



GOVERNMENT OF KERALA

Local Self Government (RD) Department

CIRCULAR

No304282/RD2/15/LSGD

Thiruvananthapuram, 18th February, 2016

Sub:- Procedure for dispensing with or modifying any of the requirements of Master Plans and Detailed Town Planning Schemes deemed to have been sanctioned --
reg:-

Read:- 1. G.O (Ms) No. 305/2015/LSGD dated 29.09.2015 (S.R.O No. 648/2015)

2. G.O (Ms) No. 306/2015/LSGD dated 29.09.2015 (S.R.O No. 649/2015)

In exercise of the powers conferred by sub section (3) of Section 50 of the Kerala Town and Country Planning Ordinance, 2015, Government of Kerala varied all the existing Master Plans and all Detailed Town Planning Schemes deemed to be sanctioned by Government under clause (i) of sub section (2) of section 113 of the said ordinance to the extent indicated in Notification (I) and Notification (II), sanctioned vide G.Os read (1) and (2) above.

As per item C of General Guidelines of Notification No.(I) and as per item A of General Guidelines of Notification No. II, Government may, if it thinks in any particular case and subject to any condition as it may impose, dispense with or modify, with the concurrence of the Chief Town Planner concerned of the Department of Town and Country Planning, any of the requirements of the Master Plans/ Development Plans/ Structure Plans/ DTP Schemes, other than the requirements made obligatory by any law, provided that it is satisfied that there are circumstances warranting such dispensation or modification.

For such dispensation or modification, applications involving building constructions with associated land development, if any, shall be submitted to the Secretary of the Corporation/ Municipality/ Grama Panchayat as the case may be, in Form A appended here within quadruplicate duly filled along with details mentioned. Such application shall be addressed to the Secretary to Government (Urban Affairs), Local Self Government Department. The application form shall be made available free of cost from all Corporation/ Municipality/ Grama Panchayat concerned and district offices of the Department of Town and Country Planning.

The Secretary of the Corporation/Municipality/Grama Panchayat as the case may be, shall forward three copies each of his report in Form B appended herewith, application and enclosures to the District Town Planner concerned.

The District Town Planner concerned shall forward two copies each of his technical recommendation in Form C appended herewith, detailed report of the Secretary in Form B application and enclosure to the Chief town Planner concerned.

The Chief Town Planner concerned shall forward his technical recommendation, with or without his concurrence, in Form D appended herewith, detailed report of the Secretary in Form B, detailed report of the District Town Planner in Form C, application and enclosures to the Secretary to Government (Urban Affairs), Local Self Government Department.

The Government, after considering all the above, if it thinks fit and subject to any conditions as it may impose, dispense with or modify, with the concurrence of Chief Town Planner concerned, any of the requirements of the Master Plans/development Plans/ Structure Plans/DTP Schemes other than the requirements made obligatory by any law, provided that it is satisfied that there are circumstances warranting such dispensation or modification and issue orders.

Provided that in the case of Master Plans/development plans/Structure Plans, such powers of the Government may be limited to dispensation/modification pertaining to the following requirements of the Plans, namely:

- i. Dispense with land acquisition proposals in the sanctioned Plans (However, reservation of land for road development and the development restrictions imposed because of other Acts/ Rules will not come under the purview of this)
- ii. Dispense with Special/Specific land use proposals in the sanctioned Plans like areas zoned as 'planned residential', 'Sub Centre', 'reservation of additional areas for public and semipublic uses' etc, which have not materialized so far.
- iii. Modify Zoning Regulations/Development Control Rules such that
 - a) all residential buildings up to a total built up area of 300 m² and other occupancy buildings up to a total built up area of 150 m² are included as permitted uses in all built up zones (ie., Residential/ Commercial/ Industrial/ Public & Semi Public and all mixed zones of these uses, etc.).
 - b) 'large scale development projects' or Government projects are included as permitted uses subject to conditions in all built-up zones such as Residential/ Commercial/ Industrial/ Public & Semi Public and all mixed zones of these uses
- iv. Dispense with any other land reservations in the sanctioned Plans based on resolutions of LSGs concerned provided that
 - the purpose of the land reservation is already served through implementation of alternate projects
 - and/or
 - the responsible authority has communicated in writing that the proposed project will not be taken up due to specified reasons

However, the development restrictions imposed because of other Acts/ Rules/ Notifications will not come under the purview of this.

