

(G.O.Ms.No.765, Housing and Urban Development, 8th August 1985)

No. SRO A-224/85.- In exercise of the powers conferred by clause (2) of sub-section (2) of section 122 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) the Governor of Tamil Nadu hereby makes the following rules:-

RULES

1. Short title and commencement.- (1) These rules may be called the "Tamil Nadu Town and Country Planning Tribunals Rules, 1985".

2. They shall come into force on the date of their publication in the Tamil Nadu Government Gazette.

2. Definition.- (1) In these rules, unless the context otherwise requires-

(i) "Act" means the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).

(ii) "Section" means a section of the Act.

(iii) "Director" means Director of Town and Country planning, Government of Tamil Nadu.

(iv) "Appropriate Planning Authority" or "Planning Authority" means a "regional Planning authority", a "local planning authority", the "Madras Metropolitan Development Authority" or a "new town development authority" constituted under section 11.

(v) "Development plan" means a plan for the development or re-development or improvement of the area within the jurisdiction of a planning authority and includes a regional plan, master plan, detailed development plan and a new town development plan prepared under this Act.

(vi) "appeal" means a memorandum of appeal to the Tribunal filed under section 77 of the Act.

(vii) "Application for review" means an application for review made to the Tribunal under section 81 of the Act.

(viii) "Appellant" means the applicant and includes a legal practitioner appointed by the applicant or an authorised representative.

(ix) "Authorised Representative" means any person referred to in the Act and duly authorised by the appellant or applicant or respondent to represent him before the Tribunal.

(x) "Government" means the State Government.

(xi) "Legal Representative" means a person who in law represents the estate of a deceased person and includes any person decided by the Appellate Tribunal to represent the deceased person in the proceedings pending before the Appellate Tribunal unless the competent court has decided otherwise.

(xii) "Rules" means the rules framed under Town and Country Planning Act, 1971 and the word "Rule" shall be construed accordingly.

(xiii) "State Representative" means an officer appointed by the State Government to receive on their behalf notices issued by the Appellate Tribunal and generally to appear, act and pleaded on their behalf in all proceedings before the Appellate Tribunal and includes any officer appointed as Additional State Representative/Deputy State Representative/Assistant State Representative/Additional assistant State Representative.

(xiv) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act and the rules.

3. Constitution of Tribunals by Government.- (1) As soon as may be, after the approval of a Development Plan under section 28 or 29 as the case may be, the Government shall in consultation with the Director/Madras Metropolitan Development Authority constitute a Tribunal under section 71 for each such area or for number of such areas in contiguity for the purposes mentioned in the section.

4. The notification published under sub-rule (3) shall define the area of jurisdiction, the period and the headquarters of the Tribunal:

Provided that the Government may vary any of these by a fresh notification in the Tamil Nadu Government Gazette.

4. Notice of appointment of the Tribunal.- (1) The Tribunal, shall, immediately on assuming charge of the appointment give notice of the date from which it will commence its function, the place at which it will hold office and the address to which all correspondence to it should be addressed.

(2) The notice under sub-rule (1) shall be published in the Tamil Nadu Government Gazette the District Gazette of the District and in one or more of the leading daily newspapers of the region. It shall be also caused to be affixed on the Notice Board of the Planning Authorities and of the Local Authorities within the jurisdiction of the Tribunal.

5. Officers and servants of the Tribunal- The salaries, allowances and conditions of service of officers and servants to be appointed by the Tribunal for the carrying on its business as per section 72 of the Act shall be the same as are applicable to the officers and servants of corresponding status and category in Government service.

6. State Representative – The Government shall appoint or designate an officer to be hereinafter called the State Representative for the purpose of these rules, to receive on their behalf notice issued by the Tribunal and generally to appear, act and plead on their behalf and on behalf of the Director notices issued by the Tribunal and generally to appear, act and plead on their behalf and as also on behalf of the Director in all proceedings before the Tribunal. The Government may also appoint or designate such additional officer whenever deemed necessary.

7. Transaction of business by the Tribunal – (1) The Tribunal shall observe the same office hours and holidays as the Government offices functioning in the head quarters of the Tribunal.

(2) The language of the Tribunal shall be English provided Tamil also may be used for convenience for recording of evidence and for such other purposes as may be directed by Government from time to time.

(3) The Tribunal may record the evidence either in English or Tamil but if any witness is required to sign a deposition and he is unacquainted with both English and Tamil, the interpretation of the statement recorded shall be made to him in the language with which he is acquainted before he is called up on to sign the deposition.

(4) The Tribunal may adjourn the proceedings from time to time under intimation to the parties concerned.

(5) The Tribunal may dismiss any appeal or claim before it, if the applicant or the claimant for compensation at the case may be, does not appear before the Tribunal at the appointed time for hearing.

(6) If any person interested other than the appellant or claimant, does not appear before the Tribunal or adduce such evidence as may be necessary or produce relevant documents, the matter shall be disposed off by the Tribunal on the basis and merits of the material made available.

(7) The proceedings of the Tribunal shall be summary and shall be governed, as far as practicable, by the provisions of the code of Civil Procedure, 1908 (Central Act V of 1908), particularly in regard to-

- (a) the issue and service of summons;
- (b) the examination of the parties and witnesses;
- (c) the production of documents;
- (d) the amendment of proceedings;
- (e) the addition of parties;
- (f) the passing of ex-parte orders and setting them aside for good cause;
- (g) the ordering of dismissal for default of appearance and setting such orders for good cause;
- (h) the local inspection; and
- (i) the passing orders.

