

GOVERNMENT OF KERALA
Local Self Government (RD) Department

G.O.(Ms) No185/2010/LSGD Dated, Thiruvananthapuram, 21st August, 2010

S.R.O.No.847/2010.- In exercise of the powers conferred by section 565 read with section 407 of the Kerala Municipality Act 1994 (20 of 1994) and section 254 read with section 235 AB of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and in supersession of the Kerala Building (Regularisation of Unauthorised Construction and Land Development) Rules, 1999, issued under notification No. G.O.(Ms) 196/99/LSGD dated 14th October, 1999, and published as S.R.O.No.827/99 in the Kerala Gazette No.1877 dated 15th October, 1999, the Government of Kerala hereby make the following rules, namely:-

RULES

1. Short title, commencement and applicability.— (1) These rules may be called the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010.

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

(3) These rules shall apply to all unauthorised constructions carried out or completed on or before the 31st day of December 2008 in any Municipal area or in any Grama Panchayat area.

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

(a) “Act” means the Kerala Municipality Act, 1994 (20 of 1994) or the Kerala Panchayat Raj Act, 1994 (13 of 1994) as the case may be;

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

(c) ‘*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 as per Appendix L of the Kerala Municipality Building Rules, 1999;

(d) “*Secretary*” means the Secretary of a Municipality or a Grama Panchayat as the case may be;

(e) ‘*Structural Engineer*’ means a Civil Engineer with post graduate degree in Structural Engineering with minimum five years’ experience in structural design and supervision;

(f) “*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.

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

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

(i) “*Unauthorised construction*” means any construction or reconstruction carried out or completed on or before the 31st day of December 2008, which the Secretary has no power to regularise under Section 406 of the Kerala Municipality Act, 1994 or Section 235W of the Kerala Panchayat Raj 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 shall be submitted to the Secretary concerned in **Form-1** appended to these rules, within 90 days of the date of notification of these rules in the Kerala gazette.

(2) The application shall be accompanied by the following documents namely:-

- (a) Receipt for payment of application fee, if any paid to the Municipality or the Grama Panchayat as per Rule 4 of these rules;
- (b) 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, drawn as provided in sub rule (9) of rule 7 of the Building Rules and specifications thereunder,-

(i) duly signed by the owner ;

(ii) certified by licensee, to the effect that “all the measurements are verified and the drawings conform to actual constructions made in the site” and

(iii) certified by a Structural Engineer to the effect that the unauthorised construction(s) is/are structurally stable in the case of highrise building, telecommunication tower and building if any above which such telecommunication tower is erected:

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 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, a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets, duly signed by the owner only is required.

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

- (c) Copy of plans approved and/or permit issued, if any, by the Secretary as per the provisions contained in the Act or Building Rules;
- (d) Documents to prove ownership of land;
 - (e) Proof of having completed or carried out the construction on or before the 31st day of December 2008 viz;
 - (i) any dated evidence issued by the Municipality or Grama Panchayat or Government with respect to the unauthorised construction and/or any similar documentary evidence to this effect.
 - and
 - (ii) photographs of the unauthorised building signed by the owner, with dated certificate of the licensee to the effect that “this is the unauthorised building under reference which was carried out on or before the 31st day of December 2008”;
- (f) Proof of having stopped the construction before 31st December 2008 on account of any communication from the Municipality or Grama Panchayat or Government directing to stop the unauthorised construction viz;
 - (i) any dated evidence issued by the Municipality or Grama Panchayat or Government with respect to the unauthorised construction and/or any similar documentary evidence to this effect directing the applicant/owner to stop the unauthorised construction
 - and
 - (ii) photographs of the unauthorised building signed by the owner, with duly filled dated certificate of the licensee to the effect that “this is the unauthorised building under reference which was carried out on or before the 31st day of December 2008 and construction was stopped immediately on receipt of the written communication number:..... dated..... from Panchayat/ Municipality/ Government, directing to stop the unauthorised construction”;
- (g) Orders if any, granting exemption from the provisions of the Kerala Building Rules, obtained earlier; and

- (h) Details of action, if any, taken by the Municipality or Grama Panchayat concerned against this unauthorised construction.
- (i) Documentary evidence if any to prove that the unauthorised construction was commenced prior to enforcement of Kerala Municipality Building Rules in the case of Grama Panchayats, if applicable.

