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കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Local Self Government (RD) Department

NOTIFICATION

G O. (Ms.) No. 39/2014/LSGD. Dated, Thiruvananthapuram, 14th February, 2014.

**S. R. O. No. 122/2014.**—In exercise of the powers conferred by section 565 read with section 407 of the Kerala Municipality Act, 1994 (Act 20 of 1994) and in supersession of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010 issued under notification as G.O. (Ms.) No. 185/2010/LSGD dated 21st August, 2010 and published as S.R.O. No. 847/2010 in the Kerala Gazette Extraordinary No. 1955 dated the 21st August, 2010, so far as it relates the Municipalities the Government of Kerala hereby make the following rules, namely:—

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## RULES

1. *Short title, commencement and applicability.*—(1) These Rules may be called the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2014.

(2) These rules shall come into force at once.

(3) These rules shall apply to unauthorised constructions carried out on or before the 31st day of March, 2013 in any Municipal and Municipal Corporation area in the state.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Kerala Municipality Act, 1994 (Act 20 of 1994);

(b) “Building Rules” means the Kerala Municipality Building Rules, 1999;

(c) “Fair value of land” means fair value of land fixed under section 28A of the Kerala Stamp Act, 1959 (Act 17 of 1959) pertaining to the plot in which the unauthorised construction considered for regularisation under these rules is situated;

(d) “Licensee” means the Architect, Building Designer, Engineer, Town Planner, Supervisor etc. registered under Chapter XXI of the Building Rules, who can certify and perform functions and assume responsibilities, as provided in Appendix L and rule 153 of the Building Rules;

(e) “Secretary” means the Secretary of the Municipality concerned;

(f) “Structural Engineer” means a Civil Engineer with Post Graduate Degree in Structural Engineering with minimum five years experience in structural design and supervision;

(g) “Town Planner” means the Town Planner or the Senior Town Planner of the Department of Town and Country Planning having jurisdiction over the District concerned;

(h) “Town Planning Act” means the Town Planning Act, 1108 ME and/or the Madras Town Planning Act, 1920 and/or the Travancore Town and Country Planning Act 1120 ME as the case may be;

(i) “Town Planning Scheme” means any Town Planning Scheme prepared under the Town Planning Act(s) in force;

(j) "Unauthorised Construction" means any construction or reconstruction carried out or completed on or before the 31st day of March, 2013 and which the Secretary has no power to regularise under Section 406 of the Kerala Municipality Act, 1994 and Chapter XX of the Building Rules.

(2) Words and expressions used and not defined in these rules, but defined in the Act or the Building Rules shall have the same meaning assigned to them in the Act or the Building Rules.

3. *Submission of application for regularisation of unauthorised Construction.*—(1) Application for regularisation of unauthorised construction declaring the details pertaining to the unauthorised construction shall be submitted to the Secretary concerned in **Form I-A** appended to these Rules and the fee specified in rule 4 within 90 days of the date of notification of these Rules in the Kerala Gazette.

(2) If the application shall be accompanied by the following documents, namely:—

(a) Receipt for payment of application fee, if any paid to the Municipality as per rule 4 of these rules;

(b) Four copies of the floor plans, elevations and section(s) of the building(s) constructed the site plan and wherever applicable the service plans, parking plans drawn as provided in sub-rule (9) of rule 7 of Kerala Municipality Building Rules, 1999 and specification thereunder,—

(i) Certified by the owner to the effect that "this is the drawing(s) having reference to the details furnished in Form I-A and documents enclosed along with"

(ii) Certified by the licensee to the effect that "this is the drawing(s) having reference to the details furnished in Form I-A and documents enclosed along with and that the details and measurements therein conform to actual constructions made in the site. I further certify that the unauthorized building(s) under is/are structurally stable (applicable in the case of unauthorized construction with the exception of high rise buildings or telecommunication towers).

(iii) Certified by a Structural Engineer to the effect that "the unauthorized high rise building(s)/unauthorized telecommunication tower (s)/the building above which unauthorized telecommunication tower is erected as per the drawings and Form I-A enclosed herewith is/are structurally stable. Provided that in the case of huts, a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets, duly signed by the owner is only required:

Provided also that in the case of constructions under approved schemes as mentioned in rule 73 of the Building Rules with total Floor area of building up to 60 sq.meters and number of floors limited to two and a stair room, where the construction has to be done by individuals separately, a site plan showing the outline of the built-up area, the boundaries of the plot and the near by streets, duly signed by the owner only is required:

Provided further that the unauthorized construction applied for regularization shall be indicated in red colour outline in all the drawings submitted.

(c) Documents to prove ownership of land;

(d) Photographs of the unauthorized building(s) signed by the owner, with dated certificate of the licensee to the effect that "this is the unauthorized building(s) under reference which was carried out on or before the 31st day of March 2013";

(e) Proof of having completed or carried out the construction on or before the 31st day of March 2013;

(f) Proof of valid Registration of the licensee;

(g) Proof of qualification of Structural Engineer who has issued the structural stability certificate;

(h) Copies of the Court cases (Courts, Tribunal, Ombudsman etc.) pertaining to or of reference to the plot or constructions therein;

(i) Any Government orders, circulars, any form of communication against the plot/land or any construction works therein;

(j) Proof of having stopped the construction before 31st day of March 2013 on account of any communication from the Municipality or Government Directing to stop the unauthorized construction;

(k) Copy of plans approved and/or permit issued if any, by the Secretary as per provisions contained in the Act or Building Rules;

(l) Orders if any, granting exemption from the provisions of the Kerala Building Rules 84, obtained earlier;

(m) Details of action, if any taken by the Municipality concerned against this unauthorized construction;

(n) Copy of Orders granting exemption from the provisions of the Town Planning Schemes, obtained earlier;

(o) Details pertaining to or of relevance to the plot and buildings therein if any.

