

**Tamil Nadu Town And Country Planning (Amendment) Act,
2010****46 of 2010**

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Statement of Objects and Reasons² The need for regulating and controlling the developments in an area other than planning areas and especially in the wet lands so as to conserve wet lands in the State has been keenly felt and was the concern of the Government for some time. The Committee under the Chairmanship of Justice Thiru Mohan, Retired Judge of Supreme Court formed to review the Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1972) so as to streamline the large scale developments in the areas not covered by planning areas has insisted the permission of the Director of Town and Country Planning upon those developments and to impose suitable punishments on the unauthorized developers as per the provisions contained in the said Act. In this context, the Committee has suggested the introduction of a new Section 47-A to regulate the development in the non planning area and with a view to conserve wet lands in the State and also to regulate the conversion of wet lands into other uses. It is also considered necessary to insist upon prior concurrence of the District Collector in all such cases. Accordingly, the Government have decided to amend the said Act suitably for the above purpose. The Bill seeks to give effect to the above decision. MEMORANDUM REGARDING DELEGATED LEGISLATION Section 47-A proposed to be inserted by Clause 2 of the Bill authorizes the Government to make Rules for the purpose specified therein. The powers delegated are normal and not of an exceptional character. PREAMBLE An Act further to amend the Tamil Nadu Town and Country Planning Act,

1971. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-first Year of the Republic of India as follows:-- 1. Received the Assent of the Governor of Tamil Nadu on December 2, 2010 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 368, pages 255-256, dated December 3, 2010. 2. Vide Bill No. 44 of 2010 -- Published in T.N. Government Gazette, Extra., Part IV. Section 1, Issue No. 346, pages 249-251, dated November 12, 2010.

1. Short Title And Commencement :-

(1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 2010.

(2) It shall come into force at on such date as the State Government may, by Notification, appoint.

2. Insertion Of New Section 47-A :-

After Section 47 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the following Section shall be inserted, namely:--

"47-A. Development of land in an area other than planning area.--

(1) Any person intending to carry out any development on any land in an area other than planning area shall make an Application in writing to the Local Authority for permission in such form and containing such particulars and accompany such documents as may be prescribed.

(2) The Local Authority shall before according permission under subsection (1), shall obtain the prior concurrence of the Director and shall also collect such fees at such rate as may be prescribed: Provided that in the case of wet lands, the prior concurrence of the Collector of the District concerned is necessary.

(3) The Collector shall give his prior concurrence to the Local Authority under sub-section (2), upon fulfillment of such guidelines as may be prescribed.

(4) Where any development of land has been carried out,--

(a) without permission required under this Section; or

(b) in contravention of any permission granted or of any condition subject to which permission has been granted; or

(c) after the permission for development of land has been duly revoked; or

(d) in contravention of any permission which has been duly modified, the Local Authority shall exercise the powers of the

appropriate Planning Authority under Sections 56 and 57 with such modifications as may be necessary.

Explanation.--The term "wet land" in this Section shall have the same meaning as in the Tamil Nadu Additional Assessment and Additional Water Cess Act, 1963 (Tamil Nadu Act 8 of 1963).".