4. Application fee. Application fee shall be paid to the Municipality or Grama Panchayat along with the application for regularisation of unauthorised construction as indicated below:-

(1)	Telecommunication Tower	Rs.1000
(2)	Huts and buildings under Group A1 Residential Occupancy as per rule 30(3)(a) of the Building Rules with total floor area upto 30 sq. metres	.. No fee
(3)	Buildings under Group A1 Residential Occupancy as per rule 30(3)(a) of the Building Rules with total floor area exceeding 30 sq. metres and upto 60 sq. metres	.. Rs. 50
(4)	All buildings other than those mentioned above with total floor area	
	(i) upto 100 sq. metres	Rs. 100
	(ii) above 100 sq. metres and upto 200 sq. metres	Rs. 200
	(iii) above 200 sq. metres and upto 500 sq. metres	Rs. 500
	(iv) above 500 sq. metres and upto 1000 sq. metres	Rs. 1000
	(v) above 1000 sq. metres	Rs. 5000

Provided that the area for this purpose shall be the total floor area of all floors of the unauthorised building(s).

5. Procedure for disposal of the application.— (1) The Secretary shall, verify the application, inspect or cause to inspect the location, site and the buildings and after detailed verifications and scrutiny, prepare detailed report in Form I appended to these rules duly signed in quadruplicate stating:-

- (a) whether the unauthorised construction was commenced prior to enforcement of the Kerala Municipality Building Rules or after the commencement of the Kerala Municipality Building Rules in the case of Grama Panchayats ;
- (b) whether the unauthorised construction was carried out or completed on or before 31st day of December 2008 or not;
- (c) details of any building permit issued earlier, any conditions stipulated therein and reference to any orders granting exemption from the Kerala Building Rules, 1999 or Town Planning Scheme, any regularisation granted earlier and any other relevant details;
- (d) the extent of violation of the provision of Building Rules and Town Planning Schemes in force, if any;

- (e) the extent of violation of the provisions under the Ancient Monuments and Archaeological Sites and Remains Act 1958 and rules 1959 and the Kerala Conservation of Paddyland and Wetland Act 2008 or any notification issued under Coastal Zone Regulations by the Ministry of Environment and Forests, Government of India;
- (f) details of violations if any with respect to the criteria for regularisation as per Appendix I or Appendix II to these rules as the case may be;
- (g) The compounding fee as per Appendix III to these rules, to be remitted in case regularisation is allowed with detailed calculation note and;
- (h) Specific recommendations for regularisation with reasons:

Provided that, for the purpose of these rules, in the case of Grama Panchayats, if the Secretary is not satisfied after enquiry and appreciation of evidence that the unauthorised construction was commenced prior to enforcement of the Kerala Municipality Building Rules as in item clause (a) above, the construction shall deemed to be commenced when the building rules were in force and he shall note the reason thereof in his detailed report.

- (2)
 - (a) The Secretary shall forward his detailed report appended to Form I in triplicate along with the application to Government through Town Planner within 45 days from the date of receipt of application in the case of Municipal Corporations and within 30 days in other cases.
 - (b) The Town Planner shall consider the technical aspects of the report of the Secretary and shall forward the application to the Government with his recommendation through the Chief Town Planner within 30 days from the date of receipt of application, together with the report of the Secretary in duplicate, if they are in order. The Town Planner may, if necessary, inspect or cause to inspect the location and/or site and/or the buildings.
 - (c) The Chief Town Planner shall consider the technical aspects of the report and recommendations of the Town Planner and shall forward the application to the Government with his recommendation within 30 days from the date of receipt of application, together with the reports of the Secretary and recommendations of the Town Planner.
 - (d) The Government, after examining the reports of the Secretary and the technical recommendations of the Town Planner and the Chief Town Planner and considering the merit of the application, shall issue orders according sanction to the Secretary for regularisation, with or without conditions or decline regularisation and forward the same to the Secretary concerned, with copy to Town Planner. Any Government order according sanction for regularisation shall specify,-

