

Copy of:

RURAL DEVELOPMENT AND LOCAL ADMINISTRATION DEPARTMENT

The Planning Authority (Levy of Development charges) Rules, 1975.

(G.O.Ms.No.2039, Rural Development and Local Administration, 20th December 1977).

No.SRO A-16/78 – In exercise of the powers conferred by clauses (o) and (p) of sub-section (2) of section 122 read with clauses (a) and (b) of sub-section (2) of section 60 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 rule:-

RULES

1. Short title – These rules may be called the Planning Authority (Levy of Development Charges) Rules, 1975.

2. Definition – In these rules, unless the context otherwise requires-

3. (a) “Act” means the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).

(b) “Authority” means the appropriate Planning Authority including a local authority where such local authority is also the planning authority;

(c) “Concerned town planning officer” means any person nominated by the Authority for the purpose of section 61 and rule 8;

(d) “Institution of use” means putting nay land or building, as the case may be, to any use;

(e) “Miscellaneous use” shall include all uses other than

- (a) industrial;
- (b) commercial;
- (c) residential; and
- (d) agricultural uses;
- (e) “Section” means a section of the Act.

1. Assessment of Development charges – Development charges shall be assessed and levied separately on the institution of use and change of use of land or building, or development of any land or building.

2. Development charges for lands. – (1) All unused vacant lands shall be deemed to be lands used for agriculture or gardening or forestry for purposes of assessment and levy of development charges.

3. When any land appurtenant to an existing use, whether commercial, industrial,. residential, agricultural or miscellaneous, is to be sub-divided, and or developed for

any use it shall be deemed to be institution of use for the purposes of assessment and levy of development charges.

(3) Development charges shall be payable for the institution of use, first change of use and also for subsequent changes of use of land.

4. (a) The rate of development charges for the institution of use for residential purposes or first change of use from agricultural or present use to residential use shall be as determined by the Authority not being less than Rs.2,000 per hectare and not more than Rs.10,000 per hectare. The rate as determined shall be termed "Residential rate (Land)":

Amendment vide G.O.Ms.No.396, H&UD, dt. 13.9.96 not being less than Rs.10,000 per hectare and not more than Rs.50,000 pr hectare.

Provided that the authority shall take into account the land value generally obtaining in the local area before arriving at the residential rate (land) for such area.

(2) The rates of development charges for other uses shall be regulated in the following manner:-

Category of use (1)	Rate of development charges (2)
Institution or first change of use from agriculture or present use to-	
industrial	1 ½ times residential rate (land)
commercial	2 times residential rate (land)
miscellaneous	2/3 rd of residential rate (land)

(3) The rates of development charges for the second and subsequent changes in use of land shall be regulated in the following manner:-

Use of category (1)	Rates of development charges (2)
(A) Change from— residential to industrial	½ residential rate (land)
residential to commercial	Residential rate (land)
(B) Change from -- industrial to commercial or commercial to industrial	½ residential rate (land)
(C) Change from -- miscellaneous to residential	1/3 residential rate (land)
miscellaneous to industrial	residential rate (land)
miscellaneous to commercial	1 1/3 residential rate (land)
(D) All other change of use	1/10 residential rate (land)

6(1) The rate of development charges for new constructions for residential use, additions to existing constructions for residential use and first change of use of existing buildings to residential use shall be as determined by the authority not being

less than Rs.2.50 per square metre and not more Rs.12.50 sq.m. (Amendment vide G.O.Ms.No.396, H&UD dt. 12.9.96).

Provided that the authority shall take into account the building value generally obtaining in the local area before arriving at the residential rate (building) for such area.