(8) The provisions of section 4 and sub-sections (1) and (2) of section 12 of the Limitations Act, 1963 (Central Act 36 of 1963) shall as far as may be apply to every appeal preferred under section 77 and to every claim preferred under sections 39 or 53 or 53 of the Act in so far as they are not repugnant to the provisions of this Act.

8. Manner of presentation of appeals relating to tie levy or assessment of development charges.- (1) Every appeal preferred under section 77 against any order of the Director/Government under sub-section (3) of section 76 of the Act, shall be made in the writing and shall specify, in addition to the grounds of appeal, the date on which the order of the Director/Government was received by the appellant.

(2) Every such appeal shall be submitted in Form No.1 appended to these rules and shall be accompanied by the following:

(a) a certificate from the appropriate Planning Authority to the effect that the development charges have been paid in full;

(b) a certified copy of the order of the Director/Government appealed against; and

(c) the appeal fees as required under sub-section (2) of section 77.

(3) The appeal shall be signed:-

(a) in the case of an individual by the individual himself:-

(b) in the case of a Hindu undivided family undivided Aliya Santhana family or branch of undivided Marumakkattayam tarvad or tavazhi, by the manater or Karta or Karnavan as the case may be;

(c) in the case of a company, by the principal officer;

(d) in the case of a firm, by one of the partners; and

(e) in the case of any other association, by a member of the association, specifically authorised for this purpose.

(4) The amount of appeal fee to be remitted under sub-section (2) of section 77 for an appeal shall be at the rate of 2 percent of the amount of development charges levied subject to a minimum of Rs.50 (Rupees fifty only) and to a maximum of Rs.250 (Rupees two hundred and fifty only) and subject also to such revision as the Government may notify in the Tamil Nadu Government Gazette, from time to time.

(5) The appeal, with all the documents shall be presented by the appellant during office hours on any working day in person or by registered post-

(a) in triplicate copies together with sufficient number of additional copies for service on each of the respondents mentioned in the appeal; and

(b) to the Tribunal or such officer of the Tribunal as may be appointed for this purpose.

(6) Every such appeal shall be made within a period of sixty days from the date of receipt of the orders of the Director/Government by the applicant.

Provided that in the case of an appeal sent by registered post, the date of receipt for the appeal in the office of the Tribunal shall be deemed to be the date of appeal for the purpose of this rule.

(7) In the case of every appeal presented after the period prescribed under sub-rule (6), it shall be accompanied by a petition, supported by an affidavit, setting forth the facts on which the appellant relies to satisfy the Tribunal that he had sufficient cause for not preferring the appeal within the prescribed period.

(8) Such appeals shall be admitted by the Tribunal only:-

(a) after due notice has been given by it to the State and

(b) after the Tribunal has heard their objections, if any; and

(c) if the Tribunal is satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed time.

9. Registration of appeals – (1) On receipt of an appeal, the Tribunal or the officer of the Tribunal designated for this purpose shall endorse on it the date of its receipt and as soon as may be and thereafter shall examine:

(i) Whether the person presenting it has the authority to do so;

(ii) Whether it conforms to the provisions of the Act and the rules thereunder; and

(iii) Whether the appeal is in the proper form and has all the prescribed enclosures.

(2) If the Tribunal is satisfied that the appeal is in order with reference to these preliminary requirements, it shall cause the appeal to be registered in a register in Form No.2 to be kept for the purpose and immediately thereafter notify the appellant and the State Representative of the fact of such registration.

(3) If the Tribunal were to find that the appeal does not, prima facie, fall under section 77 of the Act, it may either reject the appeal and order the papers to be returned to the party or fix a date for hearing the matter after giving due notice to the party and the respondent in Form No.3 appended to these rules.

(4) On the date so fixed, the Tribunal shall, after hearing the party and the respondent pass orders, directing either the registration of the appeal or reject the same; whether the appeal is rejected, the Tribunal shall record its reasons for doing so.

(5) If the Tribunal were to find on such examination that the appeal does not conform to the requirements of the Act and these Rules, it shall call upon the party by a notice in Form No.4 appended to these rules to remedy the defects within a reasonable period to be specified in such notice and upon such rectification within the period allowed, the appeal shall be registered as per sub-rule (2) above.

(6) When the appeal is represented without rectification of the defects pointed out, either within the period allowed or after the period allowed, the Tribunal may either reject the appeal or fix a date for hearing the matter and give due notice for such hearing to the party and the respondent in Form No.5 appended to these rules:

Provided that such appeal shall not be admitted unless notice has been given to the State representative and his objections have been heard and the Tribunal is satisfied that the appellant has sufficient cause for not presenting the appeal in time.

(7) The appellant shall address the Tribunal if within a period for three months from the date of presentation or representation of the appeal, as the case may be, no communication has been received by him in this regard from the Tribunal. The Tribunal shall not be otherwise responsible for any loss of the appeal either in transit or otherwise.

10. Procedure for disposal of appeals.- (1) As soon as may be after the registration of an appeal as per rule 9 above the Tribunal shall set a date for hearing the appeal and send an intimation thereof:

(a) to the State representative and the respondents in Form No.6 appended to these rules along with a copy of the memorandum of appeal and of the order appealed against whereupon it shall be duty of the State representative to obtain the records of the case from the appropriate Planning Authority or the Director as the case may be and transmit them to the Tribunal; and

(b) to the party in Form No.7 appended to these rules.- The notice shall state that if he does not appear on the day so fixed or any other date to which the hearing may be adjourned, the appeal will be dismissed for default and disposed off on merits *ex parte*.