(3) If the application received is not in order and/or incomplete for further scrutiny, the Secretary shall, within fifteen working days of the receipt of the application, inform the applicant, that the same cannot be accepted.

4. *Application fee.*—The application fee to be paid to the Municipality while submitting the application for regularisation of unauthorised construction, shall be as follows, namely:—

(1) Telecommunication Tower	..	₹ 25,000
(2) Huts and buildings under Group A 1 Residential Occupancy as per rule 30(3)(a) of the Building Rules with total built-up area up to 30 sq. metres	..	₹ 250
(3) Buildings under Group A 1 Residential Occupancy as per rule 30(3)(a) of the Building Rules with total built-up area exceeding 30 sq. metres and up to 60 sq. metres	..	₹ 750
(4) All buildings other than those mentioned above with total built-up area:		
(i) up to 100 sq. metres	..	₹ 1,000
(ii) above 100 sq. metres and upto 200 sq. metres	..	₹ 2,500
(iii) above 200 sq. metres and upto 500 sq. metres	..	₹ 5,000
(iv) above 500 sq. metres and upto 1000 sq. metres	..	₹ 7,500
(v) above 1000 sq. metres	..	₹ 10,000

up to 1100m<sup>2</sup> floor area and an additional amount of ₹ 1000 per 100 m<sup>2</sup> for each 100 m<sup>2</sup> in excess of 1100m<sup>2</sup> floor area.

*Note.*—The area for this purpose shall be the total built-up area on all floors of the unauthorised building(s).

5. *Procedure for disposal of application.*—(1) In the case of applications other than those cited in sub-rule (3) of rule 3, the Secretary shall, verify the application, inspect or cause to inspect the location, site and the buildings and after detailed verification and scrutiny, prepare A detailed report, in quadruplicate in Form I B appended to these rules, incorporating compounding fee, In case of regularization of unauthorised construction is regularized, duly sign and make a certification, as provided therein.

(2) If the application received is in order, the Secretary shall forward the following documents to the Government through the Town Planner within 45 days from the date of receipt of the application in the case of municipal corporations and within 30 days in other cases, and other documents received along with the application shall be kept in the office after due verification,—

- (i) Forms I-A and I-B duly filled up in all respects in triplicate;
- (ii) Three sets of drawings verified, duly signed and certified by the owner, licensee, structural engineer as the case may be and the Secretary:

Provided that, no application for regularisation shall be recommended for regularisation, if the unauthorized construction(s) does not conform to the provisions in section 383A of the Kerala Municipality Act, 1994, Town Planning Scheme, if any for that area sanctioned under the Town Planning Act(s); any law, including rule, byelaw, notification etc. made under such law(s) and any Acts like the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules made thereunder, the Kerala Conservation of Paddy and Wetland Act 2008, Coastal Zone Regulations notified by the Ministry of Environment and Forests, Government of India etc. and the safety and security provisions in the Building Rules laid out in **Appendix II** to these rules:

Provided also that, the Secretary may return the forms and the drawings to the applicant, if they are not in order and/or not duly filled up or signed or certified, citing reasons for non-acceptance.

(3) The Town Planner shall consider the duly filled up forms and the drawings forwarded by the Secretary and prepare technical recommendations in **Form I-C**.

(4) The Town Planner shall forward the following to the Government through the Chief Town Planner within 30 days from the date of receipt, if they are in order. The Town Planner may, if necessary, inspect or cause to inspect the location and/or site and/or the building,—

- (i) Forms I-A, I-B and I-C duly filled up and signed in all respects in duplicate;
- (ii) Two sets of drawings forwarded by the Secretary and signed and certified by the Town Planner to the effect that '*the technical recommendation made has reference to this drawing(s)*':

Provided that, the Town Planner may return the forms and the drawings to the Secretary, if they are not in order and/or not duly filled up or signed or certified, citing reasons for non-acceptance.

(5) The Chief Town Planner or an officer authorized by him / her in this behalf shall consider the duly filled up forms and the drawings forwarded by the Town Planner, prepare technical recommendations in **Form I-D**, and forward the following to the Government within 30 days from the date of receipt, if they are in order:—

- (i) One set of Forms I-A, I-B, I-C and I-D duly filled up and signed in all respects;
- (ii) One set of drawings forwarded by the Town Planner and signed and certified by the Chief Town Planner to the effect that '*the technical recommendation made has reference to this drawing(s)*':

Provided that the Chief Town Planner or an officer authorized by him / her in this behalf may return the forms and the drawings to the Town Planner, if they are not in order and/or not duly filled up or signed or certified, citing reasons for non-acceptance, marking a copy to the applicant.

(6) The Government shall consider the duly filled up forms and the drawings forwarded by the Chief Town Planner or an officer authorized by him / her in this behalf and considering the merit of the application, may issue orders according sanction to the Secretary for regularisation with or without conditions or reject the application for regularization and forward the same to the Secretary concerned, with copy to the Chief Town Planner, Chief Town Planner (Vigilance), Town Planner and the applicant. Any government order according sanction for regularisation shall specify,—

- (i) the name of applicant, survey number/resurvey number of the plot/land with the name of village(s), occupancy of the building(s), total floor area, number of floors in each building(s);
- (ii) conditions, if any, under which sanction for regularisation is granted;

- (iii) period within which the conditions, if any, stipulated for regularisation is to be complied with;
- (iv) the amount of compounding fee to be remitted in the Government Treasury;
- (v) the Head of Account to which the compounding fee is to be remitted in the Government Treasury; and
- (vi) the period within which the compounding fee is to be remitted in the Government Treasury.