(2) The rate of development charges in case of new constructions for other uses, additions to existing constructions for other uses and first change of use of existing buildings to other uses shall be regulated in the following manner:-

Category of use (1)	Rate of development charges (floor area) (2)
New constructions or additions to existing constructions or first change of use to --	
industrial	1 ½ times residential rate (building)
commercial	2 times residential rate (building)
miscellaneous	2/3 rd of residential rate (building)

(3) The rates of development charges for the second and subsequent change in use of buildings shall be regulated in the following manner:-

Use of category (1)	Rates of development charges (2)
(A) Change from— residential to industrial	½ residential rate (building)
residential to commercial	Residential rate (building)
(B) Change from --	
industrial to commercial or commercial to industrial	½ residential rate (building)
(C) Change from --	
miscellaneous to residential	1/3 residential rate (building)
miscellaneous to industrial	residential rate (building)
miscellaneous to commercial	1 ½ times residential rate (building)
(D) All other change of use	1/10 residential rate (building)

7. Mode of application for permission. – Any person who intends to carry out any development, or institute or change any use of any land or building, for which permission is required under this act, shall apply to the Authority in Form 1 for the assessment of development charges payable in respect thereof before 30 days for commencement of the proposed development of change of use of any land or building.

8. Determination of development charges. – The Authority shall, on such application being made or if no such application is made, after serving a notice in writing on the person liable to such payment and after calling for a report n this behalf from the concerned town

planning officer determine whether or not, and if so, what development charge is leviable in respect of the land development or institution of use or change of use of land or building and issue a provisional notice of demand for the payment of development charge to the owner or occupier in Form 2.

9. Final assessment of development charges – The authority after taking into consideration the objections if any, filed by such person in respect of development charges payable by such person and issue a notice in writing of such assessment in form 3.

10. Payment of development charges.- Such person on receipt of the final assessment order under rule 9 shall be liable to pay to the Authority, the development charges assessed within thirty days from the date of communication or the assessment order.

11. Exemptions. – Notwithstanding anything contained in these rules, the Government may, for sufficient reasons, exempt any class of land or building from the operation of these rules.

FORM 1

Application for assessment of Development charges (Under rule 7).

To
The Planning Authority,

Sir,

I intend to develop/institute/change the use of land/building as per details furnished in the statement below for which permission is required under this Act. I hereby request that you will be pleased under section to declare the liability of land and/or building for the levy of development charges and to determine the development charges payable and communicate the same to me.

Yours faithfully,

1. (a) Name of the owner/occupier
 - (b) Full address
 - (c) Name of applicant
 - (d) Date of application for permission
-
1. Description of land or building for which development charges has to be assessed
 - (a) Door number
 - (b) Survey number and sub division number, if any
 - (c) Name of street
 - (d) Name of division or ward
 - (e) Village or town.....
-
2. Land –
 - (i) Total area of the land hectare
 - (ii) Present use Residential/Industrial/Commercial/Misc.
 - (iii) Use proposed..... Residential/Industrial/Commercial/Misc.
-
- Building
- (i) Plinth area of building
 - (ii) Present use Residential/Industrial/Commercial/Misc.
 - (iii) Use proposed Residential/Industrial/Commercial/Misc.
-
3. Any other particulars supporting the application

Signature of the applicant

Date:

Station:

FORM 2
Provisional notice of assessment of Development charges
(Under rule 8)

To

Please take notice that the development charge on the development/institution of .
..... use/change of use to use in land and/or
building bearing D.No..... street Division/Ward
Resurvey or Town survey of land square metre of building has been

provisionally assessed for development charge of Rs..... (Here enter the particulars of assessment).

You may lodge before the Planning Authority within 15 days from the date of receipt of this notice a statement in writing of your objections, if any, to the assessment. The objections, if any, received will be enquired in on at when you may appear in person or through an authorised agent and present any oral or documentary evidence in support of your objection.

Member –Secretary

Executive Authority.

Date:

Station:

FORM 3
Notice of Demand of Development charge
(Under rule 9)

To

Please take notice that the land/building bearing D.No..... Street Division/Ward and Resurvey of Town Survey No..... of village Town with an extent of hectare/has been assessed/for the payment of a development charge of Rs..... you are required to pay the above sum within 30 days from the date of service of this notice to the planning authority. Please take notice that if the payment is not made within the time specified above interest at the rate of 6 per cent per annum on the amount outstanding shall also be payable.

Member –Secretary

Executive Authority.

Date:

Station:

Sd/- K.CHOCKALINGAM.
Commissioner and Secretary to Government.

/true copy/

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