(2) The tribunal shall in fixing the date of hearing ensure that the appellants, respondents and the State representative are given a reasonable time to enable them to prepare and present their case before the Tribunal.

(3) When an order of *ex parte* or an order of dismissal is passed by the Tribunal, the party affected may, within thirty days from the date of the order, or if he produces proof to the Appellate Authority that he knew of the order only on a subsequent date, within thirty days from the date of such knowledge, apply to the Tribunal for an order to set it aside and if the Tribunal is satisfied that the notice was not duly served or that the appellant was prevented due to any justifiable reasons from appearing when the appeal was called for hearing or that such default was occasioned due to circumstances beyond the control of the

appellant shall make an order setting aside the ex parte order or the order of dismissal passed, as the case may be, on such terms as it thinks fit and shall appoint a fresh day for proceeding with the appeal:

Provided that no order shall be set aside unless notice thereof had been served on the respondent and the State representative:

Provided further that in computing the period of thirty days under this rule the time required for obtaining a certificate copy of the order shall be excluded.

(4) Where an application for setting aside an ex parte order or order of dismissal has been received under this rule for the first time all execution proceedings in pursuance of the ex parte order or order of dismissal shall be stayed until the disposal of the application.

(5) In respect of second or subsequent application to set aside an ex parte order or order of dismissal, the Tribunal shall have the direction to grant or refuse stay.

(6) The Tribunal may, before disposing of an appeal, make such further enquiry as may be deemed necessary to record evidence or obtain such further information as may be required from the concerned planning authority or the Director or from other sources.

(7) The order passed by the Tribunal on the appeals shall be entered in a register in Form No.8 and communicated to the appellants and the Planning authorities concerned and to the Director through the State representative.

11. Application for orders under section 77(5). – (1) An application for orders of the Tribunal for issue of directions under sub-section (5) of section 77 of the Act regarding payment of development charges before the disposal of the appeal shall be presented in Form No.9 in person by the party or sent by registered post to the Tribunal,

Provided that the appeal has been filed and the prescribed fees paid thereon

(2) The Tribunal shall hear and decide the petition on merits after notifying the State representative and hearing his objections on a date to be fixed and intimated to the appellant in Form No.9 and the State representative in Form No.10.

12. Application for orders under section 77(5). – (1) An application for orders of the Tribunal for issue of directions under sub-section (5) of section 77 of the Act regarding payment of development charges before the disposal of the appeal shall be presented in Form No.9 in person by the party or sent by registered post to the Tribunal,

Provided that the appeal has been filed and the prescribed fees paid thereon

(2) The Tribunal shall hear and decide the petition on merits after notifying the State representative and hearing his objections on a date to be fixed and intimated to the appellant in Form No.9 and the State representative in Form No.10.

12. Manner of presentation of claim for compensation under sections 39, 53 and 54 of the Act.- (1) Any person whose property is injuriously affected by virtue of any provisions contained in a Regional Plan, Master Plan, New Town Development plan or Detailed Development plan prepared and approved under the Act shall prefer a claim to the

section 39 of the Act, within three months from the date of publication of notification under section 30 or section 31 of the Act as the case may be.

(2) Such application shall be submitted in triplicate copies in Form No.11, affixed with Court fee stamp to the value of Rs.2 and shall be accompanied by the following:-

(a) A site plan of the lands comprised in the Development plan indicating therein their boundaries measurements and survey numbers, the topo details in respect of the lands immediately adjoining the lands under reference extent of the lands comprised in the property claimed to be injuriously affected by the provisions of the Development plan bringing out the manner in which the property is claimed to be injuriously affected;

(b) A plan of the building or buildings affected, if any along with the estimated cost;

(c) A short note explaining the basis for the claim for compensation; and

(d) A certificate from the Registration Department regarding the market value of the land on the date of publication of the notice under section 26 or section 27 in Tamil Nadu Government Gazette as the case may be.

(3) Any person who has incurred any expenditure for the purpose of complying with any Regional Plan, Master Plan, Detailed Development plan or a New Town Development plan shall, when such expenditure has ceased to be in any way beneficial to him by a variation or revocation of the said Development Plan under section 32 or 33 prefer a claim under sub-section (2) of section 39 of the Act within ninety days from the date of publication of the notification under section 32 or 33 of the Act as the case may be.

(4) Such applications shall be submitted in triplicate in Form No.12 affixed with Court fee stamp to the value of Rs.200 (Rupees two hundred only) and shall be accompanied by the following:-

(a) A site plan of the lands comprised in the Development plan indicating therein the boundaries, measurements, survey numbers, the topo details in respect of the lands immediately adjoining the lands under reference and extent of the lands comprised in the property in respect of which the expenditure claimed to have been incurred for the purpose of the Development Plan;

(b) A plan of the building or buildings affected, if any, along with the estimated cost:

(c) A short explanatory note on the details of expenditure incurred for the purpose of the Development Plan and how the same ceased to be beneficial only by reason of the variation or revocation; and

(d) A certificate from the Registration Department regarding the market value of the land on the date of publication of the notice under section 26 or section 27 in Tamil Nadu Government Gazette.