(7) Once the orders of the Government are received, the Secretary shall issue formal orders accordingly on each application, according sanction for regularisation with or without conditions or rejecting the same complying with the orders of the Government and copies of the said order shall be sent to the applicant. The Secretary shall while issuing such formal orders, also inform the applicant to submit all concurrences/approvals required as per Building Rules from various Central or State Government Departments and agencies such as Fire and Rescue Department, SEIAA/Ministry of Environment and Forests of Government of India, Coastal Zone Management Authority, Airport Authority, Railway Authority, Defence Authorities, Kerala State Pollution Control Board, District Collector, Chief Electrical Inspector etc. (other than those required from the Department of Town and Country Planning), and check conformity to any law or rules, byelaws, notifications etc. made under such law(s) other than the Act wherever applicable.

(8) The formal order issued by the Secretary according sanction for regularisation, shall specify items (i) to (vi) as stipulated in sub-rule (6) of rule 5. The Secretary shall also publish the list of such orders issued in the office notice board every month and in the official website of the Municipality concerned, which shall include the number and date of the orders issued, together with the name of the applicant, survey/resurvey number(s) and name of village and taluk pertaining to the plot, violations and whether the construction was regularised or not regularised; or regularised with conditions.

(9) The owner and the licensee shall be equally responsible for the conformity of the drawings to actual constructions made in the site and the details therein.

(10) It shall be the responsibility of the owner and the licensee concerned, who has issued the Structural Stability Certificate as per the provisions contained in these rules, to ensure the structural stability of the building. However, in the case of high-rise buildings, telecommunication towers



and building if any above which such telecommunication tower is erected, the owner and the structural engineer who had issued the structural stability certificate as per these rules shall be responsible for the structural stability of such building(s)/constructions.

(11) The licensee who violates the functions and responsibilities entrusted on him/her shall also be liable to action as prescribed in sub-rules (7) and (8) of rule 153 of the Building Rules, and the Licensees/Structural Engineers who certify the plan with wrong information shall be blacklisted all over Kerala.

(12) If the applicant fails to remit the specified compounding fee and/or fails to comply with the conditions on or before the date specified in the regularisation order, such order issued by the Government shall cease to operate from the next day of the said date.

(13) The Secretary shall maintain a register of all treasury remittances towards compounding fee and shall forward quarterly reports thereon to the Government through the Director of Urban Affairs.

(14) The Secretary shall also maintain a permanent register of all unauthorised buildings/constructions regularised under these rules, containing details such as name and address of the applicant, survey/resurvey number(s) and name of village, occupancy, number of storeys, floor area of each floor, violation of rules regularised, number and date of the Government Order by which regularisation was granted, amount of compounding fee remitted with chalan receipt particulars, conditions, if any, stipulated in the order and action taken thereon.

(15) The appropriate authority shall take action against Government Servants as per the Service Rules applicable to them, who manipulate, prepare and furnish false reports intentionally against the spirit of these rules.

(16) The compounding fee once remitted, shall not be reimbursed under any circumstances.

6. *Procedure in case the application for regularisation is rejected.*—(1) In case the applicant does not fully comply with any of the condition(s) stipulated in the regularisation order including non-remittance of compounding fee within the time limit specified, it shall be the responsibility of the Secretary to take appropriate action for the demolition of the building or part thereof as per the provisions contained in the Building Rules.

(2) If the owner of any unauthorised construction fails to submit any application for regularisation duly filled up in the prescribed form with relevant details within the stipulated time or if the application for regularisation is rejected

in to, the Secretary shall take appropriate action for the demolition of such unauthorised construction forthwith and recover the cost of demolition from the owner as if it were arrears of property tax.

(3) The Secretary shall have the power to initiate prosecution against the owner or the person responsible for the unauthorised construction for not complying with the provisions of the Act or these rules or any orders issued thereunder as per the provisions of the Act. Strict action shall be taken against the Secretaries who default in taking action against such persons who do not apply for regularization in time as per these Rules or whose regularization application is rejected by Government as per these Rules.

(4) No regularisation of unauthorised construction shall be provided in future.

*7. Review by Government.*—(1) Any person aggrieved by an order issued under the provisions of these rules, may file a petition for review, to the Government:

Provided that there shall be only one review against any order issued.

(2) A petition for review under sub-rule (1) shall be presented within 30 (thirty) days from the date of service of the order, allowing or rejecting the application by the Secretary.

(3) The review petition shall be in white paper typed or written in ink, affixed with court fee stamp worth Rupees five, and the same shall be submitted along with true copy of the order to be reviewed.

(4) When a petition for review has been presented under these rules, the Government may, if found necessary, stay the operation of the order, pending consideration of the petition.

(5) The Government shall, after reviewing the petition, pass appropriate orders thereon and forward the same to the Secretary concerned, with copy thereof to the Chief Town Planner, Chief Town Planner (Vigilance) and Town Planner.

(6) In case the review petition is rejected, the Secretary shall initiate action as provided under rule 6.

8. *Power of the Government to cancel or revise the order etc.*—(1) The Government shall have the power to cancel or revise any order issued earlier under these rules at any time, if found that any building regularised is of serious safety and security concerns.

(2) The Government shall have the power to cancel any order issued under these rules at any time, after hearing the applicant once, if it has come to the notice that the information furnished by the applicant or the certification made by the licensee in the plans and in the application in Form I-A or structural stability certificate issued by the Structural Engineer, is by suppression or misrepresentation of facts.

