

**Tamil Nadu Town And Country Planning (Amendment) Act,
2012**

36 of 2012

CONTENTS

1. Short title and commencement
2. Amendment of Section 57
3. Amendment of Section 83
4. Amendment of Section 84
5. Amendment of Section 85
6. Amendment of Section 86
7. Amendment of Section 88
8. Amendment of Section 89
9. Insertion of new Section 113-C
10. Schedule I
11. Repeal and saving

**Tamil Nadu Town And Country Planning (Amendment) Act,
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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-third Year of the Republic of India as follows:--

1. Received the assent of the Governor of Tamil Nadu on November 14, 2012 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 322, Pages 275-277, dated November 16, 2012.

1. Short title and commencement :-

(1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 16th day of July.

2. Amendment of Section 57 :-

In Section 57 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) (hereinafter referred to as the principal Act), sub-section (6) shall be re-lettered as Clause (a) of that sub-section and after Clause (a) as so re-lettered, the following Clauses shall be added, namely:

"(b) No person shall continue the development after obtaining any order of stay or interim injunction from any Court against the notice served by the appropriate Planning Authority under Section 56 or under this Section.

(c) Any development continued after obtaining the order of stay or interim injunction referred to in Clause (b), shall be deemed to be unauthorised development and the appropriate planning authority may demolish such unauthorised development without any notice."

3. Amendment of Section 83 :-

In Section 83 of the principal Act,--

(1) in sub-section (1), for the expression "one thousand rupees", the expression "one lakh rupees" shall be substituted;

(2) in sub-section (2), for the expression "shall not be less than twenty-five rupees and not more than fifty rupees", the expression "shall not be less than two thousand and five hundred rupees and not more than five thousand rupees" shall be substituted;

(3) after the Explanation thereunder, the following sub-section and Explanation shall be added, namely:--

"(3) Without prejudice to the provisions of sub-sections (1) and (2), whoever--

(a) having been convicted in the prosecution under sub-section (5) of Section 56, carried out any development of land or building as specified in Clause (a) or (b) or (c) or (d) of sub-section (1) of Section 56; or

(b) continues to carry out development of land or building, whether for himself or on behalf of the owner or on behalf of any other person, subsequent to the notice served under sub-section (1) of Section 57, shall, on conviction, be punishable with imprisonment for a term which shall not be less than three months and not more than three years and also with fine which shall not be less than fifty thousand rupees and not more than one lakh rupees.

Explanation.--For the purpose of this Section and Sections 84, 85 & 86, the term "whoever" means and includes the land owner, power of attorney holder, builder, promoter, architect and licensed surveyor, jointly and severally."

4. Amendment of Section 84 :-

In Section 84 of the principal Act, for the expression "shall not be less than fifty rupees and not more than one thousand rupees", the expression "shall not be less than five thousand rupees and not more than one lakh rupees" shall be substituted.

5. Amendment of Section 85 :-

In Section 85 of the principal Act, in sub-section (2), for Clause (b), the following Clause shall be substituted, namely:

"(b) such person shall, without prejudice to the provisions of Clause (a), be punishable--

(i) with fine which shall not be less than two thousand and five hundred rupees and not more than fifty thousand rupees; and

(ii) in case of continuing failure, with fine which shall not be less than five hundred rupees and not more than ten thousand rupees for every day during which such failure continues."

6. Amendment of Section 86 :-

In Section 86 of the principal Act, for Clauses (a) & (b), the following Clauses shall be substituted, namely:

"(a) for the first offence, with fine which shall not be less than five hundred rupees and not more than five thousand rupees; and

(b) for a second or any subsequent offence, with fine which shall not be less than two thousand rupees and not more than twenty thousand rupees."

7. Amendment of Section 88 :-

In Section 88 of the principal Act, in sub-section (2),--

(1) in item (i), for the expression "five hundred rupees", the expression "fifty thousand rupees" shall be substituted;

(2) in item (ii), for expression "twenty-five rupees", the expression "two thousand and five hundred rupees" shall be substituted.

8. Amendment of Section 89 :-

In Section 89 of the principal Act, in sub-section (1), the expression "within three months from the date of the commission of the offence" shall be omitted.

9. Insertion of new Section 113-C :-

After Section 113-B of the principal Act, the following Section shall be inserted, namely:--

"113-C. Exemption in respect of development of certain buildings.-- Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, taking into consideration the ecology and environment of the area and having regard to public interest and in order to improve the infrastructure, reduce public inconvenience and ensure public safety in the area, by order, exempt any building or class of buildings developed on or before the 1st day of July 2007, from all or any of the provisions of this Act or any Rule or regulation made thereunder, subject to the guidelines made in this behalf, by collecting such amount, not exceeding three times of the guideline value of the land, as may be prescribed. Different rates may be prescribed for different planning parameters and for different parts of the planning area."

10. Schedule I :-

For Schedule I to the principal Act, the following Schedule shall be Substitution of substituted, namely:-

**"SCHEDULE-I
(See Section 83)**

Section	Sub-section or Clause	Subject	Penalty
(1)	(2)	(3)	(4)
47	..	Failure to use and develop the land in conformity with the development plan.	7,500
48	..	Erection of building or change in use of land without permission.	10,000
49	..	Failure to apply for permission and get permission.	5,000
56	(5)	Power to require the removal of unauthorised development.	5,000
57	..	Power to stop the unauthorised development.	5,000
62	..	Failure to comply to pay development charges.	
106	..	Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities.	10,000".

11. Repeal and saving :-

(1) The Tamil Nadu Town and Country Planning (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 6 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.