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Part IV—Section 1

Tamil Nadu Bills

**BILL INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 8th April, 2022 is published together with Statement of Objects and Reasons for general information:-

L.A Bill No. 23 of 2022

**A Bill 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 Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Town and Country Planning (Second Amendment) Act, 2022. Short title and commencement.

(2) (i) Section 6 shall come into force at once; and

(ii) All the remaining provisions of this Act shall come into force on such date as the Government may, by notification, appoint.

Tamil Nadu Act
35 of 1972.

2. In section 2 of the Tamil Nadu Town and County Planning Act, 1971 (hereinafter referred to as 'the principal Act'),— Amendment of section 2.

(1) in clause (30), after the expression "or a site for a new town", the expression "or the chennai metropolitan planning area or any urban planning area" shall be inserted;

(2) after clause (31), the following clause shall be inserted, namely:—

"(31-a) 'prescribed' means prescribed by rules made under this Act;";

(3) after clause (46), the following clauses shall be added, namely:—

“(47) ‘Urban Development Authority’ means an Urban Development Authority established under section 9-F;

(48) ‘Urban Planning Area’ means any urban area as the Government may, from time to time, specify by notification in the *Tamil Nadu Government Gazette*.”

Amendment of section 9-D.

3. In section 9-D of the principal Act, in clause (18), for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any person aggrieved by any decision or order of the Metropolitan Development Authority under section 49 or sub-section (1) of section 54 may appeal to the Government.”

Insertion of new Chapter II-B.

4. After Chapter II-A of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER – II-B.

CONSTITUTION AND INCORPORATION OF URBAN DEVELOPMENT AUTHORITY FOR URBAN PLANNING AREA AND SPECIAL PROVISIONS RELATING THERETO.

Establishment of Urban Development Authority.

9-F. (1) With effect from such date as the Government may, by notification in the *Tamil Nadu Government Gazette* appoint in this behalf, there shall be established for any Urban Planning Area an authority by the name as may be specified therein.

(2) An Urban Development Authority established under sub-section (1) shall consist of—

(a) eight persons appointed by the Government of whom—

(i) one shall be the Chairman;

(ii) one shall be the Vice-Chairman;

(iii) three shall be officers of the Government;

(iv) one shall be a member of the State Legislature;

(v) one shall represent trade and industry in the Urban Planning Area; and

(vi) one shall be the Member-Secretary.

(b) the Director or his nominee;

(c) the Chief Planner in the Urban Development Authority;

(d) the Commissioner of Municipal Corporation of the Urban Planning Area;

(e) the representatives of local authorities as specified below:—

(i) if there is only one local authority functioning in the Urban Planning Area, two representatives nominated by the local authority;

(ii) if there are two or more local authorities functioning in the Urban Planning Area, such persons not exceeding four in number as are appointed by the Government, who are members of such local authorities.

9-G. An Urban Development Authority shall be a body corporate and shall have perpetual succession and a common seal and, subject to such restriction or qualification as may be imposed by or under this Act or any other law, may sue or be sued in its corporate name or acquire, hold or dispose of property, movable or immovable, or enter into contracts and do all things necessary, proper or expedient for the purpose of its constitution.

Incorporation
of Urban
Development
Authority.

9-H. (1) Subject to the provisions of this Act and the rules made thereunder, the functions of an Urban Development Authority shall be—

Functions and
powers of Urban
Development
Authority.

(i) to carry out a survey of the Urban Planning Area and prepare reports on the surveys so carried out;

(ii) to prepare a master plan or a new town development plan or a detailed development plan referred to, under sub-section (2) of section 17 or under section 18 or under section 20, as the case may be, for the Urban Planning Area;

(iii) to prepare an existing land use map and such other maps as may be necessary for the purpose of preparing any development plan;

(iv) to cause to be carried out such works as are contemplated in any development plan;

(v) to designate the whole of the Urban Planning Area or any part thereof within its jurisdiction as a new town and to perform the following functions, namely:—

(a) to prepare a new town development plan for the area concerned; and

(b) to secure the laying out and development of the new town in accordance with the new town development plan;

(vi) to perform such other functions as may be entrusted to it by the Government.