In such cases of dispensation/modification, those uses and occupancies which are deemed fit, in accordance with the surrounding developments or in accordance with the provisions of the subsequently published plan, if any, for the area, may be considered.

The order of the Government granting dispensation/modification shall specify the amount of scrutiny fee to be remitted by the applicant in the Government

Treasury and the Head of Account. The scrutiny fee to be remitted shall be 10 (ten) times of the permit fee as prescribed in the KMBR 1999/KPBR 2011 as applicable.

Such Government Order issued shall not be considered as permission for building construction. Permit for land development and building construction shall be obtained by the Applicant as prescribed under the provisions of the KMBR 1999 or KPBR 2011, as the case may be, subject to satisfying the conditions, if any, stipulated in the Government Order but conforming to the provisions contained in the building rules and all applicable statutes.

A.P.M.MOHAMMED HANISH

Secretary to Government

Local Self Government (Urban Affairs) Department

To,

The Director of Urban Affairs Department, Thiruvananthapuram.

The Chief Town Planner, Thiruvananthapuram.

The Chief Town Planner (Vigilance), Thiruvananthapuram.

The Regional Joint Director of Urban Affairs, Kollam/Ernakulam/Kozhikode.

All District Town Planning Officers (Through Director of Urban Affairs Department)

Corporation Secretaries and Municipal Secretaries (Through Director of Urban

Affairs Department)

Executive Director, Information Kerala Mission, PwM
Stock File/ Office Copy. (For publishing All Govt Website)

Approved for issue



Section Officer

FORM A

APPLICATION SUBMITTED TO GOVERNMENT AS PER ITEM C OF GENERAL GUIDELINES
AS GIVEN IN G.O.(Ms)No.305&306/2015 dated 29.09.2015
(IN QUADRUPLICATE)

To

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

Through

- (1) The Secretary,
.....Corporation/ Municipality/Grama Panchayath
- (2) The Senior Town Planner/ Town Planner,
Department of Town and Country Planning,
..... District.
- (3) The Chief Town Planner,
Department of Town and Country Planning,
Thiruvananthapuram.

Sir,

I am intending to construct a (specify the use and occupancy) building or telecommunication tower/ pole structure near/over the building No. inCorporation/ Municipality in Survey No. Village Taluk District

I request that concurrence may be accorded to the Secretary..... Corporation/Municipality/Grama Panchayath for permitting the above construction in the said land.
Necessary plans, documents in quadruplicate are enclosed.

STATEMENT OF THE OWNER (IN QUADRUPLICATE)

1. Land use as per the sanctioned Town Planning Schemes and the proposed use of the building

.....Master plans/.....DTP Schemes									
Taluk	Village	Survey no	Survey Sub division	Area in Ares	Use zone of the Master Plan	Use Zone of the DTP scheme	Road widening Proposals	Other Proposal ,If any	Proposed use of the building

- 2. Date and Number of the documents in proof of ownership of land :
- 3. Nature of construction (s):
New building/ Reconstruction /Change in

occupancy / Alteration / Addition or Extension to existing building(s) / Others(specify)

4. Proposed Occupancy/ :

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

Floors	Built up Area (m2)	occupancy	Carpet Area (m2)
Basement			
GF			
FF			
SF			

Note:- If more than one occupancy in the floor, furnish the area of each occupancy.

5. 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) there in. (Specify Yes / No) :

If Yes, furnish the details:

6. 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:

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

If Yes, furnish the details: •

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

- (i) Documents to prove the ownership of land
- (ii) Four copies each of the floor plans, elevations and sections of the proposed building(s) , the site plan and wherever applicable the service plans, parking plans and specifications drawn as provided in sub rule (11) of rule 7 of Building Rules, duly signed and certified in the format given under subrule (2) of rule 3, by the owner/ by the licensee

(or)

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)

in the case of constructions under approved Schemes as mentioned in rule 72 of the Building Rules with total floor area of building upto 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.