- (i) the name of applicant, survey number / resurvey number of the land, 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 Government Treasury,
- (e) Once the government orders 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 Government order; and copies of the said order shall be sent to the applicant. The formal order issued by the Secretary according sanction for regularisation, shall specify items (i) to (vi) as stipulated in sub-clause (d) to sub-rule (2) of Rule 5. The Secretary shall, publish the list of such orders issued in the office notice board every month and in the official website of the Municipality or Grama Panchayat concerned which shall include number and date of the orders issued, together with the name of applicant, survey / Resurvey number(s) and name of village and taluk pertaining to the land, the notice of violations and whether the construction was regularized or not regularised or regularised with conditions.
- (3) It shall be the responsibility of the owner and the engineer or licensee concerned registered under Chapter XXI of the building rules as the case may be, who had issued the structural stability certificate as per the provisions contained in these rules to ensure the structural stability of the building.
- (4) The owner and the licensee shall be equally responsible for the conformity of the drawings to actual constructions made in the site and the structural stability of the unauthorised construction(s). 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 unauthorised construction(s).
- (5) 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, the regularization order issued by the Government shall cease to operate from the next day of the said date.

- (6) 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 or Director of Panchayats as the case may be.
- (7) The Secretary shall also maintain a permanent register of all unauthorised constructions regularised under these rules containing details such as name and address of the applicant, survey 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 and the result thereof.
- (8) Under any circumstances, the compounding fee once remitted, will not be reimbursed.

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 specified, it shall be the responsibility of the Secretary to take appropriate action for the demolition of the building or part thereof as the case may be.

- (2) If the owner of any unauthorised construction fails to submit any application for regularisation duly filled in the prescribed form with relevant details within the stipulated time or if the application for regularisation is rejected in toto, the Secretary shall take appropriate action for the demolition of such unauthorised construction.
- (3) The Secretary shall have the power to recover the cost for demolition from the owner as if it were arrears of property tax.
- (4) 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.

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 thirty days from THE date of service of the order, allowing or rejecting the application.
- (3) When a petition for review has been presented under these rules, the Government may, if found necessary, stay operation of the order, pending consideration of the petition.
- (4) The review petition shall be in white paper typed or written in ink, affixed with court fee stamp worth Rs.5, and shall also contain true copy of the order to be reviewed.

- (5) The Government shall, after considering the review petition, pass appropriate orders there on and forward the same to the Secretary concerned, with copy to Town Planner.
- (6) In case the review petition is rejected, the secretary shall initiate action as provided under rule 6.
- (7) The government may cancel or modify or revise any orders issued earlier under these rules at any time, if found necessary that any building regularised is of serious safety and security concerns.
- (8) The government may, at any time cancel any order issued under these rules, if any wrong information was furnished by the applicant or the licensee who had certified the plans and in application in form I or the structural engineer who had issued structural stability certificate, after hearing the applicant once. Action as laid in rule 6 shall be taken by the secretary in such cases.

FORM - 1

[See Rule 3(1)]

APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTIONS

To

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

Through

- (1) The Secretary ,
.....Corporation/Municipality/Grama Panchayat
- (2) The Town Planner ,
Department of Town & Country Planning,
..... District.
- (3) Chief Town Planner,
Government of Kerala.

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.....inCorporation/ Municipality/Grama Panchayat in Survey No..... Village..... TalukDistrictbefore 31st December, 2008 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 / Grama Panchayatin Survey.No.....Village.....Taluk..... ... District.....and have carried out the construction in deviation to the 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 realise that the said construction is an unauthorised one.

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

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

Necessary plans and statements in triplicate are enclosed.

Signature of Applicant

.....
Name of the Applicant
(In Block letters)

Address:

Place:

Date:

APPENDIX - I
[See Rule 5(1)(f)]

Regularisation criteria in the case of unauthorised constructions in any Municipal Area carried out or completed on or before 31st December 2008, violating provisions of Building Rules.

Unauthorised construction(s) carried out or completed on or before 31st December 2008, violating the building rules shall be considered for regularisation subject to satisfying all the criteria given under:

- (1) The constructions shall conform to the provisions in section 383A of the Kerala Municipality Act 1994 and section 220(b) of the Kerala Panchayat Raj Act 1994.
- (2) The construction shall conform to the provisions of the Town Planning Scheme if any for that area sanctioned under the Town Planning Act(s).
- (3) Open spaces/yards from the boundaries of the plot to the construction and the minimum clear width of access to the building and plot as well as the width of the street giving access to the plot from the main street shall not be less than two-third of the mandatory values required as per Building Rules.

