

പതിനാലാം കേരള നിയമസഭ


പത്താം സമ്മേളനം

പിഴ അടച്ച് അനധികൃത കെട്ടിട നിർമ്മാണം ക്രമവൽക്കരിക്കൽ

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം :3022.

13.03.18- ൽ മറുപടി നൽകേണ്ടത്

	<p align="center">ചോദ്യം ശ്രീ.പി.സി. ജോർജ്ജ്</p>		<p align="center">ഉത്തരം ഡോ.കെ.റ്റി.ജലീൽ (തദ്ദേശസ്വയംഭരണവും ന്യൂനപക്ഷക്ഷേമവും വഖഫ് ഹജ്ജ് തീർത്ഥാടനവും വകുപ്പുമന്ത്രി)</p>
(എ)	<p>അനധികൃത കെട്ടിട നിർമ്മാണം പിഴ അടച്ച് ക്രമവൽക്കരിക്കാനുള്ള സർക്കാർ ഉത്തരവ് എന്നാണ് നിലവിൽ വന്നത്. ആയതിന്റെ കോപ്പിയും മറ്റുള്ള വിശദാംശങ്ങളും വെളിപ്പെടുത്തുമോ;</p>	(എ)	<p>സംസ്ഥാനത്തെ നഗരസഭകളിലെയും പഞ്ചായത്തുകളിലെയും അനധികൃത നിർമ്മാണങ്ങൾ നിബന്ധനകൾക്ക് വിധേയമായി പിഴ അടച്ച് ക്രമവൽക്കരിക്കുന്നതിനായി യഥാക്രമം 15/2/18-ലെ ജി.ഒ.(പി) നം.11/2018/തസ്വഭവ ഉത്തരവും 15/2/18-ലെ ജി.ഒ.(പി) നം.12/2018/തസ്വഭവ ഉത്തരവും നിലവിൽ വന്നിട്ടുണ്ട്. പ്രസ്തുത ഉത്തരവുകൾ പ്രകാരം ഉത്തരവ് പുറപ്പെടുവിച്ച തീയതി മുതൽ 90 ദിവസത്തിനകമാണ് അപേക്ഷ സമർപ്പിക്കേണ്ടത്. 15/5/2018 വരെ അപേക്ഷ സമർപ്പിക്കുന്നതിന് സമയമുണ്ട്. പകർപ്പുകൾ ഉള്ളടക്കം ചെയ്യുന്നു.</p>
(ബി)	<p>എന്നു മുതൽ എന്നുവരെ പണിത കെട്ടിടങ്ങൾക്കാണ് പ്രസ്തുത ഉത്തരവുകൊണ്ട് പ്രയോജനം ലഭിക്കുന്നത്; വിശദമാക്കുമോ;</p>	(ബി)	<p>31/07/2017-നോ അതിനു മുൻപോ പണിത കെട്ടിടങ്ങളാണ് ക്രമവൽക്കരിക്കാൻ കഴിയുന്നത്.</p>
(സി)	<p>പ്രസ്തുത ഉത്തരവ് നിലവിൽ വന്നശേഷം നാളിതുവരെ പിഴ അടച്ച് എത്ര കെട്ടിടങ്ങൾ (വാസഗൃഹം/ കൊമേഴ്സ്യൽ) ക്രമവൽക്കരിച്ചിട്ടുണ്ട്; ജില്ല തിരിച്ച് വിശദാംശങ്ങൾ വെളിപ്പെടുത്തുമോ;</p>	(സി), (ഡി) &	<p>പ്രസ്തുത ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ കെട്ടിടങ്ങൾ പിഴ അടച്ച് ക്രമവൽക്കരിച്ചതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടില്ല.</p>
(ഡി)	<p>അതിൽ ഏറ്റവും കൂടുതൽ വിസ്തൃതി ഉള്ള കെട്ടിടങ്ങളിൽ (വീട്/കൊമേഴ്സ്യൽ കെട്ടിടം) പിഴ അടച്ച് ക്രമവൽക്കരിച്ച 50 ആളുകളുടെ പേര് (അഡ്രസ്സ്, സ്ഥലം സഹിതം) വിശദാംശങ്ങൾ വെളിപ്പെടുത്തുമോ;</p>	(ഇ)	
(ഇ)	<p>നാളിതുവരെ ഇായിനത്തിൽ എത്ര കോടി രൂപ ലഭിച്ചിട്ടുണ്ട്; വിശദമാക്കുമോ</p>		


 സെക്ഷൻ ഓഫീസർ

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Government of Kerala
2018



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

3022

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA
Local Self Government (RD) Department
NOTIFICATION

G. O. (P) No. 12/2018/LSGD.

Dated, Thiruvananthapuram, 15th February, 2018
3rd Kumbham, 1193.

S. R. O. No. 96/2018.—In exercise of the powers conferred by section 254 read with section 235 AB of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and in supersession of the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2014 issued under G. O. (Ms.) No. 150/2014/LSGD dated 21st August, 2014 and published as S. R. O. No. 519/2014 in the Kerala Gazette Extraordinary No. 2145 dated the 27th August, 2014, 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, 2018.