(3) Notwithstanding the above, Government shall have the power to take or cause to take appropriate legal action against those who have suppressed or misrepresented the facts.

9. *Constitution and Functioning of the Monitoring Committee.*—(1) The Government may constitute a Monitoring Committee for the purpose of ensuring transparency and supervision of the regularization of unauthorized construction, consisting of the following Members;

- (a) Chief Town Planner (vigilance) ;
- (b) Chief Engineer, Local Self Government Department ;
- (c) Director, Department of Urban Affairs ;

(2) The Committee may suo motto or as directed by Government take up for consideration the construction regularized under these rules and submit its recommendations to the Government.

(3) The Committee may, if necessary, conduct random site inspections of the construction regularized under these rules and also scrutinize the related files at all levels of the regularization process as cited in rules (5) and (7).

(4) The Committee may suo motto or as directed by Government, convene meetings of the Committee.

## APPENDIX I

[See Rule 5 (1)]

## COMPOUNDING FEE

**Compounding fee for regularisation of unauthorised construction carried out on or before 31st day of March, 2013 violating the provisions of the Building Rules.**

(1) *Telecommunication Towers*

Compounding fee — ₹ 5,00,000 (Rupees Five Lakhs only) per tower and its ancillary structure.

(2) *Other Buildings*

## (a) The basic compounding fee

## (i) For single family residential buildings

10 (ten) times of the permit fee as prescribed, and 1/20th (one-twentieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorized construction. For residential buildings up to 300 sq.m. in total floor area, the fee shall be 50% of the fee calculated as above.

## (ii) For other buildings

20 (twenty) times of the permit fee prescribed and 1/20th (one-twentieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorized construction;

## (b) Additional compounding fee for deficient car parking, in case of violations of provision for off-street parking under rule 34 of the Building Rules

₹ 5,00,000 (Rupees Five Lakhs) per deficient car parking;

(c) Additional Compounding fee in the case of coverage and Floor Area Ratio (FAR) with reference to Table 2 under rule 31 of Building Rules,—

- |  |   |  |
|--|---|--|
| (i) if the maximum permissible FAR exceeds in value in column (4) of Table 2   | } | ₹ 6,000 (Rupees Six Thousand only) per sq. metre of the floor area.  |
| (ii) if the maximum permissible FAR exceeds to value in column (5) of Table 2.   | } | ₹ 9,000 (Rupees Nine Thousand only) per sq. metre of the floor area;   |
| (d) Additional compounding fee for in the case of unauthorised construction/ building(s) having total floor area above 500 sq.metres for regularisation with coverage above the values prescribed under column (3) of Table 2 under rule 31 of the Building Rules. | } | Rs. 2,500 (Rupees Two Thousand and Five Hundred only) per coverage area built in excess of that permissible as per Building Rules; |
| (e) Additional Compounding fee in the case of unauthorised constructions/building(s) having total floor area above 500 sq.metres for regularisation with width of access less than the minimum mandatory values prescribed in the Building Rules.                  | } | ₹ 2,500 (Rupees Two Thousand and Five Hundred only) per floor area built in excess of that permissible under the Building Rules.   |

*Note:*— (1) The amount collected by way of regularization with respect to items (1) and (2) shall be accounted separately and used for providing common car parking facilities, road developments and strengthening/modernisation of establishment for planning and enforcement.

(2) The compounding fee for item (2) shall be the sum of sub items (a), (b), (c) and (d).

## APPENDIX II

[See Rule 5 (1 )]

**Safety and security provisions in the Building Rules required to be strictly complied with for regularization in the case of unauthorized construction**

- (1) sub-rule (5) of rule 23 and Table I— Clearance from Overhead Electric Lines.
- (2) Rule 40A— Facilities for persons with disabilities.
- (3) Rule 42—Fire escape staircase.
- (4) sub-rule (3) to (13) of Rule 59 — Group I(1) and Group I(2) occupancies.
- (5) Rules 112 to 119 with modification to Rule 117(1) of Chapter XVII—Safety Provisions for High rise Buildings, as specified below:

If a motorable road of width not less than 5m. is available on the side other than the front and if open space for the building within the plot on that side is minimum 3.6m. and is kept open by not constructing any compound wall, fence or structure then, regularisation may be considered by the Government if it is fully satisfied that safety, security and fire fighting capabilities are not compromised.

- (6) Rules 134 to 137 of Chapter XIX—Telecommunication Towers.
- (7) Any other provisions in the building rules having serious safety and security concerns.
- (8) Width of access to the plot from the main street shall not be less than 2/3rd of the mandatory width as per Kerala Municipality Building Rules, 99 or 3.6m. whichever is higher and shall be motorable, if any parking is mandatory.
- (9) Number of parking shall be a minimum of 50% of the parking specified in Table 5.1 and 5.2 under Rule 34 of the Kerala Municipality Building Rules, 99.
- (10) Rule 88 of Kerala Municipality Building Rules, 1999.
- (11) Rule 48 of Kerala Municipality Building Rules, 1999.

*Note:*—As regards constructions with reference to item (7), taking into account the serious nature of safety and security concerns, Government may decide as to the extent up to which regularization can be considered on a case by case basis.

[See Rule 3(1)]

APPLICATION FOR REGULARISATION OF UNAUTHORISED  
CONSTRUCTION (S) (IN QUADRUPLICATE)

*To*

The Secretary to Government,  
Local Self Government Department,  
Government of Kerala,  
Thiruvananthapuram.

