OSR) land, park or Play-field reserved shall be eligible for regularisation.
- (4) Vacant plots which are blocking access to surrounding lands and places which do not have any means of access are not eligible for regularisation.

(5) No plot with encroachment on to a public road or street or on any other land over which the applicant does not possess any ownership right shall be considered for regularisation.

Guidelines for Regularisation

(1) Individual plot in a layout or subdivision which needs to be regularised should have been sold or transferred in favour of the applicant by a registered sale deed which is executed before the date of coming into force of these rules and regulations.

(2) The unapproved layout which needs regularization should be a contiguous piece of land.

(3) Any plot which needs 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.

(4) The layout applied for regularisation may gain access from a public road which is of minimum width of 4.8 metres in case of corporations and Municipalities and 3.6 metres in the case of Town Panchayats and Village Panchayats.

Charges

Regularisation charges are given per square metre of the plot area-

- (i) Rs.100/- in City Municipal corporation area;
- (ii) Rs. 60/- in Municipal area
- (iii) Rs. 30/- in areas covered under Town Panchayats and Village Panchayats areas

Development Charges per square metre of the plot area shall be the following:-

- (a) Rs.600/- in City Municipal Corporation Area
- (b) Rs. 350/- in Special and Selection Grade Municipal Area

- (c) Rs. 250/- in Grade – I and Grade – II Municipal Area
- (d) Rs.150/- in Town Panchayats
- (e) Rs.100/- in Village Panchayat Area.

Open Space Reservation charges:-

Charges for Open space reservation (OSR) Area is mainly for regularization of plot in a sub-division, the Open space reservation area requirement as per the Development Regulations or Development Control Regulations will be calculated and charged proportionate to the plot area applied for regularization. For regularisation of layout, open space reservation area charge will be collected for 10% of the layout area as per the guideline value notified.

Consequences of non-regularisation

The following are the consequences faced for failure to regularise plots and layouts:

- (a) No drainage and sewerage connections, electricity, water supply shall be extended for unapproved plot or layout.
- (b) Plots which are not regularised are considered to be unapproved plot or layouts which will not be registered under the Registration Act, 1908 by registration department
- (c) No building approval will be given by the authorities concerned for such approved plot or layout.

Process of regularisation

To protect the interest of innocent purchasers and to provide basic infrastructure facilities, the state government has launched a new website for regularising the unapproved plots and layouts. The owners and the applicants can regularise their plots online through www.tnlayoutreg.in.

Owners of such unapproved plots can create an account easily on the portal and submit their applications online before

the deadline. Charges for development, regularization and OSR (Open Space Reservation) have to be paid. This regularisation is actually a two stage process. In the first stage the regularisation of plot will be done by CMDA/LPA/DTCP who will examine and issue an in-principle approved layout framework plan to local body. In the second stage, the local body will issue a regularisation order and plan as per the in-principle approved layout framework plan after confirming the ownership of the plot and collecting balance regularisation and applicable charges.

CONCLUSION

Alarmed over large amount conversion of agricultural lands into residential plots, as per the directions of the Madras High court the new regularisation scheme has been introduced. But this has to be only a one time measure to help the innocent purchasers who have already invested their hard earned money without knowing the repercussions of purchasing unapproved

plots. The money collected by the government under this scheme has to be properly invested in developing the respective layouts and for providing basis infrastructure to its residents. The government has to be strict with fraudulent promoters who indulge in conversion of agricultural lands and water bodies as house sites and they must be identified and punished in accordance with law. The general public has to be forewarned about such unauthorised developments and unscrupulous promoters. The state shall take adequate measures to preserve and protect agricultural wet lands and water bodies from conversion and allocate funds for achieving the objective. Providing housing for all citizens is one of the directive principles but the same cannot be achieved by destroying agriculture which is the back bone of your country's economy.

REFERENCES

1. Development Regulations by CMDA

2. Tamil Nadu Regularisation and Unapproved Layout and Plot Rules, 2017 [regularisation-scheme-launched/articleshow/58864212.cms](https://www.thehindu.com/news/national/tamil-nadu/now-a-portal-to-regularise-unapproved-plots-layouts/article18586688.ece)
3. <http://www.thehindu.com/news/national/tamil-nadu/now-a-portal-to-regularise-unapproved-plots-layouts/article18586688.ece>
4. <https://chennaidreamhomes.com/all-about-regularisation-of-unapproved-plots-in-tamilnadu/>
5. <http://www.cmdachennai.gov.in/pdfs/go/go78.pdf>
6. <http://timesofindia.indiatimes.com/city/chennai/web-portal-to-register-unapproved-plots-for-regularisation-scheme-launched/articleshow/58864212.cms>
7. <http://timesofindia.indiatimes.com/city/chennai/hc-with-rider-permits-sale-of-unapproved-layouts-in-tn/articleshow/58650523.cms>
8. <http://timesofindia.indiatimes.com/city/chennai/in-chennai-pay-rs-41000-for-1000-sqft-as-plot-regularisation-fee/articleshow/58543569.cms>
9. <http://www.dnaindia.com/money/report-hc-for-registration-of-housing-plots-converted-from-agi-land-2436714>
10. <http://www.99acres.com/articles/chennai-property-news>
11. <https://housing.com/news/madras-hc-issues-clarification-registration-unapproved-plots/>
12. <http://www.uniindia.com/tn-govt-submits-in-hc-regularisation-scheme-for-registration-of-unapproved-plots/states/news/861529.html>
13. <http://www.thehindu.com/news/national/tamil-nadu/scheme-regularises-unapproved-layouts-sold-before-oct-21/article18398900.ece>
14. <http://timesofindia.indiatimes.com/city/chennai/web-portal-to-register-unapproved-plots-for-regularisation-scheme-launched/articleshow/58864212.cms>