(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 July, 2017 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 (13 of 1994);

(b) “Building Rules” means the Kerala Panchayat Building Rules, 2011;

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

(d) “Government” means the Government of Kerala;

(e) “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;

(f) “Secretary” means the Secretary of the Grama Panchayat concerned;

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

(h) “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;

(i) “Town Planning Act” means the Kerala Town and Country Planning Act, 2016;

(j) "Town Planning Scheme" means any Master plan or Detailed Town Planning Scheme under the Kerala Town and Country Planning Act, 2016 in force;

(k) "Unauthorised Construction" means any construction, addition or reconstruction as explained under section 235 AB of the Act which was carried out or completed on or before the 31st day of July, 2017 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 in Form I-A appended to these Rules; in duplicate, and 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) Three copies of the floor plans, elevations and sections of the buildings constructed, the site plan, building plan and wherever applicable the service plans, parking plans drawn as provided in sub-rule (11) of rule 7 of Building Rules, and specification thereunder,—

(i) Certified by the owner to the effect that "this is the drawings 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 drawings 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 buildings is/are structurally stable (applicable in the case of unauthorised construction with the exception of high rise buildings or telecommunication towers.);

(iii) Certified by a Structural Engineer to the effect that "the unauthorized high rise buildings/unauthorized telecommunication towers or the building above which unauthorized telecommunication tower is erected as per the drawings and Form I-A enclosed herewith is/are structurally stable:

Provided that in the case of huts, a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets, duly signed by the owner is only required:

Provided also that in the case of constructions under approved schemes as mentioned in rule 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:

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

(c) Documents to prove ownership of land,—

(i) Copy of land deed;

(ii) Copy of latest tax receipt;

(iii) Copy of latest possession certificate;

(iv) Copy of BTR certificate;

(v) Attested Copy of the survey sketch from Revenue Department.

(d) Time stamped photographs of the unauthorised buildings applied for regularization under these rules (minimum of 4 numbers from all four sides showing all external details of development) which is to be attested by the owner and the licensee;

(e) Proof of having completed or carried out the construction on or before the 31st day of July, 2017;

(f) Proof of valid Registration of the licensee;

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

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

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

(j) Proof of having stopped the construction before 31st day of July, 2017 on account of any communication from the Grama Panchayat or Government directing to stop the unauthorised construction;

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

(l) Orders if any, granting exemption from the provisions of the Kerala Building Rules, 1984, 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) Copy of previous orders if any, regularising constructions within the plot;

(p) Copy of the resolution made by all owners or their association (for residential apartments);

(q) Checklist and acknowledgment (as in Appendix X) in triplicate;

(r) Copy of Aadhar card of the applicant;

(s) Any other 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:—

TABLE

Sl. No.	Item	Application fee in rupees	
		Grama Panchayat Category I	Grama Panchayat Category II
(1)	(2)	(3)	(4)
(1)	Telecommunication Tower	₹ 5,000	₹ 5,000
(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 60 sq. metres	Nil	Nil
(3)	All buildings other than those mentioned above with total built-up area:		
	(i) 61 sq. metres and up to 100 sq. metres	₹ 1,000	₹ 1000
	(ii) 101 sq. metres and up to 200 sq. metres	₹ 2,500	₹ 2,500
	(iii) 201 sq. metres and up to 500 sq. metres	₹ 5,000	₹ 5,000
	(iv) 501 sq. metres and up to 1000 sq. metres	₹ 7,500	₹ 7,500
	(v) 1001 sq. meters and above	₹ 7,500 + ₹ 15 per sq.m of built-up area in excess of 1000 sq.m	₹ 7,500 + ₹ 10 per sq.m of built-up area in excess of 1000 sq.m

Note.—(1) The area for this purpose shall be the total built-up area on all floors of the unauthorised buildings.

(2) The application fee remitted shall not be refunded under any circumstance.

5. *Construction after submission of application for regularization*.—During verification if it is found that the applicant has undertaken further additions or extensions to the existing building after submission of application for regularization, then such application shall be summarily rejected.

6. *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 Form 1-B appended to these rules, in duplicate, incorporating compounding fee (Appendix I), in the case if the unauthorised construction is regularised, duly sign and make a certification, as provided therein. The Secretary shall scrutinize the application on first-in first-out basis.

(2) If the application received is in order, the Secretary shall forward the following documents to the Town Planner within sixty days from the date of receipt of the application.

- (i) One copy of Forms 1-A and 1-B duly filled up in all respects with office seal affixed in all pages;
- (ii) Two sets of drawings verified, duly signed and certified by the owner, licensee, structural engineer as the case may be. The verified drawings shall be signed by the Secretary or any designated person authorized by the Secretary in this behalf.

(3) The other documents received along with the application shall be kept in the office after due verification.

