

©
കേരള സർക്കാർ
Government of Kerala
2014



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2012-14

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 3 } Vol. III }	തിരുവനന്തപുരം, ബുധൻ Thiruvananthapuram, Wednesday	2014 ആഗസ്റ്റ് 27 27th August 2014	നമ്പർ } No. } 2145
		1190 ചിങ്ങം 11 11th Chingam 1190	
		1936 ഭാദ്രം 5 5th Bhadra 1936	

GOVERNMENT OF KERALA
Local Self Government (RD) Department
NOTIFICATION

G. O. (Ms.) No. 150/2014/LSGD. Dated, Thiruvananthapuram, 21st August, 2014.

S. R. O. No. 519/2014.—In exercise of the powers conferred by section 254 read with section 235 AB of the Kerala Panchayat Raj Act, 1994 (Act 13 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 the 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 to the Grama Panchayats, 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 Panchayat 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 Grama Panchayat area in the state.

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

(a) “Act” means the Kerala Panchayat Raj Act, 1994 (Act 13 of 1994);

(b) “Building Rules” means the Kerala Panchayat Building Rules, 2011 as on the 31st of day of March 2013;

(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 XXIII of the Building Rules, who can certify and perform functions and assume responsibilities, as provided in Appendix L and rule 144 of the Building Rules;

(e) “Secretary” means the Secretary of the Grama Panchayat 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 as explained under section 235 AB of the Act and which was carried out or completed on or before the 31st day of March, 2013 and which the Secretary has no power to regularise under Section 235W of the Kerala Panchayat Raj Act, 1994 and Chapter XXII 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, along with the application fee specified in rule 4, 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 Grama Panchayat, 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 (11) of rule 7 of the Building Rules, and specification thereunder,—

(i) Self-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 unauthorised building(s) under is/are structurally stable (applicable in the case of unauthorised construction with the exception of high rise buildings/telecommunication tower.

(iii) Certified by a Structural Engineer as defined in this Rules to the effect that “the unauthorised high rise building(s)/unauthorised telecommunication tower (s)/the building above which unauthorised telecommunication tower is erected as per the drawings and Form I-A enclosed herewith is/are structurally stable.

Note:—(1) 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.

(2) In the case of constructions under approved schemes as mentioned in rule 72 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.

(3) 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) Details of cases or copies of orders/decisions thereon in case of any legal dispute pending before or disposed of by 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 in compliance of any communication from the Grama Panchayat 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 Grama Panchayat 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 Grama Panchayat 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 A1 Residential Occupancy as per rule 34(3)(a) of the Building Rules with total built-up area up to 30 sq. metres | .. ₹ 250 |
| (3) Buildings under Group A1 Residential Occupancy as per rule 34(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 | .. ₹ 1000 |
| (ii) above 100 sq. metres and up to 200 sq. metres | .. ₹ 2500 |
| (iii) above 200 sq. metres and up to 500 sq. metres | .. ₹ 5000 |
| (iv) above 500 sq. metres and up to 1000 sq. metres | .. ₹ 7500 |
| (v) above 1000 sq. metres and up to 1100m ² | |
| (vi) above 1100 m ² Rs. 10,000 + ₹ 1000/100 m ² in excess of 1100 m ² | |

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, specify the compounding fee, in case the unauthorised construction is proposed to be regularized, duly sign and make a certification, as provided therein.

(2) If the application received is in order, the Secretary shall forward the same along with the documents specified below to the Town Planner concerned within 45 days from the date of receipt of the application, and he shall keep in his office all other documents received along with the application, 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 220 of the Kerala Panchayat Raj 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 land and Wetland Act, 2008, Coastal Zone and Environmental Clearance 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, if the forms and the drawings are found not in order or not, duly filled up or signed or certified, or the information furnished is not correct, return the same to the applicants citing reasons for non-acceptance.

(3) The Town Planner shall, consider the duly filled up forms and the drawings forwarded by the Secretary and if found in order, he may, if necessary, inspect or cause to inspect the location and/or site and/or the building and prepare technical recommendations in Form I-C.

(4) The Town Planner shall forward the following to the Chief Town Planner within 30 days from the date of receipt.

