

Tamil Nadu Town and Country Planning (Amendment) Act, 1981

[TAMIL NADU ACT 40 OF 1981]₁

Statement of Objects and Reasons

Tamil Nadu Town and Country Planning (Amendment) Act, 1981 (Tamil Nadu Act 40 of 1981)². – The Tamil Nadu Town Act, 1920 (Tamil Nadu Act VII of 1920) has been repealed by the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) Section 34 of the Tamil Nadu Act 35 of 1972 provides that every detailed town planning scheme notified, submitted or sanctioned under the Tamil Nadu Town Planning Act, 1920, together with any variation made thereto shall for purposes of the Tamil Nadu Act 35 of 1972 to deemed to be a detailed development plan made under that Act and all actions taken under the Tamil Nadu Act VII of 1920 shall be deemed to have been taken under Tamil Nadu Act 35 of 1972. The said Tamil Nadu Act 35 of 1972 came into force on the 15th August 1974 in the Madras Metropolitan Area. At the lime of commencement of Tamil Nadu Act 35 of 1972, certain variation proposals to some of the town planning schemes framed under the Tamil Nadu Town Planning Act, 1920, submitted to the Government under section 15 of the said Act, were pending for approval of the Government. The Municipal Corporation of Madras in anticipation of the approval of the Government have sanctioned the building plans which vary with town planning scheme in regard to the construction of more than one dwelling house on one site and the requirement of extent of plot or plot coverage or the open space. There is no provision in the Tamil Nadu Town and Country Planning Act, 1971 empowering the Municipal Corporation of Madras to sanction such building plans with variations referred to above, without the variation proposals having been approved by the Government. Based on the plans sanctioned by the Corporation, Certain, buildings have already been constructed and some buildings are under construction. It is therefore considered necessary to amend the Tamil Nadu Town and Country Planning Act, 1971 empowering die Municipal Corporation of Madras to sanction plans for the specified period with variation referred to above. It is also considered necessary to validate all constructions made in pursuance of the building plans sanctioned by the Corporation by making necessary validating provision. The Bill seeks to give effect to the above objects.

TAMIL NADU TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 1981

[TAMIL NADU ACT 40 OF 1981]

An Act further to amend the Tamil Nadu Town and Country Planning Act, 1971. BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty –second Year of the Republic of India as follows: -

1. Short title and commencement.– (1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 1981.

(2) Section 2 shall be deemed to have come into force on the 15th August 1974 and remained in force up to and inclusive of the 1st October 1980.

2. [The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Town and Country Planning Act, 1971(Tamil Nadu Act 35 of 1972)]

3. Validation of certain building plans sanctioned by the Municipal Corporation of 1[Chennai] – Notwithstanding anything contained in the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) (hereinafter referred to as the said Act) or in any other law relating to local authorities for the time being in force, or in any detailed development plan, made or deemed to be made under the Act, or in any judgment, decree or order of any court of other authority, any building plan, sanctioned during the period commencing on the 15th August 1974, and ending with the 1st October 1980, by the Municipal Corporation of 1[Chennai] providing for the construction of more than one dwelling house on any one site or providing for the construction of any building with variation in regard to requirement of plot extent or plot coverage or open space shall be deemed to have been validly sanctioned by the said Municipal Corporation of 1[Chennai] in accordance with law, as if section 2 of this Act had been in force at all Material times and any building constructed or under construction in pursuance of such building plan shall not be deemed to have been or to be undertaken or carried out unlawfully, on the ground that such construction provides for more than one dwelling house or varieties in regard to the requirement of extent of plot coverage or open space.