*Through*

(1) The Secretary,

.....Corporation/Municipality.

(2) The Town Planner,

Department of Town and Country Planning,

.....District.

(3) The Chief Town Planner\*,

Department of Town and Country Planning,

Thiruvananthapuram.

Sir,

I have constructed a ..... (*specify the use and occupancy*) building near the building No. ....or telecommunication tower/pole structure near/over the building No. .... or carried out alteration/addition to an existing building No. ....in .....Corporation/Municipality in Survey No. ....Village .....Taluk ..... District .....before 31st March, 2013 without obtaining permit from the competent authority.

I have obtained permit No. .... dated .....for the construction or reconstruction or addition or alteration to an existing building No. .... in Corporation/Municipality ..... in Survey No. ....Village .....Taluk .....District ..... and have carried out the construction in deviation to plans approved by the Secretary/after the expiry of the permit.

I realise that the construction so carried out is in violation of the provision contained in the building rules and/or the Act and the date of commencement of the construction is ..... I realize that the said construction is an unauthorized one.

I request that sanction may be accorded to the Secretary for the regularisation of the said construction(s).

The application fee of ₹ ..... only has been remitted vide .....

Necessary plans, documents and triplicate are enclosed.

Signature of Applicant .....

Name of Applicant .....

(In Block letters)

Address: .....

.....

.....

Place: .....

Date : .....



STATEMENT OF THE OWNER (IN QUADRUPLICATE)

1. Name and address of the applicant (owner) : .....
2. The number allotted by the Municipality to the building/nearest building : .....  
(*strikeout whichever is not applicable*) : .....  
: .....
3. Details of land
  - (i) Survey Number(s) (*with sub divisions*) : .....  
: .....  
: .....  
: .....
  - (ii) Resurvey Number(s) : .....  
(*with sub divisions if applicable*) : .....  
: .....  
: .....
  - (iii) Village : .....
  - (iv) Taluk : .....
  - (v) Area of the plot in sq. metres : ..... sq. metres
4. Nature of ownership of land: Sale Deed/Gift/ Partition Deed/Puramboke/Others (*specify*) : .....
5. Date and Number of the documents in proof of ownership of land : .....  
: .....  
: .....
6. Nature of construction(s):

- (a) New building/Reconstruction/Change in occupancy/Alteration/Addition or Extension to existing building(s) /Others(specify) : .....
- (b) Type of roof: Concrete/Tiled /any other (specify) : .....
- (c) Total number of floors : .....
- (d) Total floor area (sq. metres) of the authorised building(s) within the plot : .....sq. metres
- (e) Occupancy/Use of the unauthorised building(s) :

*(Fill in the table below. Use separate sheet if required)*

Floor ( <i>Basement, Ground, First etc</i> )	Floor area in sq. metres of the respective floor	Occupancy of the respective floor <i>(If more than one occupancy in the floor, furnish the area of each occupancy)</i>

- 7. Date of commencement of the construction : .....
- 8. Date of completion of construction : .....

9. Is there any pending cases before or disposed of by Courts, Tribunal, Ombudsman etc. pertaining to or with reference to the land/plot or building(s) therein. (*Specify Yes/No*)

If Yes, furnish the details:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

10. Any Government orders, circulars, any form of communication against the plot/land or any construction works therein. (*Specify Yes/No*)

If Yes, furnish the details:

.....  
.....  
.....  
.....  
.....  
.....  
.....

11. Any other details pertaining to or of relevance to the plot and buildings therein (*Specify Yes/No*):

.....

If Yes, furnish the details:

.....  
 .....  
 .....  
 .....  
 .....

12. Checklist of enclosures to be furnished by the owner :

<i>Sl. No.</i>	<i>Item of enclosures to be furnished by the owner</i>	<i>Applicability</i>
(1)	(2)	(3)
(a)	Receipt for payment of application fee, if any paid to the Municipality as per Rule 4 of these rules	<i>Compulsory</i>
(b)	Four copies of the drawings—	<i>Compulsory</i>
	(i) Four copies each of the floor plans, elevations and sections of the building(s) constructed, the site plan and wherever applicable the service plans, parking plans and specifications drawn as provided in sub-rule (9) of rule 7 of the building rules, duly signed and certified in the format given under rule (2), by the owner/by the licensee and if applicable by the Structural Engineer who has issued the structural stability certificate as per the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2014.	
	(or)	
	(ii) In the case of huts, four copies each of a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets duly signed by the owner,	
	(or)	

(1)

(2)

(3)

- (iii) In the case of constructions under approved Schemes as mentioned in rule 73 of the Building Rules with total floor area of building up to 60 sq. metres and number of floors limited to two and a stair room, where the construction has to be done by individuals separately, four copies each of a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets, duly signed by the owner.