(2) An Urban Development Authority may, by order, entrust to any local authority or other authority as may be specified in such order, the work of execution of any development plan prepared by it.

(3) An Urban Development Authority may by order, authorise any local authority or other authority as may be specified in such order, to exercise any of the powers vested in it by or under this Act and may in the like manner withdraw such authority; and the exercise of any power delegated in this behalf shall be subject to such restrictions and conditions as may be specified in such order.

Provisions of this Act shall apply to Urban Development Authority subject to certain modifications.

9-I. In regard to an Urban Development Authority and to any development plan prepared by it, the provisions of this Act shall apply, subject to the following modifications, namely:—

(1) in section 2,—

(a) in clause (3), the expression “and includes an Urban Development Authority established under section 9-F” shall be added at the end;

(b) in clause (14), after the expression “new town development authority”, the expression “or an Urban Development authority” shall be substituted;

(c) in clause (30), after the expression “or a site for a new town”, the expression “or an urban planning area” shall be inserted;

(2) in section 4, after clause (c), the following clause shall be added, namely:—

“(d) Urban Development Authority.”;

(3) in section 16,—

(a) in the first paragraph, for the expression “Every local planning authority”, the expression “An Urban Development Authority” shall be substituted;

(b) the proviso shall be omitted;

(c) in the Explanation, for the expression “local planning authority”, the expression “Urban Development Authority” shall be substituted;

(4) in section 17, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) An Urban Development Authority established under section 9-F shall, within such time as may be prescribed and after consulting the local authorities concerned, prepare and submit to the Government, a plan hereinafter called the “master plan”, for the Urban Planning Area or any part of it.”;

(5) in section 18, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) As soon as may be, after the designation of the site for a new town under the development plan prepared by an Urban Development Authority, the said authority shall within such time as may be prescribed, prepare and submit to the Government, a plan hereinafter called the “new town development plan” for the site designated for the new town or any part of it”;

(6) in section 19,—

(a) in sub-section (1), for the expression “A local planning authority”, the expression “An Urban Development Authority” shall be substituted;

(b) in sub-section (2), for the expression "the local planning authority", the expression "the Urban Development Authority" shall be substituted;

(7) in section 20, in clause (f) of sub-section (1) and clause (f) of sub-section (2), for the expression "the local planning authority", the expression "the Urban Development Authority" shall be substituted;

(8) in section 21, for the expressions "The local planning authority" and "Director", the expressions "The Urban Development Authority" and "Government" shall, respectively, be substituted;

(9) for section 22, the following section shall be substituted, namely:—

"22. Power of Government to require an Urban Development Authority to prepare a master plan, a new town development plan or a detailed development plan in respect of any area.— Notwithstanding anything contained in sections 17, 18, 19 and 21, the Government may, by notification, require an Urban Development Authority to prepare and submit to the Government before a fixed date, a master plan, a new town development plan or the detailed development plan in respect of any area.";

(10) for section 24, the following section shall be substituted, namely:—

"24. Consent of Government for publication of notice of preparation of plans.— (1) As soon as may be, after the master plan, the new town development plan or the detailed development plan has been submitted by an Urban Development Authority to the Government, but not later than such time as may be prescribed, the Government may direct the Urban Development Authority to make such modifications in the master plan, the new town development plan or the detailed development plan, as they think fit and thereupon the Urban Development Authority shall make such modifications and resubmit it to the Government within such time as may be specified by the Government.