However, the width of access to the building and plot as well as the width of the street giving access to the plot from the main street shall not be less than 3.6 metres or as stipulated above whichever is higher and shall be motorable, if any parking is required as per item (5) below.

- (4) The maximum permissible Floor Area Ratio and the maximum permissible coverage shall be as stipulated in Building Rules.
- (5) There shall be provision for off-street parking of motor cars within the plot at the rates not less than that given in the Table prescribed hereunder.

Table 1

Sl. No:	Building use/occupancy	Minimum percentage of the number of mandatory off-street parking for motor cars as per rule 34 of building rules that shall be available in the plot.
(1)	2	3
(1)	Group F - Mercantile/Commercial occupancy with total floor area exceeding 750 sq.metres	100%
(2)	Cinema Theatres, Wedding halls and community halls under Group D – Assembly occupancy with total floor area exceeding 500 sq.metres	75%
(3)	All others not covered under (1) and (2) above.	50%

- (6) The construction shall conform to the provisions of under Ancient Monuments and Archaeological Sites and Remains Act 1958 and rules 1959 and the Kerala Conservation of Paddyland and Wetland Act 2008 or any notification issued under Coastal Zone Regularisation by the Ministry of Environment and Forest, Government of India.

- (7) Mandatory space for loading and unloading as per rule 34 of the Building Rules shall be available at site.
- (8) Every off-street parking space shall have adequate vehicular access.
- (9) Highrise buildings as defined in rule 110 of the Building Rules shall satisfy the safety provisions contained in rule 112 to 119 of the Building Rules.
- (10) In the case of highrise buildings and telecommunication towers, Structural stability certificates to the satisfaction of the Secretary, from the structural engineer shall be produced by the owner along with the application. If such telecommunication tower is erected above any building, the structural stability certificate shall be submitted in respect of that building also.
- (11) Residential apartments shall comply with the provisions of rule 50 of the Building Rules pertaining to recreational space.
- (12) Concurrences required as per Building Rules from various Central or state Government Departments and agencies such as Fire force, Airport Authority, Railways, Defence Authorities, Kerala State Pollution Control Board etc. shall be obtained.
- (13) In addition, constructions shall conform to the safety and security provisions in the Building Rules.

APPENDIX – II

[See Rule 5(1)(f)]

Regularisation criteria for unauthorised in any Grama Panchayat Area carried out or completed on or before 31st December 2008

The constructions commenced prior to enforcement of the Building Rules in the Grama Panchayat areas and carried out or completed on or before 31st December 2008 shall be considered for regularisation subject to satisfying all the criteria given under:-

- (1) The constructions shall conform to the provisions in section 220(b) of Kerala Panchayat Raj Act, 1994.
- (2) The construction shall conform to the provisions of the Town Planning Scheme if any for that area sanctioned under the Town Planning Act(s).
- (3) The construction shall conform to the provisions of under Ancient Monuments and Archaeological Sites and Remains Act 1958 and rules 1959 and the Kerala Conservation of Paddyland and Wetland Act 2008 or any notification issued under Coastal Zone Regulations by the Ministry of Environment and Forest, Government of India.
- (4) Concurrences from various central or state government departments and agencies such as Fire force, Airport Authority, Railways, Defense authorities, Kerala State Pollution Control Board etc. shall be obtained for buildings as prescribed under Building Rules.
- (5) In the case of highrise buildings and telecommunication towers, Structural stability certificates to the satisfaction of the Secretary, from the structural engineer shall be produced by the owner along with the application. If such telecommunication tower is erected above any building, the structural stability certificate shall be submitted in respect of that building also.

APPENDIX - III
[See Rule 5 (1)(g)]

COMPOUNDING FEE

A Compounding fee for regularisation of unauthorised constructions completed on or before 31st December 2008, violating provisions of Building Rules

(1) Telecommunication Towers

In the case of telecommunication towers, the compounding fee for regularisation shall be Rs 1,00,000/-per tower and its ancillary structure.