(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 if the forms and the drawings are found not in order or not, duly filled up or signed or certified, or the information furnished is not correct, return the same to the Secretary, 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, and if they are in order, he shall prepare technical recommendations in **Form I-D**, and forward the following to the Government within 30 days from the date of receipt.

(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 if the forms and the drawings are found not in order or not duly filled up or signed or certified, he shall return the same to the Town Planner citing reasons for non-acceptance, with a copy thereof 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. The Government Order according sanction for regularisation shall specify,—

(i) the name of the 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 specifying the Head of Account and time for remittance.

(7) Once the orders of the Government are received, the Secretary shall, issue formal orders on each application, according sanction for regularisation with or without conditions or rejecting the same, in accordance with the orders of the Government and send a copy thereof to the applicant. The Secretary shall, while issuing such formal orders, also inform the applicant to submit all concurrences/approvals, required as per the provisions of the Act and the 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 Authority, 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) wherever applicable.

(8) The formal order issued by the Secretary according sanction for regularisation, shall specify items (i) to (iv) as stipulated in sub-rule (6) of rule 5 of these Rules. The Secretary shall also publish every month in the office notice board and in the official website of the Grama Panchayat concerned, the list of such orders issued indicating the number and date of the orders issued, the

name of the applicant, survey/resurvey number(s) name of village and taluk pertaining to the plot, details of violations and nature of regularisation such as 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 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 towers building(s)/ constructions.

(11) The licensee, who issues false certificate/information or violates any of the functions and responsibilities entrusted on him/her as per the provisions of these Rules, shall also be liable for action as prescribed in sub-rules (7) and (8) of rule 144 of the Building Rules.

(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 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 Panchayaths.

(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 and the formal order thereof, 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 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 refunded 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, 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 and the rules or any orders issued thereunder. 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 application for regularization is rejected by Government as per these Rules.

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

7. *Review by the 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 by the Secretary, allowing or rejecting the application.

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

(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 at any time any order issued under these Rules, after hearing the applicant once, if it has come to the notice subsequently 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) Secretary, Local Self Government Department | .. Chairman |
| (b) Chief Town Planner (Vigilance) | .. Member |
| (c) Chief Engineer, Local Self Government Department | .. Member |
| (d) Director of Panchayats | .. Convenor |

(2) The Committee may suo motu or as directed by the 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.

(5) Two members of the Committee shall constitute the quorum.

(6) The meeting shall be presided over by the Chairman and in his absence, a member of the Committee nominated by him.

(7) The recommendation shall be based on the decision of the majority present in the meeting.

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 38 of the Building Rules

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

(c) Additional Compounding fee in the case of Floor Area Ratio (FAR) with reference to Table 2 under rule 35 of Building Rules.—

(i) if the maximum permissible FAR exceeds the value in column (4a) of Table 2 in the case of category I Panchayat and column (5a) of Table 2 in the case of Category II Panchayat respectively.

₹ 6,000 (Rupees Six Thousand only) per sq. metre of the floor area built in excess of that permissible as per the Building Rules;

(ii) if the maximum permissible FAR exceeds the value in column (4c) of Table 2 in the case of category I Panchayat and column (5b) of Table 2 in the case of Category II Panchayat respectively.

₹ 9,000 (Rupees Nine Thousand only) per sq. metre of the floor area built in excess of that permissible as per the Building Rules;

(d) Additional compounding fee for regularisation in the case of unauthorised construction/building(s) having total floor area above 500 sq. metres with coverage above the values prescribed under column (3a) of Table 2 in the case of category I Panchayat and column (3b) of Table 2 in the case of Category II Panchayat respectively under rule 35 of the Building Rules.

₹ 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 for regularisation in the case of unauthorised constructions/ building(s) having width of access less than the minimum mandatory values prescribed in the building rules but without prejudice to the safety aspects.

- (i) For single unit residential buildings having more than 2 floors
- (ii) All other buildings including multiple unit residential buildings having total floor area above 500 s. qm.

₹ 2500 (Rupees Two Thousand and Five Hundred only) per sq. metre of 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) & (2) shall be accounted separately and the same shall be 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), (d) and (e).