(5) Where an owner of a land or building comprised in any Development plan prepared and approved under the Act, refuses to accept the compensation offered by a Planning Authority either under sub-section (2) of section 53 of the Act for refusal of Planning permission or grant of such permission subject to condition or under sub-section (2) of section 54 for the expenditure incurred in carrying out the development after the grant

of the permission and in accordance with such permission which has been rendered abortive by the revocation or variation he shall notify such refusal to the planning authority in Form No.13 within sixty days of receipt of the offer of compensation by the planning authority.

(6) Such notice of refusal shall be submitted by the owner in Form No.13 duly affixed with Court fee stamp to the value of Rs.2 (rupees two only). As soon as may be after the receipt of such notice from the owner the Planning Authority shall refer the matter for adjudication of the Tribunal under sub-section (3) of section 53 or sub-section 54 of the Act as the case may be along with the relevant records and details of compensation offered;

(7) The reference for adjudication made by a Planning Authority as above shall be accompanied by the following:-

- (a) An authenticated copy of the order of the Planning Authority;
 - (i) refusing permission or granting permission subject to conditions; and
 - (ii) offering compensation.

(b) A site plan of the lands of the claimant indicating therein the boundaries measurements survey numbers, topo details in respect of the lands immediately adjoining the lands under reference and extent of the lands for which planning permission was sought;

(c) A plan of the building or buildings, if any, along with estimated costs;

(d) A certificate from the Registration Department regarding the market value of the land on the date of publication of the notice under section 26 or 27 as the case may be in Tamil Nadu Government Gazette or in the District Gazette; and

(e) The notice received from the party on which the matter has been referred for adjudication.

(8) All claims for compensation under section 39 shall be made to the Tribunal within the time specified in sub-rules (1) and (3) of this rule.

(9) In any planning area where a Tribunal has not started functioning at the time prescribed for filing of claims under section 39, the claims in Form No.11 shall be presented to the Planning Authority within the time prescribed in section 39 of the Act. As soon as a claim has been received by the planning authority, it shall arrange-

- (i) to acknowledge its receipt indicating the date of receipt in the office; and
- (ii) to transfer it to the Tribunal for disposal immediately after its constitution.

(10) Claims shall either be presented in person or by an agent authorised by the claimant or sent Registered Post. Every claim shall state clearly the fact on which it is based as required under these rules and shall be verified in the manner prescribed for verification of pleadings in the Code of Civil Procedure, 1908 (Central Act V of 1908).

13. Registration of claims.- (1) On receipt of a claim for compensation under section 39 of the Act the Tribunal or the officer of the Tribunal designated for this purpose, shall endorse on it the date of its receipt and thereafter proceed to examine the same as to-

- (a) Whether the person presenting it has the authority to do so; and
- (b) Whether the claim has been made in accordance to the provisions of the Act and Rules made thereunder.

(2) If the Tribunal or the said officer is satisfied on these points, the claim shall be registered in Form No.14 in the Register of claims to be kept for this purpose.

(3) As soon as a reference for adjudication regarding the compensation to be paid to a claimant under section 53 or 54 of the Act is received from a Planning authority by the Tribunal, it shall be duly registered in the Register of Claims as stated above.

14. Procedure to be followed by Tribunal in disposing claims: (1) As soon as may be after the registration of a claim preferred by an owner under section 39 or of a claim referred for adjudication by a Planning Authority under sub-section (3) of section 53 or sub-section (3) of 54 as the case may be the Tribunal shall set a date for bearing the claim and send an intimation thereof.-

(a) to the State Representative in Form No.15 appended to these Rules along with a copy of the application for claims made by the claimant with all its enclosures whereupon it shall be the duty of the State Representative to obtain the records of the case from the appropriate Planning Authority and transmit them to the Tribunal and

(b) to the claimant in Form No.16 appended to these Rules indicating therein the date set for hearing and also that if he does not appear on the day so fixed or on any other date to which the hearing may be adjourned, the claim will be dismissed for default and disposed off on merits *ex parte*:

(2) The date of hearing shall not be earlier than thirty days from the date of despatch of such notice.

(3) On the day so fixed, the Tribunal shall proceed to inquire into the claim and take such evidences as may be adduced on behalf of the persons or authorities interested and record a decision as to whether the claim should be allowed or rejected. In cases where a claim is allowed in whole or in part, the decision shall also state clearly-

(a) the description of the property injuriously affected;

(b) the nature of the injurious affection;

(c) the amount of the compensation awarded; and

(d) The person or persons entitled to receive such compensation and the apportioning of the compensation to such persons.

(4) The Tribunal before disposing off the claim may also make such further enquiry as may be deemed necessary, record evidence or obtain such further information as may be required from the Planning Authority concerned, or the Director or from other sources.

(5) The order passed by the Tribunal shall be communicated to the Chairman and the Planning Authority concerned and to the Director/Madras Metropolitan Development Authority through the State Representative.

15. Representation by Counsel or Agent.- (1) In any proceeding under the Act before the Tribunal, any party shall be entitled to be represented by counsel to act and plead on his behalf:

(2) The Tribunal may permit any agent duly authorised in writing in this behalf by a party to act and plead on his behalf;

Provided that the Tribunal may at any stage of the proceedings cancel such permission;

Provided further that in the case of such cancellation the party concerned shall be informed of such cancellation and he shall be afforded sufficient opportunity for his being

thereafter represented in such proceeding by counsel or by any other agent duly authorised in writing in this behalf.

16. Manner of furnishing securities.- In the event of the Appellant not paying the development charge before the disposal of the appeal, the appellant shall furnish sufficient security to the satisfaction of the Director/Government under section 76(5) or the Tribunal under section 77(5). The security furnished may be in the form of bank guarantee or property documents equivalent in value to the development charge demanded.

