

Tamil Nadu Town And Country Planning (Second Amendment) Act, 2007

34 of 2007

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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 Fifty-eighth Year of the Republic of India as follows:-- 1. Received the Assent of the Governor of Tamil Nadu on November 9, 2007 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 311, pages 155-157, dated November 12, 2007. Statements of Objects and Reasons -- Refer 2007 (2) CTAR page No. 1.103.

1. Short Title And Commencement :-

- (1) This Act may be called the Tamil Nadu Town and Country Planning (Second Amendment) Act, 2007.
- (2) It shall be deemed to have come into force on the 1st day of June 2007.

2. Insertion Of New Sections 63-B And 63-C :-

In the Tamil Nadu Town and Country Planning Act, 1971 (T.N. Act 35 of 1972) (hereinafter referred in to as the principal Act), after Section 63-A, the following Sections shall be inserted, namely:--

"63-B. Levy of infrastructure and amenities charges.-

- (1) Every local authority or the planning authority, as the case may be, while according building permit under the relevant laws or according permission under this Act, as the case may be, shall levy

charges on the institution of use or change of use of land or building or development of any land or building in the whole area or any part of the planning area so as to meet the impact of development and for ensuring sustainable development of urban and rural areas by providing adequate infrastructure and basic amenities at the rates as determined in accordance with such procedure as may be prescribed which shall not be less than minimum and not more than the maximum as may be prescribed, and different rates may be prescribed for different parts of the planning area and for different uses.

(2) The infrastructure and amenities charges shall be leviable on any person who undertakes or carries out any such development or institutes any use or changes any such use.

(3) The collection of the infrastructure and amenities charges shall be made in such manner as may be prescribed.

Explanation.-- For the purpose of this Section "relevant laws" means in case of--

(i) the Chennai Metropolitan Development Authority, the Tamil Nadu Town and Country Planning Act, 1971 (T.N. Act 35 of 1972);

(ii) the Chennai City Municipal Corporation, the Chennai City Municipal Corporation Act, 1919 (T.N. Act 4 of 1919);

(iii) the Madurai City Municipal Corporation, the Madurai City Municipal Corporation Act, 1971 (T.N. Act 15 of 1971);

(iv) the Coimbatore City Municipal Corporation, the Coimbatore City Municipal Corporation Act, 1981 (T.N. Act 25 of 1981);

(v) the Tiruchirappalli City Municipal Corporation, the Tiruchirappalli City Municipal Corporation Act, 1994 (T.N. Act 27 of 1994);

(vi) the Tirunelveli City Municipal Corporation, the Tirunelveli City Municipal Corporation Act, 1994 (T.N. Act 28 of 1994);

(vii) the Salem City Municipal Corporation, the Salem City Municipal Corporation Act, 1994 (T.N. Act 29 of 1994);

(viii) the Municipalities and Town Panchayats, the Tamil Nadu District Municipalities Act, 1920 (T.N. Act 5 of 1920); and

(ix) the Panchayat Unions and Village Panchayats, the Tamil Nadu Panchayats Act, 1994 (T.N. Act 21 of 1994).

63-C. Constitution of State Infrastructure and Amenities Fund.-

(1) The Government may constitute a fund called "State Infrastructure and Amenities Fund" to provide adequate infrastructure and basic amenities so as to meet the impact on development and for ensuring sustainable development of urban and rural area.

(2) The infrastructure and amenities charges levied under Section

63-B shall be credited to this fund.

(3) The fund shall be operated, utilized and maintained in such manner as may be prescribed."

3. Validation And Levy Of Infrastructure And Amenities Charges :-

Notwithstanding anything contained in the principal Act, or any judgment, decree or order of any Court no levy or collection of infrastructure and amenities charges at any time between 1st day of June 2007 and the date of publication of this Act in the Tamil Nadu Government Gazette shall be deemed to be invalid or ever to have been invalid and such charge levied or collected shall be deemed to be and to have always been validly levied or collected in accordance with law, as if the principal Act, as amended by this Act, had been in force at all material times when such levy or collection has been made and no suit or other legal proceeding shall be maintained or continued against any local authority, planning authority, the Director of Town and Country Planning, Government or any other authority whatsoever on the ground that such levy or collection was not made in accordance with law.