(2) Other Buildings

- (a) Compounding Fee for regularisation of unauthorised constructions completed on or before 31st December 2008, violating provisions of Building Rules shall be levied as per Table given under:

Table 2

Sl. No:	Total Floor Area on all floors of the building(s) in sq.metres	Rate of compounding fee in Rupees per sq.metre of the total floor area on all floors of the building(s) allowed for regularisation.	
		Group A1 Residential Occupancy	Other Occupancies
(1)	(2)	(3)	(4)
01	Upto 60 sq.metres	50	100
02	Above 60 sq.metres upto 150 sq.metres	100	200
03	Above 150 sq.metres upto 300 sq.metres	200	300
04	Above 300 sq.metres upto 1000 sq.metres	300	500
05	Above 1000 sq.metres	500	800

- (b) In the case of violations with reference to off-street parking requirements for motor cars as per Rule 34 of building rules, over and above the amount as per (a) above, the compounding fee shall in addition include an additional amount at the rate of Rs. 1,00,000/- per deficient car parking. This additional amount shall be accounted separately and used for providing common car parking facilities in the state.

- (c) In the case of constructions with Floor Area Ratio above the values prescribed under column (4) of Table 2 in rule 31 of the building rules, over and above the amount as per (a) and (b) above, the compounding fee shall in addition include the additional fee as in sub rule (3) of rule 31 of the building rules.

B Compounding fee for regularisation of unauthorised constructions commenced prior to enforcement of the Kerala Municipality Building Rules in the Grama Panchayat areas and carried out or completed on or before 31st December 2008

(1) Telecommunication Towers

In the case of telecommunication towers, the compounding fee for regularisation shall be Rs 1,00,000/-per tower and its ancillary structure.

(2) Other Buildings

- (a) Compounding fee for regularisation of constructions commenced prior to enforcement of the Building Rules in the Grama Panchayat areas and completed on or before 31st December 2008, as mentioned in Annexure II shall be levied at half the rate prescribed in the Table above.
- (b) In the case of deficiency in off-street parking requirements for motor cars with reference to that provided in Rule 34 of building rules, over and above the amount as per (a) above, the compounding fee shall in addition include an additional amount at the rate of Rs. 1,00,000/- per deficient car parking.
- (c) In the case of constructions with Floor Area Ratio above the values prescribed under column (4) of Table 2 in rule 31 of the building rules, over and above the amount as per (a) and (b) above, the compounding fee shall also in addition include the additional fee as in sub rule (3) of rule 31 of the building rules.
- (d) In the case of constructions with Floor Area Ratio above the values under column (5) of Table 2 in rule 31 of the building rules, over and above the amount as per (a), (b) and (c) above, the compounding fee shall also in addition include an additional amount of Rs. 1000/- per sq.metres of the floor area exceeding the area permissible under column (5) of Table 2 in rule 31 of the building rules.

**STATEMENT (IN QUADRUPLICATE)
TO ACCOMPANY APPLICATION**

1. Name and Address of the applicant :
2. Building Number / the Number of nearest building
(*strikeout whichever is not applicable*) :
3. Details of land :
 - (i) Survey Number (*with subdivisions*) :
 - (ii) Resurvey number (*with subdivisions
If applicable*) :
 - (iii) Village :
 - (iv) Area of the plot in sq.metres :
4. Nature of ownership of land
Sale Deed/Gift/Partition Deed :
5. Details of Documents in proof of ownership of land :
6. Nature of Construction:
 - (a) New Building/Additional
Construction/Alteration (any other) :
 - (b) Concrete/Tiled Roof (any other) :
 - (c) Total Number of floors of the building :
 - (d) Total floor area (sq.metres) :
 - (e) Occupancy / Use of the building :

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 shall also be furnished</i>)
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-
7. Date of commencement of construction :
 8. Date of completion of construction :
 9. Whether the following are attached along with the application form:

- | | | |
|------|---|-----------------|
| (a) | Receipt for payment of application fee, if any paid to the Municipality or the Grama Panchayat as per Rule 4 of these rules; | Yes / No |
| (b) | <p>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 subrule (9) of rule 7 of the building rules, duly signed by the owner and certified by licensee and if applicable by the Structural Engineer who has certified the structural stability certificate as per the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010</p> <p style="text-align: center;">(or)</p> <p>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,</p> <p style="text-align: center;">(or)</p> <p>In the case of constructions under approved Schemes as mentioned in rule 73 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.</p> <p><i><u>Note:- the unauthorised construction applied for regularisation shall be indicated in red colour outline in the drawings.</u></i></p> | Yes / No |
| (c) | Copy of plans approved and/or permit issued, if any, by the Secretary as per the provisions contained in the Act or building rules; | Yes / No |
| (d) | Documents to prove ownership of land | Yes / No |
| (e1) | Proof of having carried out or completed the construction on or before the 31 st day of December 2008 viz; | |
| | <p>(i) Any dated evidence issued by the Municipality or Grama Panchayat or Government with respect to the unauthorised construction and/or any similar documentary evidence to this effect</p> <p style="text-align: center;">and</p> <p>(ii) Photographs of the unauthorised building signed by the owner, with dated certificate of the licensee to the effect that “this is the unauthorised building under reference which was carried out / completed on or before the 31st day of December 2008”</p> | Yes / No |

- (e2) Proof of having stopped the construction (if applicable) before 31st December 2008 on account of any communication from the Municipality or Grama Panchayat or Government directing to stop the unauthorised construction viz,
- (i) Any dated evidence issued by the Municipality or Grama Panchayat or Government with respect to the unauthorised construction and/or any similar documentary evidence to this effect directing the applicant/owner to stop the unauthorised construction
- and
- (ii) Photographs of the unauthorised building signed by the owner, with duly filled dated certificate of the licensee to the effect that “this is the unauthorised building under reference which was carried out on or before the 31st day of December 2008 and construction was stopped immediately on receipt of the written communication number:..... dated..... from Panchayat/ Municipality/ Government, directing to stop the unauthorised construction”;

**Yes /
Not
applicable**

**Yes /
Not
applicable**

Note:- Proof required as per either (e1) or (e2) are to be enclosed.

- (f) Orders if any, granting exemption from the provisions of the Kerala Building Rules, 1984, obtained earlier; **Yes / No**
- (g) Details of action, if any, taken by the Municipality or Grama Panchayat concerned against this unauthorised construction. **Yes / No**
- (h) Proof of qualification of the Civil Engineer with post graduate degree in Structural Engineering with minimum five years' experience in structural design and supervision who has issued the structural stability certificate (*only in the case of highrise buildings, telecommunication towers and building if any above which such telecommunication tower is erected.*) **Yes / No**

- (i) Any other details enclosed (*please specify*)
.....
.....
.....

10. Details of fee, if any, paid in connection with earlier application :
11. Any court cases pertaining to the building or site; if so furnish details :
12. Any other remarks / details pertaining to the building and the site :

Signature of Applicant :
Name of the Applicant :
(In Block Letters)

DECLARATION BY THE APPLICANT

I -----hereby declare that the unauthorised building(s) as per the drawings and details enclosed was/were commenced on and carried out on / before the 31st day of December 2008. I also declare drawings and measurement therein conform to actual constructions made in the site and the unauthorised construction(s) is/are structurally stable.

I also hereby declare that this is the unauthorised building(s) as per the drawings and details enclosed, which was carried out on or before the 31st day of December 2008 and the construction was stopped immediately on receipt of the written communication number: dated..... from Panchayat/ Municipality/ Government, directing to stop the unauthorised construction (*Strike out this declaration if not applicable*)

I also declare that the above information furnish are true to the best of my knowledge and belief.

Signature and name and Address of the owner

Place:

Date:

CERTIFICATE OF THE LICENSEE REGISTERED UNDER CHAPTER XXI OF THE BUILDING RULES

Certified that the construction of the unauthorised building(s) as per the drawings and details enclosed was/were commenced on and was/were carried out on / before the 31st day of December 2008.

I also hereby certify that the construction of the unauthorised building(s) as per the drawings and details enclosed, was/were carried out on or before the 31st day of December 2008 and the construction was stopped immediately on receipt of the written communication number: dated..... from Panchayat/ Municipality/ Government, directing to stop the unauthorised construction (*Strike out this declaration if not applicable*)

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

I further certify that, the unauthorised construction(s) under reference is/are structurally stable. (*strike out this certificate if the unauthorised construction is a highrise building and/or telecommunication tower and/or is a building above which such telecommunication tower is erected*)

Signature:

Name:

Reg.No:

Address:

(*of registered licensee*)

Place:

Date:

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.)