17. Procedure of the hearing.- On the date fixed for hearing or any other date to which the hearing may be adjourned, the party shall ordinarily be heard first in support of his appeal or claim as the case may be. The respondents or the authorised representative shall, if necessary be heard next and in such case the party shall be entitled to reply as provided in the code of Civil Procedure 1908 (Central Act V of 1908).

18. Fresh evidence and witness.- (1) The party shall not be entitled to produce additional evidence whether oral or documentary before the Tribunal; but if-

(a) The Authority from order the appeal is preferred has refused to admit evidence which ought to have been admitted, or,

(b) the party seeking to adduce additional evidence satisfied the Tribunal that such evidence notwithstanding the exercise of due diligence was not within his knowledge or could not be produced by him at or before time when the order under appeal was passed or;

(c) the Tribunal requires any document to be produced or any witness to be examined to enable it to pass orders or for any other substantial cause,

The Tribunal may allow such evidence or document to be produced or witness examined:

Provided that the respondent and State Representative shall in such cases, be entitled to produce rebutting evidence if any.

19. Adjournment.- (1) The Tribunal may on such terms as it thinks fit and at any stage of the proceedings before it, adjourn the hearing or any appeal or claim to such later date.

(2) An application for adjournment for good cause may also be presented in person by the party before the Tribunal. Every such petition shall bear a court fee stamp for the value of Rs.2 (Rupees two only). In cases such an application is sent by post or otherwise the party should make his own arrangement for obtaining intimation of the date of adjournment.

20. Award of costs.- (1) No costs, by way of process fees, pleader's fee and witness batta, shall be allowed in proceedings before a Tribunal in cases where the claim is uncontested or is decreed on admission or compromised.

(2) Where an appeal is contested before a Tribunal is allowed in whole or in part, costs shall be allowed to the appellant in proportion to his success in contest.

(3) In the event of any appeal before a Tribunal dismissed wholly or in part, costs shall be allowed the respondent in proportion to his success.

(4) In case of frivolous or vexatious claims or defences costs shall be allowed also, by way of compensation as laid down in section 35-A of the Code of Civil Procedure (Central Act V of 1908).

(5) Where costs are awarded by a Tribunal the order for costs shall be executable by a Civil court, having jurisdiction over the area with reference to which the Tribunal gave its decision, as if it were a decree passed by such Court.

21. Procedure in case of death of appellant.- If an appellant dies while the appeal is pending and it cannot be proceeded with unless his legal representative is brought on record, the Tribunal shall adjourn further proceedings to enable his legal heir to appear and apply for being made a party. If the legal heir fails to do so within 60 days from the date on which the appellant died, the appeal shall abut as regards the deceased.

22. No abatement by reason of the death after hearing.- Notwithstanding anything contained in rule 21 there shall be no abatement by reason of the death of any party between the conclusion of the hearing and the passing of the order. The order may in such case be passed notwithstanding the death and shall have the same force and effect as if it had been passed before the death took place.

23. Determination of legal heir.- If a question arises in any appeal whether a person is or is not the legal heir of deceased appellant or claimant such question may be determined by the Tribunal in a summary way, if necessary, after taking such evidence as deemed necessary.

24. procedure in case of assignment.- If during a pendency of an appeal before the Tribunal, the land, building or both in question of the party is assigned to or transferred to some other persons either wholly or party the Tribunal may on application of such assignee or such person to whom the land, building or both is transferred to add such a person to whom the land, building or both is transferred to add such a persons as a party to the appeal or claim.

25. Procedure in case of insolvency.- If a person, who is a party to an appeal or is a claimant, became insolvent and his estate becomes vested in the assignee or receiver, the later may by leave of Tribunal be made a party to the appeal or claim as the case may be.

26. Abatement or dismissed for failure of legal heir, etc to apply in time may be set aside.- Whenever an order of an abatement or dismissal has been passed by the Tribunal and in case where the appellant or claimant has deceased, his legal heir and, in case where the appellant has become insolvent and his estate becomes vested in the Assignee or Receiver such Assignee or Receive, may within sixty days from the date of communication of such order apply to the Tribunal for setting aside the abatement or dismissal and the Tribunal shall on sufficient cause is being shown to the satisfaction of the Tribunal set aside such abatement or dismissal and proceed with the appeal or the claim.

27. Orders of Tribunal.- (1) Every order of the Tribunal shall be in writing and shall be entered in the register in Form No.8 in respect of all appeals and in the register in Form No.14 in respect of all claims.

(2) The appellate Tribunal shall communicate its orders to the appellant, the State Representative, the Planning Authority, the authority from whose order the appeal was preferred and the Director/Government if he is not such authority.

28. Return of exhibits.- (1) Any parties other than the State Representative who requires the return of the documents filed by them should apply to the Tribunal in Form No.17 duly affixing court fee stamp to the value of Re.1 within three months from the date of communication of the Tribunal's order.

(2) The application shall contain an undertaking to the effect that such document shall be produced before the Tribunal whenever so required for official reference.

(3) On receipt of the application, such of those documents filed by the applicant as do not form part of or enclosures to an appeal or claim the Tribunal may return them to the applicant who shall make his own arrangements to collect the same from the office of the Tribunal.

(4) The records of the case and such other documents as may be produced by the State Representative shall after the disposal of the case be refunded to him along with the order of Tribunal on the case and his acknowledgement obtained.