*Note.—(1) the unauthorised construction applied for regularization shall be indicated in red colour outline in the drawings.*

- (2) *The following shall be the format for Certificate on the drawings by:—*

(i) ***the owner:*** *"Certified that this is the drawing(s) having reference to the details furnished in Form I-A and documents enclosed along with."*

(ii) ***the Licensee:*** *"Certified that this is the drawing(s) having reference to the details furnished in Form I-A and documents enclosed along with and that the details and measurements therein conform to actual constructions made in the site."*

*"I further certify that, the unauthorised building(s) under reference is/are structurally stable"* (strike out this certification if the unauthorised building(s) is highrise building and/or telecommunication tower)

(iii) ***the Structural Engineer:*** *"Certified that the unauthorised highrise building(s)/unauthorised telecommunication tower(s)/the building above which such unauthorised telecommunication tower is erected (strike out which is/are not applicable) as per the drawings and Form I-A enclosed herewith is/are structurally stable. (this certification is required only if the unauthorised construction is a highrise building and/or telecommunication tower)*

(1)	(2)	(3)
(c)	Documents to prove ownership of land	<i>Compulsory</i>
(d)	Photographs of the unauthorised construction signed by the owner, with dated certificate of the licensee to the effect that " <i>this is the unauthorised construction under reference which was carried out on or before the 31st day of March, 2013</i> "	<i>Compulsory</i>
(e)	Proof of having carried out the construction of unauthorised building(s) on or before the 31st day of March, 2013; [Please specify: Enclosed/Not Applicable]	
(f)	Proof of valid Registration of the licensee [Compulsory except in cases (ii) and (iii) of item (b) above]; [Please specify: Enclosed/Not Applicable]	
(g)	Proof of qualification of Structural Engineer who has issued the structural stability certificate ( <i>Compulsory in the case of highrise buildings, telecommunication towers and building if any above which such telecommunication tower is erected.</i> ) [Please specify: Enclosed/Not Applicable]	
(h)	Copies of the cases pending before or direction, judgement etc., by Courts, Tribunal, Ombudsman etc. there of pertaining to or with reference to the plot or constructions therein as mentioned in item 9 of the statement in this form. ( <i>To be compulsorily disclosed by the owner/applicant</i> ) [Please specify: Enclosed/Not Applicable]	
(i)	Copies of any Government orders, circulars, any form of communication against the plot/land or any construction works therein as mentioned in item 10 of the statement in this form ( <i>To be compulsorily disclosed by the owner/applicant</i> ). [Please spectfy: Enclosed/Not Applicable]	

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(1)	(2)	(3)
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(j) Proof of having stopped the unauthorised construction works before 31st day of March, 2013 on account of any communication from the Municipality or Government directing to stop the unauthorised construction.

*[Please specify: Enclosed/Not Applicable]*

(k) Copy of plans approved and/or permit(s) issued if any, by the Secretary as per the provisions contained in the Act or Building Rules.

*[Please specify: Enclosed/Not Applicable]*

(l) Orders granting exemption from the provisions of the Kerala Building Rules, 1984, obtained earlier

*[Please specify: Enclosed/Not Applicable]*

(m) Copy of orders granting exemption from the provisions of the Town Planning Schemes, obtained earlier

*[Please specify: Enclosed/Not Applicable]*

(n) Copy of documentary evidences if any of the details of action, taken by the Municipality concerned against the unauthorised construction(s).

*[Please specify: Enclosed/Not Applicable]*

(o) Copy of documentary evidence, if any, enclosed with reference to item 11 of the Statement in this form.  
*(Please specify) :*

(i) .....

(ii) .....

(iii) .....

.....

.....

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13. I ..... (name of owner) do hereby declare that the unauthorised construction as per the drawings and details enclosed was/were carried out on or before the 31st day of March, 2013, beyond which date, no construction works were carried out unauthorisedly and that the drawings and measurements therein conform to actual constructions made in the site and the unauthorised construction(s) is/are structurally stable.

I also declare that the details furnished in Form I-A, the drawings and other documents/enclosures submitted are correct to the best of my knowledge and belief.

I further declare that to the best of my knowledge and belief, there is no court case or direction or communication from any authority including Government specific to the plot or constructions therein, which prevents the regularisation of the unauthorised construction.

I further declare that I am fully aware of the fact that the Government may, at any time cancel the order(s) issued under these rules and take appropriate legal action if the wrong information furnished by me is found false or facts suppressed or misrepresented.

.....  
(Signature of the owner)

Name :.....

Address :.....

.....

Place: .....

Date :.....



14. CERTIFICATE & DECLARATION OF THE LICENSEE REGISTERED UNDER CHAPTER XXI OF THE BUILDING RULES

I .....  
..... (Name and Reg. No. of licensee) do hereby declare that the unauthorised construction as per the drawings and details enclosed was/were carried out on/before the 31st day of March, 2013, beyond which date, no construction works were carried out unauthorisedly.

I certify that all the drawings and measurements therein conform to actual constructions made in the site.

I further certify that, the unauthorised construction under reference is/are structurally stable. (strike out this certification if the unauthorised construction is a highrise building and/or telecommunication tower).

I hereby declare that the information furnished in Form I-A, the drawings and the other documents/enclosures submitted are correct to the best of my knowledge and belief. I also declare that to the best of my knowledge, there is no court case and Government communication specific to the plot or constructions therein, which prevent regularisation of the unauthorised construction.

I also declare that I have the qualification for the licensee prescribed under these rules. I further declare that I am fully aware if the fact that the Government may, at any time cancel the order(s) issued under these rules and take appropriate legal action, if the information furnished by me as false or the facts are suppressed or misrepresented.

.....  
(Signature of the Licensee)

Name :.....

Reg. No. :.....

Address :.....

.....  
.....

Place: .....

Date :.....

15. CERTIFICATE OF THE STRUCTURAL ENGINEER

*(Applicable in the case of highrise buildings, telecommunication towers and building if any above which such telecommunication tower is erected.)*

I .....  
..... *(Name and address of the Structural Engineer)* here by certify that the unauthorised building(s)/Telecommunication Tower(s) *(strike out which is/are not applicable)* as per the drawings and Form I-A enclosed herewith is/are structurally stable.