(2) The Government shall, after the modifications, if any, directed by them have been made, give their consent to the Urban Development Authority to the publication of a notice under section 26, of the preparation of the master plan, the new town development plan or the detailed development plan.";

(11) in section 26,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Notice of preparation of master plan, new town development plan or detailed development plan.";

(b) for the expression "appropriate planning authority" in three places where it occurs, the expression "Urban Development Authority" shall be substituted;

(c) for the expression “the regional plan, the master plan or the new town development plan” in both the places where it occurs, the expression “the master plan, the new town development plan or the detailed development plan” shall be substituted;

(12) for section 28, the following section shall be substituted, namely:—

“28. Approval by Government.— As soon as may be, after the submission by the Urban Development Authority, of the master plan, the new town development plan or the detailed development plan, but not later than such time as may be prescribed, the Government may, after consulting the Director, either approve the said plan or may approve it with such modifications, as they may consider necessary, or may return the said plan to the Urban Development Authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval within such time as the Government may specify in this behalf.”;

(13) in section 30,—

(a) in the marginal heading, for the expression “regional plan, master plan and new town development plan”, the expression “master plan, new town development plan and detailed development plan” shall be substituted;

(b) in sub-section (1), for the expression “a regional plan, a master plan or a new town development plan”, the expression “a master plan, a new town development plan or a detailed development plan” shall be substituted;

(c) in sub-section (2), for the expression “the regional plan, the master plan or the new town development plan”, the expression “the master plan, the new town development plan or the detailed development plan” shall be substituted;

(14) for section 32, the following section shall be substituted, namely:—

“32. *Variation, revocation and modification of master plan, new town development plan and detailed development plan.*— (1) A master plan, a new town development plan or a detailed development plan of the Urban Development Authority approved under section 28 may, at any time, be varied or revoked by a subsequent master plan, new town development plan or detailed development plan, as the case may be, prepared and approved under this Act.

(2) Once in every five years after the date on which the master plan for the Urban Planning Area comes into operation, the Urban Development Authority may, and if so directed by the Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the local authorities concerned, review the master plan and make such modifications in such plan wherever necessary and submit the modified master plan for the approval of the Government.

(3) The provision of sections 26, 28 and 30 with such modifications as may be necessary shall apply to such modified master plan.

(4) The Government may, at any time by notification in the *Tamil Nadu Government Gazette*, vary or revoke, the master plan, the new town development plan or the detailed development plan, as the case may be, prepared and approved under this Act.”;

(15) in Chapter V,—

(a) for the expressions “New Town Development Authority”, “a new town development authority”, “new town development authority” and “A new town development authority” wherever they occur, the expressions “Urban Development Authority”, “an Urban Development Authority”, “Urban Development Authority” and “An Urban Development Authority” shall, respectively, be substituted;

(b) in section 40, in sub-section (1), for the expression “for securing the development of the new town in accordance with the new town development plan approved by the Government under this Act”, the expression “for securing the effective implementation of any of the development plans of the Urban Development Authority” shall be substituted;

(c) in section 41, for the expression “within the area of the new town”, the expression “within the Urban Planning Area” shall be substituted;

(d) in section 42, for the expressions “any new town development authority” and “in relation to the new town”, the expressions “the Urban Development Authority” and “in relation to the Urban Planning Area” shall, respectively, be substituted;

(e) in section 44, in sub-sections (1) and (3), for the expression “for the promotion and execution of works in the new town development plan made under this Act” in both the places where it occurs, the expression “for the discharge of functions assigned to it under this Act” shall be substituted;

(f) section 46 shall be omitted;

(16) in section 76,—

(a) for the expressions “Director” and “planning authority” wherever they occur, the expressions “Government” and “Urban Development Authority” shall, respectively, be substituted;

(b) in sub-section (1), in the first proviso, for the expression “if he is satisfied”, the expression “if they are satisfied” shall be substituted;

(c) in sub-section (3), in clause (a), in item (iii), for the expression “as he may think fit”, the expression “as they may think fit” shall be substituted;

(d) in sub-section (5), in the proviso, for the expressions “in his discretion”, “as he thinks fit” and “to his satisfaction”, the expressions “in their discretion”, “as they think fit” and “to their satisfaction” shall, respectively, be substituted;

(17) in section 77,—

(a) for the expressions “Director” and “the planning authority concerned” wherever they occur, the expressions “Government” and “the Urban Development Authority concerned” shall, respectively, be substituted;

