

1. **Will these rules apply to non-planning areas as well ?** I have this query, since, excepting a reference of non-planning areas having been made in Rule 7(g)(iv), when it is stated that “**in respect of layouts formed within agricultural land in areas other than planning areas**”, there is nothing else in these Rules to suggest that there is indeed an intention to make it so applicable, to areas other than planning areas.

Yes. The scheme is applicable for both planned and non-planned areas. Mention of non-planned area have been made in rule 7(g)(iv), 7(f)(i), 7(g)(iv) and 7(h)(iii) also.

2. If it is taken that the rules do apply to areas other than planning areas as well, given that in respect of lands in these areas, **land use is not specifically defined under a notified Master Plan, what will determine the status of lands in these areas as being agricultural or otherwise.**

The use classification as agricultural in the revenue records and in the documents is taken as the use of the land. Rule nos. 7(f)(i), 7(g)(iv) and 7(h)(iii) grant exception for the layouts formed in such agricultural lands (both wet agriculture and dry agriculture lands)

2. **In a case where the developer has completely sold out the plots and has no interest or will not contribute towards regularization charges or development charges, can individual plot owners apply for regularization by paying the same only for his or her plot area.**

Yes, it is possible. Rule nos.5(4), 14(8)(a) and 14(8)(c) pave way for processing of such applications.

3. **While computing the OSR area will the land consumed by the road or what has been set apart for the overhead tank, security room and other common amenities, qualify for the OSR.**

No.

4. **Will lands located in planning areas, the land use of which is classified as agricultural, qualify for regularization.**

In case of layouts formed in agricultural land use of planned areas and in which less than one-third of the total number of plots in the layout have been sold before the cut-off date, then such will not be eligible for regularisation under the scheme.

5. **The definition of a layout seems to be division of land into plots exceeding 8 (eight) in number in Chennai Metropolitan Planning Area and division of land into plots by introducing a new road or street in areas other than Chennai Metropolitan Planning Area. Does this mean that in areas other than Chennai Metropolitan Planning**

Area, an individual who has, say for example half an acre of land, intends to sell it as 2 bits of 25 cents each, with a private road within the same, cannot do so, as even this would be perceived to be a layout.

Yes. Proper approval for the layout shall be obtained either through the scheme, if it is eligible otherwise or through usual approval process.

- (i) The Member Secretary of the respective planning authorities/ the Deputy Director/Assistant Director of the respective regional offices of this department has been prescribed as competent authority to issue in principle clearance for the layout of any extent of area under rule no.2(2)(ii). This would be applicable for in principle clearance for any sub-division plan as well.
- (ii) Under rule no.5(3), the said field officers of this department shall within 15 days from the notification of these rules i.e., on or before 17.5.2017, convene a meeting of the executive authorities of all the constituent local bodies (Commissioner of the Corporation, Commissioner or Executive officer of the Municipality/Town Panchayat/Panchayat Union) within the jurisdiction of the respective planning area/ regional area most preferably under the chairmanship of the District Collector to collect the details of the unapproved layouts in the prescribed format as provided in the D.O.letter 2nd cited above. The details shall include the name of the revenue village, survey numbers or ward numbers, town survey numbers, name of the local body, as the case may be covered by the layout and its extent.
- (iii) Further it is informed that the said rules stipulate that:
 - (a) First the application has to be made to the concerned field office for obtaining the layout approval. The eligible applicants include owner

of a plot in a layout, association of plot owners, housing societies, layout promoter.

- (b) The application shall be made through online as per the Form I prescribed in these rules. The necessary software which would enable such online submission of application has been prepared and launched for use in the URL: www.tnlayoutreg.com and simultaneously a link has also been provided to this URL in the home page of the website of this department – www.tn.gov.in/tcp.
- (c) On receipt of the application, the drawing showing the road pattern and plots reserved for park/children play ground/open space of the layout shall be prepared by the field office and the same has to be forwarded to the concerned local body marking a copy to the applicant. The applicant has to carry-out corrections at the site, if any required, as instructed by the field office and to hand over the roads and open space reservations to the local body.
- (d) The concerned local body has to inform the respective field office of this department about the roads and OSR gifted by the applicant.
- (e) The application shall accompany with the self assessed fees and charges viz., the scrutiny fee of Rs.500/ per plot to be paid in the account of the planning authority/regional office and the OSR charges to be paid in the prevailing Government head of account. No other charges shall be collected by the field office other than the charges prescribed in the rules.
- (f) Once the in-principle clearance for the layout is accorded by the field office of this department, the plot owner has to apply to the concerned local body for regularisation of the individual plots for

which other charges viz., regularisation charges and development charges have to be paid by the applicant. Regularisation charge shall be paid into the Government head of account which is to be prescribed by the Government and the development charges has to be paid into the account of the concerned local body.

- (g) These charges could be paid at the stage when the local body assess the same and send the demand notice to the applicant. Sample calculations for self assessment of fee and charges have been given as attachment to the Form I provided in the G.O. cited above in which appropriate rates of charges as specified under the rules 9, 10,11 and 12 have to be applied .
- (h) Then the field office shall send the demand notice to the applicant for the balance payment to be made, if any in respect of the scrutiny fee and the OSR charges.
- (i) After receipt of the appropriate fee and charges, the field office shall release the final layout drawing showing the details of the plots, roads and OSR duly assigning the approval number along with necessary conditions to be followed for regularisation of the individual plots by the concerned local body.
- (j) In case of no application is received from anybody in respect of any of the unapproved layout for which details have been received from the local body, the field office shall take action to prepare layout suo-motto as specified under rule no. 5(4). In such cases, the final layout drawing shall be prepared and in principle clearance for the layout is accorded directly and sent to the concerned local body. The field office shall assess the scrutiny fee, OSR charges, regularisation

charges and the development charges to be collected on pro-rata basis and send the same to the local body.

- (k) In such cases, the field office shall inform the concerned local body to collect the scrutiny fee from the applicant when he applies for regularisation of individual plot and remit it to the field office account and the local body has to collect other charges viz., OSR charges, regularisation charges and development charges from the applicant as per the estimate prepared and sent by the field office of this department to the local body.
- (l) If the number of unapproved layouts to be dealt with is going to be huge which could not be managed with the available staff, then, the field office shall convene a meeting of the licensed surveyors of the area so as to identify and engage them for assisting in preparation of layout drawings. The approved layout shall be sent to the local body concerned along with the estimate of the fee and charges to be collected by the local body on behalf of the field office from each plot owner on pro-rata basis as prescribed under the rule 14(8).
- (iv) Apart from the points elaborated above, all other provisions of the rules, which are self explanatory, have to be followed without any deviation.
- (v) It is also informed that earlier details of unauthorised layouts have been collected from the heads of the departments of Municipal Administration, Town Panchayats and Rural Development which revealed that there are about 13 lakhs of unapproved plots are there in the DTCP area. But it is noted that details of even 50% of the unapproved layouts have not been collected from the local bodies by the field office as on end of May, 2017. It is a very serious lapse that should be attended expeditiously so that the

field office should ensure that the details of all unapproved layouts are collected from the local bodies.

- (vi) Since, the time duration permitted for submission of application under the scheme has been restricted to 6 months only, swift action is solicited from the field offices so as to implement the scheme successfully. Action taken in adhering to the timelines as given above and as per the rules shall be intimated to this office then and there.