(3) In the case of buildings mentioned in Rule 132 of the Building Rules, no permit fee is prescribed. However, for calculating the compounding fee for such unauthorised buildings permit fee mentioned in Appendix I shall be taken as equal to the permit fee calculated for similar constructions.

[See rule 5 (1)]

Safety and security provisions in the Kerala Panchayat Building Rules, 2011 (as on 31st March 2013) required to be strictly complied with for regularization in the case of unauthorized construction

- (1) sub-rule (5) of rule 26 and Table I—Clearance from Overhead Electric Lines.
- (2) Number of parking shall be a minimum of 50% of the parking specified in Table 4A and 4B under Rule 38 of the Building Rules.
- (3) Rule 47—Fire escape staircase.
- (4) Rule 51 of Building Rules.

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.

- (5) sub-rule (3) to (15) of Rule 61—Group 1(1) and Group 1(2) occupancies Rule.
- (6) Rule 84 of Building Rules.
- (7) Rule 104—Facilities for persons with disabilities.
- (8) Rules 107 to 114 with modification to Rule 112(1) of Chapter XIX—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.

- (9) Rules 122 to 125 of Chapter XX—Telecommunication Towers.
- (10) Width of access to the plot from the main street shall not be less than 2/3rd of the mandatory width as prescribed under Rule 37 of the Building Rules or 3.6m, whichever is higher and shall be motorable, if any parking is mandatory.
- (11) Any other provisions in the building rules having serious safety and security concerns.

APPENDIX III

FORM I-A

[See rule 3]

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,

.....Grama Panchayat.

(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 Grama Panchayat in Survey No.
.....VillageTaluk 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 Grama Panchayat in Survey No.
 Village.....TalukDistrict
 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 isI 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 in triplicate are enclosed.

Signature of Applicant.....

Name of Applicant.....

(In Block letters)

Address:

.....

.....

Place:

Date :

- Enclosures:**—(1) Statement of the owner .. Annexure 1
 (2) Certificate and declaration of the licensee .. Annexure 2
 (3) Certificate of the Structural Engineer .. Annexure 3

ANNEXURE—1

STATEMENT OF THE OWNER (IN QUADRUPLICATE)

1. Name and address of the applicant (owner) :
2. The number allotted by the Gram Panchayat to the building/nearest building* :
- (* *strikeout whichever is not applicable*) :
3. Details of land
 - (i) Survey Number(s) (*with sub-divisions*) :
 - :
 - :
 - :
 - :
 - (ii) Re-survey 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 } :sq.metres
 building(s) within the plot }
- (e) Occupancy/Use of the unauthorised building(s):

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

		Occupancy of the respective floor
Floor (<i>Basement, Ground, First etc.</i>)	Floor area in sq. metres 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 legal dispute pending 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. Is there any Government orders, circulars, any other 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 Grama Panchayat as per rule 4 of these Rules	<i>Compulsory</i>
(b) (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 (11) of rule 7 of Building Rules, duly signed and certified in the format given under sub-rule (2) of rule 3 of these Rules by the owner/ by the licensee and if applicable, by the Structural Engineer who has issued the structural stability certificate. (or)	<i>Compulsory</i>
(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)	
(iii)	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.	

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."

(1)	(2)	(3)
	<p>(ii) <i>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></p> <p><i>"Certified further that, the unauthorised building(s) under reference is/are structurally stable"</i> (strike out this certification if the unauthorised building(s) is highrise building and/or telecommunication tower)</p> <p><i>Also certified that I fulfil the necessary qualifications and experience as specified in the Building Rules and these Rules.</i></p>	
	<p>(iii) <i>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) Certified further that I fulfil necessary qualifications and experience as specified in the Building Rules and these Rules.</i></p>	
(c)	Documents to prove ownership of land	Compulsory
(d)	<p>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></p>	Compulsory
(e)	<p>Proof of having carried out the construction of unauthorised building(s) on or before the 31st day of March 2013; <i>[Please specify: Enclosed / Not Applicable]</i></p>	
(f)	<p>Proof of valid Registration of the licensee <i>[Compulsory except in cases (ii) and (iii) of item (b) above];</i> <i>[Please specify: Enclosed / Not Applicable]</i></p>	