I also here by certify that the building(s) above which the telecommunication Tower(s) applied for regularisation is/are erected as per the drawings and Form I-A enclosed herewith is/are structurally stable. *(strike out this certification if the unauthorised building is not a telecommunication tower erected above a building.)*

I declare that I have the qualification prescribed as per rule 2(1)(e) of these rules. I further declare that I am fully aware of the fact that the Government may, at any time cancel the order(s) issued under these rules and take appropriate legal action, if the wrong information furnished by me is false or facts were suppressed or misrepresented.

.....  
*(Signature of the Structural Engineer)*

Name :.....

Address: .....

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Place: .....

Date :.....

## FORM IB

(see Rule 5)

## DETAILED REPORT

(to be prepared in quadruplicate)

**To be furnished by the Secretary of the Corporation/Municipality concerned  
as prescribed under Rule 5 of the Kerala Municipality Building  
(Regularisation of Unauthorised Construction) Rules, 2014**

.....Corporation/Municipality

## INSPECTION AND VERIFICATION REPORT

1. Application Received on : .....
2. Verified on : .....
3. Inspected on : .....
4. Particulars of Land
  - (a) Area of Land/Plot : ..... .sq. metres
  - (b) Survey No. and Name of Village :
  - (c) Re-survey No. :  
and Name of Village
  - (d) Nature of ownership of land : Sale Deed/Gift/Partition Deed/  
(*strike out the not applicable*) Puramboke/Others  
(*specify*).....

5. Particulars of the construction/building(s) : .....

(a) Occupancy of the construction/buildings:

(b) Built-up/Floor Area

<i>Sl. No.</i>	<i>Area Description</i>	<i>Authorised Buildings</i>	<i>Unauthorised Building(s)</i>	<i>Total Area (sq. metres)</i>
1	Built-up area (sq. metres)			
2	Floor area (sq. metres)			

6. Remarks on the authorised and unauthorised construction/building in the site:

.....

.....

.....

.....

.....(use additional sheets if required)

7. Violation of provisions relating to safety and security in the Building Rules: (See Appendix II)

<i>Sl. No.</i>	<i>Provisions</i>	<i>Violation (Specify Yes/No.)</i>	<i>If Yes, specify the extent of violation</i>
(1)	Sub-rule (5) of Rule 23 & Table I (Clearance from Overhead Electric Lines)	.....	.....
(2)	Rule 40A (Facilities for persons with disabilities)	.....	.....



8. Violation of the provisions of Town Planning Schemes, if any:

<i>Name of Scheme</i>	<i>Status of the Scheme (Sanctioned/Published)</i>	<i>Violation</i>

9. Violations with regard to other applicable Central and State Statutes, if any:

<i>Name of Statute</i>	<i>Violation</i>

10. RECOMMENDATIONS OF THE SECRETARY:

(a) Whether the unauthorised construction, as per drawings and details enclosed with Form IA:—

(i) was carried out on or before the 31st day of March, 2013 : .....

(ii) violates the safety and security provisions in the Building Rules as per Appendix II (Please specify: Yes/No) : .....

(iii) violates any provision of the Town Planning Schemes, sanctioned by Government (Please specify: Yes/No) : .....

(b) Whether there is any court case : .....  
specific to the plot or constructions  
therein, which prevents regularisation  
of the unauthorised construction(s)  
*(Please specify: Yes/No)*

If Yes, please furnish the details: .....

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(c) Whether there is any Government Orders/ : .....  
Circulars/any form of communication against  
the plot/land or any construction works  
therein which prevents regularisation of the  
unauthorised building(s) *(Please specify: Yes/No)*

If Yes, please furnish the details:.....

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(d) Whether any concurrence/approval/NOC etc. : .....  
is required as per the Building Rules from  
various Central or State Government Depart-  
ments and agencies such as Fire and Rescue  
Department, SEIAA/Ministry of Environment  
and Forests of Government of India, Coastal  
Zone Management Authority, Airport Authority,

Railway Authority, Defense Authorities, Kerala State Pollution Control Board, District Collector, Chief Electrical Inspector etc.(other than those required from the Department of Town and Country Planning)

(Please specify: Yes/No).

If Yes, please furnish the details below:

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Agency from which concurrence/ approval/ NOC etc. is required

Rule

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(e) Whether the construction violate any law, : .....  
such as Acts, Rules, Byelaws etc. (other than the Kerala Municipality Act, 1994 and the Kerala Municipality Building Rules, 1999)

(Please specify: Yes/No)

If Yes, please furnish the details:.....

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(f) Whether there is any other important matter .....  
which has bearing on the regularisation  
of the unauthorised construction

*(Please spectfy: Yes/No)*

If Yes, please furnish the details:.....

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(g) Recommendations of the Secretary:

Whether the unauthorised construction is  
recommended for regularisation :

*(Please specify: Yes/No)*

If Yes, please specify the conditions for  
regularization, if any;

If No, the grounds for not recommending  
regularisation :.....

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11. Amount of Compounding fee to be remitted, if recommended for regularisation under the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2014

*Note:—Attach detailed calculation note certified by the Secretary, if applicable.*

(1) TELECOMMUNICATION TOWERS

<i>No.</i>	<i>Item</i>	<i>Compounding fee components (₹)</i>
(a)	Total number of Telecommunication Towers for regularisation	=.....
(b)	Fee for regularisation per Tower	= ₹ 5,00,000
(c)	Compounding fee for regularisation of Telecommunication Tower(s) [(a) × (b)]	= ₹.....