29. Miscellaneous.- The Tribunal shall, not later than the 10th day of every month submit to the District Court a statement in Form No.18 appended to these rules, showing the number of appeals presented, disposed and those adjourned by it during the previous month in which the question of law involved as directly and substantially the same as in an appeal previously decided by it and against which a revision petition has been filed either in the District Court or an appeal is pending in the High court against the order of the District Court.

30. Application for copies of documents.- (1) Any party in appeal or any claimant for compensation before the Tribunal may apply to the Tribunal for inspection of any document or for a certified copy of any document including the order in the records of appeal or claims.

(2) The application for such inspection or for certified copies shall be submitted in Form No.19 appended to these rules and shall be affixed with Court fee stamp to the value of Rs.2 or such other value as may be prescribed by the Government from time to time by an executive order.

(3) Applications for certified copies shall be accompanied by copy stamp papers of value of 75 paise each and charges for copies shall be calculated as follows:

Both sides of copy stamp paper shall be used. A maximum of 150 words may be written on the first (Embossed) page of the copy stamp and the copying fee of this page shall be 75 paise. A maximum of 200 words may be written on the reverse side of the copy stamp paper and the copying fee to be charged for this side shall be 75 paise when the number of words written does not exceed 150, and Rs.1.50 when the number of words written exceeds

150. When the reverse side of the copy stamp paper is used adhesive Court fee stamp of the appropriate value shall be affixed at the top right hand corner of the side and space shall be left at the top left hand corner for the endorsement of the copyist.

31. Search (1) Application for search.- Every person who had been an appellant or claimant before the Tribunal and who requires a search to be made among the records of the Tribunal for the purpose either of inspecting a document or documents or of obtaining copy thereof shall apply to the Tribunal in Form No.19 appended to these rules.

(2) When the document applied for belongs to a year previous to the year of application, a search fee in Court stamps shall be affixed to the application according to the following scale;

(a) fee payable for the first document or entry applied for or if only one document or entry is applied for then for that document or entry, Rs.2 or such other value as may be prescribed by the Government from the time to time by an executive order;

(b) fee payable for every document or entry other than the first included in the same application and connected with the same subject 0.50 paise; and

(c) when the applicant does not know to which of two or more years a document or entry belongs the fee for searching the records of every year other than the first shall be Rs.1;

(d) no separate application need be presented in respect of each document for which a search is required if they are enclosures of annexures to letters, accounts, or other documents which form part of the document to which they pertain and they shall not reckoned as separate documents for the purpose of search also.

Only one search fee of Re.1 need be paid for all the papers filed together and forming a single record as for instance a person applying for copy of all deposition relating to one case, need pay one fee.

Search fees shall not payable on applications for return of documents.

32. Execution of orders passed in appeal, revision or review (1) The Appropriate Planning Authority shall take necessary action for execution of orders passed by the Tribunal.

(2) The Appropriate Planning Authority shall issue notice requiring the person to execute any work or to take any measures to pay the development charges assessed on him within a reasonable time.

(3) If such notice is not complied within the time so prescribed the Appropriate Planning Authority shall cause such work to be executed or may take measures to do anything which may in their opinion, be necessary for giving due effect to the notice as aforesaid and collect the expenses from the person or persons who has to exercise the work or pay development charge as arrears of land revenue.

Signature of the appellant/appellants.

FORM NO.2
(See rule 9(2))
Register of Appeals.

Serial Number	Date of receipt	Name and address of the Appellant	District	Village/Town	D.No. and Street
(1)	(2)	(3)	(4)	(5)	(6)

Particulars of Land/Building					
Land survey number extent sq. metres	Building survey number extent sq. metres:	Number and date of the orders of the Director/ Government appealed against	Appeal number	Date of hearing	Number and date of final orders vide register of orders under Rule 8(8)
(7)	(8)	(9)	(10)	(11)	(12)

Form No.3
(See rule 9 (3))

BEFORE THE..... TRIBUNAL
Appeal No..... of 19.....

Appellant

Versus

Respondent

To

The above named appellant.

Please take that the appeal filed by you against the order of the Director/Government in his Appeal Proceedings No..... Dated has been placed above this Tribunal for orders regarding its admission as it is considered defective in the following manner.

This Tribunal will hear the matter on at AM/PM. If you want to be heard, you should be present at the time for the hearing in person or be represented by a legal Practitioner appointed by you or by an authorised representative as prescribed.

Given under my hand and the seal of the Tribunal.

(By order)

Tribunal

Date:
(Seal)

Copy to:
The Respondents/State Representative.

FORM NO.4
(See rule 9(5))
BEFORE THE TRIBUNAL
N.Dis..... of 19.....

Appellant
Versus
Respondent.

To
..... (Appellant)

Please take note that the appeal filed by you before this Tribunal against the order of the Director/Government in his/their proceedings NO..... dated has been found to be not complying the following aspects with the provisions of the Town and Country planning Act, 1971, and the rules prescribed under the said Act governing constitution and functioning o Tribunals under section 71 of the said Act:

2. You are hereby required to remedy the defects and represent the appeal or before

Given under my hand and the seal of the Tribunal.

(By order)

Date:
(Seal)

Tribunal.

FORM NO.5
(See rule 9(6))
BEFORE THE TRIBUNAL
Appeal No..... of 19.....

Versus
Respondent.

To
The Appellant/Respondent.