(1)	(2)	(3)
-----	-----	-----

- (g) Proof of qualification of Structural Engineer who has issued the structural stability certificate (*Compulsory in the case of high-rise buildings, telecommunication towers and building if any above which such telecommunication tower is erected.*)

[Please specify: Enclosed / Not Applicable]

- (h) Copies of the cases pending before or direction, judgement etc, by Courts, Tribunal, Ombudsman etc. thereof pertaining to or with reference to the plot or constructions therein as mentioned in item 9 of the statement in this form. (*To be compulsorily disclosed by the owner/applicant*)

[Please specify: Enclosed/Not Applicable]

- (i) Copies of any Government orders, circulars, etc. against the plot/land or any construction works therein as mentioned in item 10 of the statement in this form. (*To be compulsorily disclosed by the owner/applicant*)

[Please specify: Enclosed/Not Applicable]

- (j) Proof of having stopped the unauthorised construction works before 31 st day of March 2013 in complainants with of any communication from the Grama Panchayat 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]

(1)	(2)	(3)
(n)	Copy of documentary evidences, if any, showing the details of action, taken by the Grama Panchayat concerned against the unauthorised construction (s).	
	<i>[Please specify: Enclosed / Not Applicable]</i>	
(o)	Copy of documentary evidence, if any, enclosed, with reference to item 11 of the Statement in this form. <i>(Please specify) :</i>	
	(i)	
	(ii)	
	(iii)	
	
	

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 this application and, the drawings and other documents/enclosures submitted therewith 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 information furnished by me is found false or facts were suppressed or misrepresented.

.....
(Signature of the owner)

Name :

Address :

.....

Place :

Date :

ANNEXURE-2

14. CERTIFICATE AND DECLARATION OF THE LICENSEE REGISTERED UNDER CHAPTER XXIII 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 or direction or communication from any authority including government 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 the Building 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 information furnished by me is found false or the facts are suppressed or misrepresented.

.....
(Signature of the Licensee)

Name :

Reg. No:

Address :

.....

Place :

Date :

ANNEXURE-3

CERTIFICATE OF THE STRUCTURAL ENGINEER -

Registered under chapter XXIII of the Building Rules

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

I
..... *(Name and address of the Structural Engineer)* hereby 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)(f) 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 information furnished by me is found false or facts are suppressed or misrepresented.

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

Name :

Address :

.....

.....

.....

Place :

Date :

FORM I-B

DETAILED REPORT

(to be prepared and furnished by the Secretary of the Grama Panchayat under rule 5 in quadruplicate)

.....Grama Panchayat

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*).
(*strike out the not applicable*)
5. Particulars of the construction/building(s) :
- (a) Occupancy of the construction/buildings:
- (b) Built-up/Floor Area :

Sl. No	Area Description	authorised buildings	Unauthorised building(s)	Total Area (sq.metres)
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 Kerala Panchayat Building Rules 2011 as on 31st March 2013: (See Appendix II)

Sl. No	Provisions	Violation (Specify Yes/No)	If Yes, specify the extent of violation
(1)	(2)	(3)	(4)
1	Sub rule (5) of Rule 26 and Table I(Clearance from Overhead Electric Lines)	..	..... ..... .....
2	Rule 37-Width of the access to the plot from the main street.	..	..... ..... .....
3	Rule 38-Number of parking	..	...............
4	Rule 47 (Fire escape taircase)	..	..... ..... .....
5	Rule 51-Lifts	..	...............
6	Subrule (3) to (15) of Rule 61 (Group I (1) and Group I(2) occupancies)	..	..... ..... .....
7	Rule 84 - Accessory building	..	...............

(1)	(2)	(3)	(4)
8	Rule 104 (<i>Facilities for persons with disabilities.</i>)	..	..... ..... .....
9	Rules 107 to 114 under Chapter XIX- Safety Provision for Highrise Buildings	..	...............
10	Rules 122 to 125 under Chapter XX - Telecommunication Towers	..	...............
11	Any other provisions having serious concern for safety and security	..	...............