- (iii) 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. (To be compulsorily disclosed by the owner/applicant)
[Please specify: Enclosed / Not Applicable]
- (iv) Copies of any Government orders, circulars, any form of communication against the plot/land or any construction works therein (To be compulsorily disclosed by the owner/applicant)
[Please specify: Enclosed / Not Applicable]
- (v) Orders granting exemption from the provisions of the Kerala Building Rules, 1984, obtained earlier, if any
[Please specify: Enclosed / Not Applicable]
- (vi) Copy of orders granting exemption from the provisions of the Town Planning Schemes, obtained earlier
[Please specify: Enclosed / Not Applicable]
- (vii) Copy of additional documentary evidence, if any, :
 - (i).....
 - (ii).....
 - (iii).....

I declare that the details furnished in 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 other than declared by me / us above specific to the plot or constructions therein, for permitting this construction.

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

.....
(Signature of the owner/(s))

Name :

1.....

2.
3.

Address:.....

Place:.....

Date :.....

CERTIFICATE & DECLARATION OF THE LICENSEE

I hereby declare that the information furnished in the drawings and the other documents/enclosures submitted are correct to the best of my knowledge and belief.

I also declare that I have the qualification for the licensee prescribed under the provisions of KMBR1999/kpbr2011. I further declare that I am fully aware of the fact that the Government may, at any time cancel the order(s) issued and take appropriate legal action, if the information furnished by me is found false or the facts are suppressed or misrepresented.

.....
(Signature of the Licensee)

Name :

.....

Reg. No :

.....

Address :

.....
Place:.....

Date :.....

FORM B
DETAILED REPORT
(to be prepared in quadruplicate)

To be furnished by the Secretary of the Corporation/ Municipality/Grama Panchayath concerned

INSPECTION & 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/
Puramboke/ (strike out which is not applicable)
 - (e) Others (specify).....
5. Particulars of the construction/building(s)
 - (a) Occupancy of the construction/ buildings:
 - (b) Built-up/Floor Area (Floor wise) :

Floors	Built up Area (m2)	occupancy	Carpet Area (m2)
Basement			
GF			
FF			
SF			

6. Remarks

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

7. Provisions of Town Planning Schemes:

Name of Scheme Master Plan - Stage
..... DTP Scheme - Stage

Taluk	Village	Survey no	Survey Sub division	Area in Ares	Use zone of the Master Plan	Use Zone of the DTP scheme	Road widening Proposals	Other Proposal ,If any	Proposed use of the building

8. Violations with regard to other applicable Central and State Statutes, if any (Yes/No)

9. Whether there is any court case specific to the plot or constructions therein, which prevents permission (Please specify: Yes/No)

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

10. Whether there is any Government orders / circulars / any form of communication against the plot/land or any construction works therein which prevents the proposed construction in this plot. (Please specify: Yes/No)

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

10. Recommendations of the Secretary including report on the surrounding developments and the admissibility of the proposed use of at the site

11. Amount of fee to be remitted:

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

Name & Seal of the Secretary

.....
(Dated Signature)

(Office Seal)

FORM C
TECHNICAL RECOMMENDATIONS
(To be prepared in triplicate)

To be furnished by the Town Planner/Senior Town Planner concerned of the
Department of Town and Country Planning

*(shall submit a detailed report on the surrounding developments and the admissibility of
the proposed use of the building at the site)*

- Signature with name & seal)
SENIOR TOWN PLANNER/TOWN PLANNER
.....District

Place:
Date :

(Office seal)

FORM D
TECHNICAL RECOMMENDATIONS
(To be prepared in duplicate)

FORM D
TECHNICAL RECOMMENDATIONS

(To be prepared in duplicate)

(To be furnished by the Chief Town Planner /an officer authorised by him /her in this behalf)

(Signature with Name & Seal)

Place:

Date:

(Office Seal)