## 2. OTHER BUILDINGS

No.	Item	Compounding fee components (₹)
(d)	Permit fee calculated as per the Kerala Municipality Building Rules, 1999 with regard to the unauthorised building(s)/ construction	= ₹ .....
(e)	Basic compounding fee for regularisation as per item (2)(a)(i) of Appendix I [.....times permit fee]	= .....×..... = ₹ .....
(f)	Fair value of land in ₹ per sq. metre	= ₹ ...../sq.m.
(g)	Basic Compounding fee for regularisation as per item (2)(a)(ii) of Appendix I  =1/20th of (f) × total floor area of the unauthorised building(s)	= (1/20)×..... = ₹ ..... ×.....
(h)	No. of off-street car parking space required for all buildings in the plot as per the Kerala Municipality Building Rules, 1999	=.....Nos.
(i)	No. of off-street car parking space actually provided	=.....Nos.
(j)	Deficient off street motor car parking space  [only if (h) exceeds (i)]	= (h)-(i) =.....Nos.
(k)	Additional compounding fee for deficient car parking @ ₹ 5,00,000 per deficient parking as per item (2)(b) of Appendix 1.	= ₹ 5,00,000×(j) = ₹ .....

(l)	Plot Area (in Sq. metres)	= .....	sq.m.
(m)	Total Floor Area of all buildings within the plot in sq. metres	Floor Area Ratio (FAR)	
	Existing Scenario	.....sq.m.	.....
	Permissible as per Col. (4) of Table 2 of Building Rules	.....sq.m.	.....
	Permissible as per Col. (5) of Table 2 of Building Rules	.....sq.m.	.....
(n)	Additional Compounding fee for excess FAR as per item (2)(c) of Appendix I	See item (2) (c) in Appendix 1 of the Rules	=₹ .....
(o)	Permissible coverage as per the Kerala Municipality Building Rules, 1999	= .....	%
(p)	Coverage area permissible as per the Kerala Municipality Building Rules (in sq.metres)	= .....	sq.m.

(q)	Existing total built up area (in sq. metres) =.....sq.m.	
(r)	Excess area covered (in sq. metres) = (q)-(p) [only (q) exceeds (p)]	= .....sq.m.
(s)	Additional Compounding fee for excess Coverage as per item (2) (d) of Appendix I	= ₹ 2500×(r) = ₹ .....
(t)	Present width of access/street (in metres)	= .....m.
(u)	Permissible floor area as per the Kerala Municipality Building Rules, 1999 for the existing access/street width (in sq.metres)	=.....sq.m.
(v)	Existing floor area (in sq. metres)	=.....sq.m.
(w)	The excess floor area built (in sq. metres) [only if (v) exceeds (u)]	=(v)-(u) =.....sq.m.
(x)	Additional compounding fee for excess floor area on account of deficient width of access/street as per item (2)(e) of Appendix I	= ₹ 2500 × (w) = ₹ .....
(y)	Compounding Fee (in Rupees) (to be remitted, if regularized)	=(c) + (e) + (g) + (k) + (n) + (s) + (x) = ₹ .....
12.	Signature and Name of the Secretary with date and seal	:..... (Dated Signature)
	Name & Seal of the Secretary (Office Seal)	.....

CERTIFICATE OF THE SECRETARY

I hereby certify that,—

- (i) the unauthorised construction(s) as per the drawings and details enclosed was/were carried out on/before the 31st day of March, 2013, beyond which date, no construction works were carried out unauthorisedly.
- (ii) all the drawings and measurements therein conform to actual constructions made in the site and that the land ownership documents were verified and found correct.
- (iii) the information furnished in Form IA, the drawings and the other documents/enclosures submitted were verified and found acceptable.
- (iv) to the best of my knowledge, the information furnished in Form IB are correct.
- (v) the licensee and Structural Engineer who have certified the drawings and Form IA possess the qualification prescribed as per these rules.

.....

*(Signature)*

Name and Seal of the Secretary:.....

(Office Seal)

Place: .....

Date: .....

TECHNICAL RECOMMENDATIONS

(to be prepared in Triplicate)

**To be furnished by the Town Planner/Senior Town Planner concerned as prescribed under Rule 5(3) of the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2014**

*(Signature with Name and Seal)*

*Senior Town Planner/Town Planner*  
Department of Town and Country Planning,  
.....District.

Place:

Date:

(Office Seal)

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FORM ID

TECHNICAL RECOMMENDATIONS

(to be prepared in Duplicate)

**To be furnished by the Chief Town Planner/an Officer authorised by him/  
her in this behalf as prescribed under Rule 5(5) of the Kerala  
Municipality Building (Regularisation of Unauthorised  
Construction) Rules, 2014**

*(Signature with Name and Seal)*

*Chief Town Planner/or an Officer  
authorised by him/her in this behalf*

Place: .....

Date: .....

(Office Seal)

By order of the Governor,

JAMES VARGHESE,

*Principal Secretary to Government.*



**Explanatory Note**

(This does not form part of the notification, but is intended to achieve its general purport.)

The Senior Town Planner (Vigilance) made series of inspections during mid-2012 with regard to unauthorized constructions in the State as per directions from the Government. The Government after examining the report submitted by the Senior Town Planner (Vigilance), decided to bring in legislation to regularize unauthorized constructions carried out up to 31st March, 2013 in the Municipalities and Municipal Corporations in the State, which has violations up to a certain level by imposing compounding fee. In this direction, the Government vide the Kerala Municipality (Amendment) Act, 2013 published in Kerala Gazette Extraordinary No. 1267 dated 6th May, 2013 amended section 407 of the Act to empower the Government to regularize the unauthorized constructions carried out up to 31-3-2013 in the Municipal and Municipal Corporation areas. Accordingly the Government have decided to issue this rule.

This notification is intended to achieve the above object.

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