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

Name of Scheme	Status of the scheme (Sanctioned / published)	Violation

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

Name of Statute	Violation

10. RECOMMENDATIONS OF THE SECRETARY:

(a) Whether the unauthorised construction, as per drawings and details enclosed with Form I-A,

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

(Please specify: Yes/No)

(ii) violates the safety and security provisions in the Building Rules specified in Appendix II to these Rules :

(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:

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

(e) Whether the construction violates any law, such as Acts, Rules, Byelaws etc. (other than the Kerala Panchayat Raj Act, 1994 and the Kerala Panchayat Building Rules, 2011) :

(Please specify: Yes/No)

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

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

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

(Please specify: Yes/No)

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

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

(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.

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

11. AMOUNT OF COMPOUNDING FEE TO BE REMITTED, IF RECOMMENDED FOR REGULARISATION UNDER THESE RULES

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

1. Telecommunication Towers

No.	Item	Compounding fee components (₹)
(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 (₹)
(1)	(2)	(3)
(d)	Permit fee calculated as per the Kerala Panchayat Building Rules, 2011 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	= (1/20) ×..... = ₹.....
	=1/20th of (f) ×total floor area of the unauthorised building (s)	×.....
(h)	No. of off-street car parking space required for all buildings in the plot as per the Kerala Panchayat Building Rules, 2011 as on 31st March, 2013.	=No.s

(1)	(2)	(3)
(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 I.	= ₹ 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. (4a) or (5a) as the case may be of Table 2 of Kerala Panchayat Building Rules, 2011 as on 31st March, 2013	..... sq.m	.....
Permissible as per Col. (4c) or (5b) as the case may be of Table 2 of Kerala Panchayat Building Rules, 2011 as on 31st March, 2013	..... sq.m	.....

(n) Additional Compounding fee for excess FAR as per item (2)(c) of Appendix I	See item (2)(c) in Appendix I of the rules. = ₹.....
--	--

(1)	(2)	(3)
(o)	Permissible coverage as per the Kerala Panchayat Building Rules, 2011 as on 31st March, 2013.	=%
(p)	Coverage area permissible as per the Kerala Panchayat Building Rules, 2011 as on 31st March, 2013 (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)
	<i>[only if (q) exceeds (p)]</i>	= ₹..... sq.m.
(s)	Additional Compounding fee for excess coverage as per item (2)(d) of Appendix I	= ₹ 2,500×(r) = ₹
(t)	Present width of access/street (in metres)	=m
(u)	Permissible floor area (in the case of single unit/multiple unit residential buildings, total area of the floors permissible as per Rule 37(1) of the building rules) as per the Kerala Panchayat Building Rules, 2011 as on 31st March, 2013 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)	= (v)-(u)
	<i>[only if (v) exceeds (u)]</i>	= 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	= ₹ 2,500×(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)
	(Office Seal)	Name and Seal of the Secretary.....

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 unauthorizably.
- (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 I-A, the drawings and the other documents/enclosures submitted were verified and found acceptable.
- (iv) the information furnished in Form I-B are correct to the best of my knowledge.
- (v) the licensee and Structural Engineer who have certified the drawings and Form I-A possess the qualification prescribed as per these rules.

.....
(Signature)

Name and Seal of the Secretary:

(Office Seal)

Place:
Date:

FORM I-C

TECHNICAL RECOMMENDATIONS

(to be prepared and furnished by the Town Planner/Senior Town Planner under rule 5 in triplicate)

Verified and the following recommendations are made:—

(Signature with name and seal)

SENIOR TOWN PLANNER/TOWN PLANNER
Department of Town and Country Planning
..... District

Place:

Date:

(Office seal)

FORM I-D

TECHNICAL RECOMMENDATIONS

(to be prepared and furnished by the Chief Town Planner under rule 5 in duplicate)

(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 indicate its general purport.)

As per section 235 AB of the Kerala Panchayat Raj Act, 1994, as amended by the Kerala Panchayat Raj (Amendment) Ordinance, 2014 (Ordinance No. 6 of 2014) published in the Kerala Gazette Extraordinary No. 471 dated 11th February, 2014, Government have been empowered to regularize unauthorized constructions carried out up to 31-3-2013 in the Grama Panchayat areas. The Government have therefore, decided to bring in rules in accordance with the amendment to the aforesaid Act with regard to Grama Panchayat areas similar to the Kerala Municipality Building (Regularisation of Unauthorized Construction) Rules, 2014.

This notification is intended to achieve the above object.