Please take notice that the above appeal which had been returned by this Tribunal to you for rectification of certain defects pointed out in the notice dated issued

under Rule 7(5) of the Rules of the Tribunal under the Tamil Nadu Town and Country Planning act, 1971, has been found to be re-presented to this Tribunal n without rectification of the said defects and also after the time specified in the said notice. The Tribunal has filed the date of for hearing of the matter as to which the appeal should not be rejected.

2. You are hereby required to be present for the hearing as above. Please take notice that if you do not appear either in person or by a legal practitioner appointed by you or by an authorised representative in support of your appeal on the above date or any subsequent other day to which the hearing may be adjourned, the appeal will be dismissed for default or disposed on merits exparte.

Given under my hand and the seal of the Tribunal.

(By order)

Date:
(Seal)

Tribunal.

Copy to the State Representative.

FORM 6
(See rule 10 (6) (a))
BEFORE THE TRIBUNAL
Appeal No..... of 19.....

Appellant
Versus
Respondent.

To
..... State Representative/Respondent.

Please take notice that the above appellant has filed an appeal under section 77 of the Town and Country Planning Act 1971 before the Tribunal against the orders of the Director/Government under section 76 (3) of the Act and the said appeal has been fixed to be taken up for hearing on..... by the Tribunal.

Please find herewith enclosed a copy of the memorandum of appeal with all its enclosures for your reference.

Please arrange to produce for the reference of the Tribunal all the relevant records of the case and also be present on the day of hearing for the conduct of the case.

Given under my hand and the seal of the Tribunal.

(By order)

Date:
(Seal)

Tribunal.

FORM NO.7
(See rule 10 (1) (b) and 11 (2))
BEFORE THE TRIBUNAL
Appeal No..... of 19.....

Appellant
Versus
Respondent.

To
..... (Appellant).

Please take notice that the above appeal filed by you under section 77 of the Town and Country Planning Act 1971 before this Tribunal against the orders of the Director/Government issued in his/their proceeding No..... stands posted for hearing on at..... AM/PM at the office of this Tribunal at

You are hereby required to be present for the hearing as above. Please take notice that if you do not appear either in person or by a legal practitioner appointed by you or by an authorised representative in support of your appeal on the above date or any subsequent other day to which the hearing may be adjourned, the appeal will be dismissed for default or disposed on merits exparte.

Given under my hand and the seal of the Tribunal.

(By order)

Date:
(Seal)

Tribunal.

FORM NO.8
(See rule 10 (7) and (27))
Register of orders on Appeals – Office of the Tribunal
.....

Serial Number	Date or receipt of appeal	Appeal number	Date and details of the orders of the Director/Government appealed against		Particulars of land and building		Door number/street	Land S.No. and extent in square metres
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Building S.No. and extent in square metres	Date of hearing	Whether adjourned and if so date of next hearing	Details of final orders of Tribunal		If modified amount awarded	Remarks
(10)	(11)	(12)	(13)	(14)	(15)	(16)

FORM NO.9
(See rule 11 (1))

Application for issue of direction under section 77(5) of the Tamil Nadu Town and Country Planning Act, 1971 regarding the payment of development charges before the disposal of the appeal.

BEFORE THE TRIBUNAL

1. Name and address of the applicant	:	
2. Appeal No. and date	:	
3. Classification of Land/Building shown as Security (Industrial, Commercial Residential, Agricultural Miscellaneous)	:	
4. Particulars of Land and Building shown as security	:	
District	:	
Taluk	:	
Village/Town	:	
Division/Ward	:	
Door No. and Street Name	:	
Survey No. and Sub-division No.	:	

Extent Value	:	(a) Land sq.metres Rs.	Building sq.metres Rs.
5. Address at which the applicant undertakes to receive the communication	:		

Signature of Applicant.

DECLARATION

I/We..... the applicant/applicants do hereby declare that the particulars furnished above are true to the best of my/our knowledge and undertake to indemnify the Tribunal against any loss if any that may arise due to the true value of the security land and building above being not correctly given here.

Signature of the applicant/applicants.

Station:

Date:

FORM NO.10
(See Rule 11 (2))

BEFORE THE TRIBUNAL
Appeal No..... of 19

To
The State Representative,

Please refer to this Tribunal's Notice in Form No.6 under rule 8(1) of the Rules for the Tribunal under the Tamil Nadu Town and Country Planning Act, 1971.

Please take notice that the above named appellant has filed also an application before this Tribunal for issue of direction regarding the payment of development charge during the pendency of the appeal and the said application has been fixed to be taken up for hearing on by this Tribunal.

Please find herewith enclosed a copy of the said application for your reference.

Please arrange to produce the relevant records of the case and also be present on the date of hearing for the conduct of the case on behalf of the Government.

Given under my hand and the seal of the Tribunal.

(By order)

Tribunal.

Date:

(Seal)

FORM NO.11
(See rule 12(2))

Application for compensation by the aggrieved person under section 39 of the Tamil Nadu Town and Country Planning Act, 1971.

BEFORE THE TRIBUNAL

1. Name of the applicant :
2. Address for service of notice and orders :

3. Particulars of land/building :
 - District/Taluk :
 - Village/Town :
 - Divison/Ward :
 - Door No. and Street :
 - Survey No. :
 - Total Extent :
 - Land : sq. metres
 - Building : sq. metres
4. Classification of land/building (industrial, commercial, residential, agricultural, miscellaneous) :
5. Nature and extent of right claimed and proof of its exercise in the past :
1. Name of the Planning Authority and the Development Plan wherein the property comprised :

2. Nature and details of injurious affection of the property :
3. Amount of compensation offered by planning authority :
4. Date and Number of the order of the planning authority
(authenticated copy to be enclosed) :
5. Amount of compensation claimed and how the amount
was arrived at :
11. Grounds for making the claim :
- 1.
- 2.
- 3.