Certified that the unauthorised building(s) as per the drawings and details enclosed is/are structurally stable.

Signature:

Name:

Address:

(of the Structural Engineer)

DETAILED REPORT

(to be furnished in quadruplicate)

**To be furnished by the Secretary of the Corporation / Municipality/
Grama Panchayat concerned as prescribed under rule 5(1)**

..... Corporation/ Municipality / Grama Panchayat

Inspection & Verification Report

1. Application Received on :
2. Verified on :
3. Inspected on :
4. Particulars of land :
5. Extent

Survey No:(old)
..... (R.Sy)

V

illage:

6. Floor area particulars :

Floor (Basement, Ground,First etc)	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 shall also be furnished)</i>

	<i>Total Area :</i>	<i>Sq.metres</i>
7.	Remarks on the construction:	

8. Violation of the provisions in the Act or the Building Rules for the time being in force:

Rule	Required	Provided
------	----------	----------

9. Violation of provisions of Town Planning Schemes, if any :

Name of Scheme	Stage of the scheme (Sanctioned or published)	Violation
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10. Violations with regard to other applicable Central and state statutes, if any

Name of Statute	Violation
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-
11. Whether the unauthorised construction(s) was/were commenced prior to enforcement of Kerala Municipality Building Rules (applicable only for Grama Panchayats) :
 12. Whether the unauthorised construction(s) was/were carried out on or before 31st December 2008 :
 13. Whether the unauthorised construction was stopped immediately on receipt of the written communication from the Panchayat/ Municipality/ Government, directing to stop the unauthorised construction :
 14. Violation if any with respect to the regularisation criteria stipulated vide Appendix I / Appendix II:
 - (i) Regularisation Criteria applicable :
Appendix I / Appendix II
(Please tick whichever is applicable) [of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010.]
 - (ii) Check list of violations with regard to Regularisation Criteria as per Appendix I / Appendix II of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010
-

Regularisation Criteria Number*	Whether the application violates regularisation Criteria (Yes/No) Specify calculation details. (Use separate sheets if required for calculation details certified by the Secretary.)
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(1)	
(2)	
...	
...	
...	
...	
...	

* (1) to (13) as per Appendix – I or (1) to (5) as per Appendix –II of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010.

11. The Compounding fee to be remitted in case regularisation is allowed as per Appendix III of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010
(attach detailed calculation note certified

by the Secretary)

: Rs.....

12. Specific Recommendations of the Secretary:

Whether the construction satisfies all the regularisation criteria applicable [as per Appendix I / Appendix II of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010] (*Yes / No*) :

Whether the building can be regularised(*Yes / No*) :

If recommended for regularisation, Conditions if any under which regularisation is recommended (*Please specify if applicable*):

(i)

(ii)

(iii)

...

...

...

If not recommended, reasons for the same:

(i)

(ii)

(iii)

...

...

...

13. Fee to be remitted if regularised in Rupees : Rs
(enclose the calculation sheet certified by the Secretary separately)

14. Signature of the Secretary with date and seal :

(office seal)

CERTIFICATE

Certified that the unauthorised construction(s) was/were commenced before/after* the Kerala Municipality Building Rules came into force and carried out on or before / after* 31st day of December 2008. Certified that the details were verified and found correct.

Signature and Name of Secretary

Place:

Date:

(seal)

**(strike out whichever is not applicable)*

TECHNICAL RECOMMENDATIONS

To be furnished by the Town Planner as prescribed under rule 5(2)

(Signature)

SENIOR TOWN PLANNER / TOWN PLANNER

Department of Town and Country Planning

.....District

Place:

Date:

(seal)

TECHNICAL RECOMMENDATIONS

To be furnished by the Chief Town Planner as prescribed under rule 5(2)

Place:
Date:

(Signature)
CHIEF TOWN PLANNER

(seal)

By order of the Governor,

S.M.VIJAYANAND
Principal Secretary to Government.

Explanatory Note

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

Section 407 of the Kerala Municipality Act and section 235 AB of the Kerala Panchayat Raj Act, 1994 empowers the Government to regularize unauthorized Construction and land developments carried out on or before 31st December, 2008. Accordingly Government have decided to issue new rules by superseding the Kerala Building (Regularization of unauthorized Construction and Land Development Rules, 1999.

This notification is intended to achieve the above object.