

O/o, Director of  
Town and Country Planning,  
807, Anna Salai,  
Chennai – 600 002.

CIRCULAR

Roc.No.7466/2020-TCP2, dt.04.6.2020.

Sub: Appeal applications under section 79 or 80A – not to be entertained by the planning authorities/ regional offices – Instructions – issued – Reg.

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It is observed that even after advising the field officers many times during the officers' meeting and on various occasions not to receive appeal applications and not to forward to head office for action, some of the field officers continue to send such applications without any care. In this regard, following are informed for strict adherence.

Applications are received by the planning authorities in respect of planning areas for granting planning permission under section 49 of the Tamil Nadu Town and Country Planning Act, 1971(TNT&CP Act). In case of non-plan areas, applications are received by the regional officers under section 47-A. Procedure to be followed for appeal applications is as follows:

- (a) **In case of vacant site/land:** If the proposal is found to be in violation of the Tamil Nadu Combined Development and Building Rules(TNCDBR), 2019 then it has to be rejected on that account by the planning authority/regional officer. Based on the rejection order, the applicant may rectify the violations in compliance with the provisions of the TNCDBR, 2019 and again submit through a fresh application for permission. Such application should be processed further and permission should be granted by following the due procedures including obtaining prior concurrence of the Director, if required as per the power delegation order. Or, the applicant may prefer an appeal, within the timelimit as prescribed under section 79 of the said Act, directly to the Government, based on the rejection order. Anyhow, such appeal applications should not be received at the field office for process and not to forward it to Government through the Director for orders. Whenever, Government seeks the remarks of the Planning authority/regional officer on the appeal, then only the field officer is bound to provide the details as sought by the Government, may be through the Director.
- (b) **In case of unauthorised/deviated constructions:** Further, in case of unauthorised/deviated constructions for which notice is issued or lock and seal of the premises made under section 56 or 57, the developer/owner can submit



an application for permission under section 49 or 47-A to the planning authority or the regional officer, as the case may be. If the development is in conformity with the provisions of the TNCDBR, 2019 then permission may be granted adhering to the power delegation orders in force. If the development violates the provisions of the TNCDBR, 2019, then it has to be rejected on that account by the planning authority/regional officer. Based on the rejection order, the applicant may rectify the violations in compliance with the provisions of the TNCDBR, 2019 and again submit through a fresh application for permission. Such application should be processed further and permission should be granted by following the due procedures including obtaining prior concurrence of the Director, if required as per the power delegation order. Application should not be forwarded to the Director without rectifying the violations/deviations.

Or, the applicant may prefer an appeal, within the timelimit as prescribed under section 79 of the said Act, directly to the Government, based on the rejection order of the field officer. The applicant may also prefer an appeal directly to the Government under section 80-A based on the notice issued by the field officer against the unauthorised construction or the lock and sealing made. In any case, such appeal applications should not be entertained/processed and not be sent to Director by the field officer.

In this regard, the field officer should be aware of the rule position and inform the applicant appropriately to enable him to follow the rules and regulations in making appeal applications. It is also informed that deviation, if any, to the above instructions will be viewed very seriously and disciplinary action will be initiated against the erring officials.

Sd/- B.Muruges. I.A.S.

Director of Town and Country Planning(FAC)

To

1. Member Secretary of all composite planning authorities,
2. Deputy Director/Assistant Director of all regional offices,
3. All Deputy Directors, Assistant Directors, Planning Assistants, Supervisors of the head office.

/Forwarded/By Order/

  
7/6/2020  
Deputy Director

9/22  
9/22 -