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Illegal buildings in Tamil Nadu face the axe

CHENNAI: Thousands of unauthorised buildings in the state are facing demolition after the Madras high court on Monday quashed two government orders that proposed to legalise illegal structures built till July 1, 2007.

The first bench comprising Chief Justice R K Agrawal and Justice M Sathyanaryanan said: "But for the lackadaisical attitude on the part of the authorities, such an alarming and mushrooming growth of unauthorized and illegal constructions would not have come into place." The bench was delivering verdict on two PILs against October 30, 2012 government orders extending amnesty schemes for illegal buildings constructed between 1999 and July 1, 2007.

"The state government and statutory authorities concerned are required to act diligently and prevent recurrence of such unlawful activities in future. They must deal with the violators with an iron hand. This court also hopes and trusts that no further extension of cut-off date will be granted in future by the state government," the bench said in its 67-page judgment.

In 2000, the Supreme Court upheld the validity of Section 113 of the Town and Country Planning Act, and permitted the government to use the clause and regularise illegal buildings

built till February 28, 1999 "as one-time measure". However, successive governments used the same route to extend the cutoff date for structures built till 2000 and then till 2001.

In 2006 and 2007, the then government brought in two ordinances which later became Acts. All were struck down by the high court, prompting the government and other stakeholders to move the SC. After the appeals were sent back to the high court, the state government constituted Justice S Mohan committee, which recommended extension of the amnesty schemes for buildings constructed up to July 1, 2007. The government issued two orders on October 30, 2012 accepting the recommendations.

Quashing both the orders and pointing out that for the past 13 years the government had not done anything pragmatic to address the issue, the bench said: "Thirteen years had lapsed and the state government and authorities concerned have failed to take any effective and sincere steps to avoid such a kind of nuisance. They merely extended the cutoff date for regularization of unauthorized constructions, saying illegal constructions have come up in such a large scale that it is virtually impossible for them to resort to demolition and, instead, by collecting hefty regularization fee and fulfilment of other conditions, they will regularize unauthorized constructions."

The bench reiterated the fact that the state government did have power to grant exemptions under Section 113 of the Town and Country Planning Act, and said the regularisation issue could be referred to the Justice Mohan Committee or a different

committee. It said based on the recommendations given, the government can frame appropriate guidelines and rules for proper and effective implementation of Section 113-C of the Act.