DECLARATION

I/We declare that the particulars furnished above are true to the best of my/our knowledge.

Signature of applicant/Applicants.

Station:

Date:

FORM NO.12 (See rule 12(4))

Application under sub-section (1) section 53 sub-section (2) f section 54 of Tamil Nadu Town and Country Planning Act, 1971 for claim for compensation.

BEFORE THE TRIBUNAL

1. Name of the applicant :
2. Address for service of notice and orders :

3. Particulars of land/building :
- District/Taluk :
- Village/Town :
- Divison/Ward :
- Door No. and Street :
- Survey No. :
- Total Extent :
- Land : sq. metres
- Building : sq. metres
4. Classification of land/building (industrial, commercial, residential, agricultural, miscellaneous) :
5. Nature and extent of right claimed and proof of its exercise in the past :
6. Name of the Planning Authority and the details of the Development Plan in which the properties are comprised:

7. Nature and details of expenditure claimed to be incurred as per the Development Plan :
8. Amount of compensation offered by the Planning Authority :
9. Amount of compensation claimed and how the amount was arrived at :
10. Grounds for making the claim :
 - 1.
 - 2.
 - 3.

DECLARATION

I/We declare that the particulars furnished above are true to the best of my/our knowledge.

Signature of applicant/Applicants.

Station:

Date:

FORM NO.13
(See rule 12(5))

Notice of refusal to accept compensation offered under sections 53(1) and 54(3) of the Tamil Nadu Town and Country Planning, 1971 by the owner of a Land or building.

Before the Planning Authority of

1. Name of the applicant(s) and Address

2. Particulars of land/building :

District/Taluk :

Village/Town :

Division/Ward :

Door No. and Street :

Survey No. :

Total Extent :

Land

Building

sq. metres

sq. metres

3. Classification of land/building (industrial, commercial, residential, agricultural, miscellaneous) :

4. Nature and extent of right claimed and proof of its exercise in the past :

5. Number and date of communication from the Planning Authority offering compensation (Copy of the Authenticated order to be enclosed) :

6. Amount of compensation offered by the Planning Authority :

7. Amount of compensation now claimed :

8. A short note on reasons for refusal of the amount of

FORM NO.15
(See rule 14 (1)(a))
BEFORE THE TRIBUNAL
Claim No..... of 19

Claimant
Versus
Respondent

To
..... (State Representative)

Please take notice that the above named claimant his filed a claim under section 39 or sub section (3) of section 53 or sub-section (3) of section 54 of the Town and Country Planning Act and the said claim has been fixed to be taken up for hearing on by this Tribunal.

Please find herewith enclosed a copy of the memorandum of claim with all its enclosures for your reference.

Please arrange to produce for the reference of the Tribunal all the relevant records of the case from the concerned Planning Authority and the Director/Government and also be present on the day of hearing for the conduct of the case can behalf of the Director/Government.

Given under my hand and the seal of the Tribunal.

(By order)

Tribunal

Date:
(Seal)

FORM NO.16
(See rule 14 (1)(b))
BEFORE THE TRIBUNAL
Claim No..... of 19

Claimant
Versus
Respondent

To
..... (Claimant)

Please take notice that the claim filed by you under section 39 or sub section (3) of section 53 or sub-section (3) of section 54 of the Town and Country Planning Act, 1971 before this Tribunal in its proceedings No..... dated stands

posted for hearing on at A.M./P.M. at the office of this Tribunal at

You are hereby required to be present for the hearing as above. Please take notice that if you do not appear either in person or by a legal practitioner appointed by you or by an authorised representative in support of your claim on the above date or any subsequent other day to which the hearing may be adjourned, the claim will be dismissed for default or disposed on merit ex parte

Given under my hand and the seal of the Tribunal.

(By order)

Tribunal

Date:
(Seal)

FORM NO.17
(See rule 28 (1))

Application for requesting to return the documents from the Tribunal.

From
Name and address of the Applicant/s.

To
The Tribunal
.....

Sir,

I/We request the documents filed by me/us on before the Tribunal and the orders passed by the Tribunal on may be returned to me/us. I/We hereby assure that the said documents will be produced before the Tribunal whenever the said documents are needed.

Station:

Date:

Signature of Applicant/s.

FORM NO.18
(See rule 29)

Statement showing the number of appeals received and those adjourned pending decision of the Higher Courts, on questions of law for the month of 19.....

Not: Figures for appeals pending in the District Courts and High Court should be given separately.

Serial Number	TAC No. of appeals received	TAC No. of appeals disposed	Corresponding i.o assigned in the Higher Court	Remarks
(1)	(2)	(3)	(4)	(5)

FORM NO.19
(See rules 30 (2) and 31(1))

Application for inspection of documents and request for certified copies of records and orders.

From
Name and address of the Applicant/s

To
The Tribunal

Sir,

I/We request that I/we may be permitted to inspect the following documents:-

- 1.
- 2.
- 3.
- 4.

And the following certified copies of documents/orders may be issued to me/us.

- 1.
- 2.
- 3.
- 4.

Signature of Applicant/s.
sd/- K.DHARMARARJAN
Commissioner and Secretary to Government.

Station:
date:

/true copy/