(18) in section 79,—

(a) for the expression “prescribed authority” wherever it occurs, the expression “Government” shall be substituted;

(b) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any person aggrieved by any decision or order of an Urban Development Authority under section 49 or sub-section (1) of section 54 may appeal to the Government.”;

(c) in sub-section (2), for the expression “if it is satisfied”, the expression “if they are satisfied” shall be substituted;

(19) section 80 shall be omitted;

(20) in section 81, in sub-section (1), the expression “and 80” shall be omitted;

(21) in section 91, in sub-section (1), for the expression “except the power of the Government to make rules”, the expression “except the power of the Government to hear any appeal under section 76 and the power to make rules” shall be substituted.

Relation with
Tamil Nadu Water
Supply and
Drainage Board.

9-J. (1) Notwithstanding anything contained in this Act, an Urban Development Authority shall fully consult and collaborate with the Tamil Nadu Water Supply and Drainage Board constituted under the Tamil Nadu Water Supply and Drainage Board Act, 1970 with respect to any provision regarding water supply or drainage services and matters connected therewith that may be included in any development plan prepared or to be prepared under this Act for the Urban Planning Area or any part thereof.

Tamil Nadu Act 4
of 1971

(2) With respect to any such development plan, the execution of or the carrying out of any work under such plan shall, in so far it relates to water supply and drainage service or matters connected therewith, be entrusted to and be the sole responsibility of the Tamil Nadu Water Supply and Drainage Board, and if any work under such plan is in the process of being executed or carried out on the date of coming into force of this section, the Urban Development Authority shall continue and complete such work in accordance with Tamil Nadu Water Supply and Drainage Board Act, 1970.

Tamil Nadu Act 4
of 1971

Amendment of
section 63-A

5. Section 63-A of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

Tamil Nadu Act 4
of 1971.

“(2) Where any development charges are levied or recovered under the provisions of this Chapter in respect of the use or change of use of land or building or development of any land or building in an Urban Planning Area, and if any such charge or any part thereof is relatable to provision for or improvement of water-supply or drainage service, the Urban Development Authority shall pay over to the Tamil Nadu Water Supply and Drainage Board constituted under Tamil Nadu Water Supply and Drainage Board Act, 1970, such charge or part thereof:

Provided that if there is any doubt or dispute about the amount to be paid over, the matter shall be referred to the Government whose decision thereon shall be final.”.

6. In section 79 of the principal Act, in sub-section (1), for the expression “the prescribed authority”, the expression “an authority as may be prescribed” shall be substituted. Amendment of section 79.

7. In section 111 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 111.

Tamil Nadu Act 28
of 1978.

Tamil Nadu Act 4
of 1971.

“(1) The provisions of this Act shall be read subject to the provisions of the Chennai Metropolitan Water Supply and Sewerage Act, 1978 and the Tamil Nadu Water Supply and Drainage Board Act, 1970 in respect of Chennai Metropolitan Planning Area and Urban Planning Areas, respectively.”.

STATEMENT OF OBJECTS AND REASONS

As per 2011 census, in Tamil Nadu, 48.45 percent of the population reside in the urban areas. Tamil Nadu is the most urbanised State in the country. In view of ever increasing urban area, there is need to undertake preparation of development plans and its implementation in city and its surrounding areas. Urban development authorities for Madurai, Coimbatore, Tiruppur and Hosur urban agglomeration have been constituted. It is necessary to provide statutory status to the above mentioned Urban development authorities and also to the Urban development authorities that may be constituted in future.

2. The Government have, therefore decided to amend the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for the above said purposes.

3. The Bill seeks to give effect to the above decision.

S. MUTHUSAMY,
*Minister for Housing and
Urban Development.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 1(2), 2(3), 4 and 6 of the Bill authorise the Government to issue notifications or orders or to make rules, as the case may be, carry out the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

S. MUTHUSAMY,
*Minister for Housing and
Urban Development.*

Secretariat,
Chennai-600 009,
8th April 2022.

K. SRINIVASAN,
Secretary.