(4) On scrutiny of application for regularization, if it is found that the unauthorised construction(s) does not conform to the following provisions, the Secretary shall reject the application citing the reason for rejection.

- (i) Section 220b of the Kerala Panchayat Raj Act, 1994 (20 of 1994);
- (ii) Town Planning Scheme, if any for that area sanctioned under the Town Planning Act;
- (iii) The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Act 24 of 1958) and the rules made thereunder;
- (iv) The Kerala Conservation of Paddy and Wetland Act, 2008;
- (v) The Coastal Zone Regulations notified by the Ministry of Environment and Forests, Government of India;
- (vi) The Real Estate (Regulation and Development) Act, 2016;
- (vii) The Aircraft Act, 1934 (Act 22 of 1934);
- (viii) Any other law, including rule, byelaw, notification etc., made under such laws and any similar Acts;
- (ix) Safety and security provisions in the Building Rules laid out in Appendix II to these rules;
- (x) if the unauthorized construction is carried out in any land which is acquired for road widening or public land;
- (xi) If the land has no title deed.

(5) The Secretary shall reject the application within sixty days to the applicant, if they are not in order and or not duly filled up or signed or certified, or violating the provisions of the Acts and rules mentioned in sub-rule (4) of these rules, citing reasons for rejection.

(6) The Town Planner shall consider the duly filled up Forms and the drawings forwarded by the Secretary and prepare technical recommendations in FORM 1-C. The Town Planner may, if necessary, inspect or cause to inspect the location and/or site and/or the building.

(7) The Town Planner may reject and return the Forms and the drawings to the Secretary, if they are not in order and or not duly filled up or signed or certified, citing reasons for non-acceptance.

(8) The Town Planner shall place the following within sixty days from the date of receipt, if they are in order, before a Committee constituted by Government.

(i) Forms 1-A, 1-B and 1-C duly filled up and signed in all respects;

(ii) 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 drawings.*

(9) Government may issue orders constituting a Committee with the following members for considering applications for regularization of unauthorized constructions:

(i) The District Town Planner;

(ii) The Deputy Director of Panchayats;

(iii) The Secretary of the Local Self Government Institutions concerned.

(10) The Committee shall be convened by the District Town Planner. The Committee shall consider the duly filled up forms and the drawings placed by the District Town Planner and considering the merit of the application, may issue orders according sanction to the Secretary for regularisation with or without conditions and approve the plans or reject the application for regularisation and forward the same to the

Secretary concerned along with a copy of the drawing approved or rejected by the Committee. A copy of the orders of the Committee shall be forwarded to the applicant also. Any order according sanction for regularisation shall specify,—

- (i) the name of applicant, survey number/resurvey number of the plot/land with the name of villages, occupancy of the buildings, total floor area, number of floors in each buildings;
- (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 and the period within which the compounding fee is to be remitted in the Government Treasury.

(11) Once the orders according sanction for regularisation with or without conditions or rejecting the same are received by the Secretary, the Secretary shall intimate the applicant accordingly on each application, with copy of the said order. If sanction is accorded to regularise the unauthorised construction, Secretary shall intimate the applicant to comply the conditions, if any in the orders.

(12) The Secretary shall also in his intimation inform the applicant to submit all concurrences/approvals required as per Building Rules from various Central or State Government Departments and agencies such as Fire and Rescue Service Department, State Level Environment Impact Assessment Authority, Ministry of Environment and Forests of Government of India, Coastal Zone

Management Authority, Airports Authority, Railway Authorities, Defence Authorities, the Kerala State Pollution Control Board, District Collector, Chief Electrical Inspector, Department of Town and Country Planning etc., and check conformity to any law or rules, byelaws, notifications etc., made under such law(s) other than the Act wherever applicable.

(13) The applicant, after complying the directions in the intimation of the Secretary, shall in writing inform the Secretary about the compliance and submit an indemnity bond as in Appendix III.

(14) The Secretary on receipt of such letter from the applicant shall verify the compliance in all respects and if complied, Secretary shall then direct the applicant to remit the compounding fee as stipulated in the orders of the Committee according sanction to the Secretary for regularisation. Once the applicant intimates the Secretary with proof of the remittance of compounding fee, Secretary shall issue final orders for regularisation in Appendix VII and copy of the said order shall be sent to the applicant.

(15) The Secretary shall also publish the list of such orders issued in the office notice board every month and in the official website of the Grama Panchayat concerned, which shall include the number and date of the orders issued, together with the name of the applicant, survey/resurvey number(s) and name of Village and Taluk pertaining to the plot, violations and whether the construction was regularized or not regularised; or regularized with conditions.

(16) The details of the Licensees/Structural Engineers, Architects etc., including photographs, who have been involved in the design, supervision and construction of the building under regularization will also be made available in the website along with the details of the building so regularized/rejected.

(17) 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 Panchayats.

(18) 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 numbers and name of Village, occupancy, number of storeys, floor area of each floor, Name of Licensee and Structural Engineer, violation of rules regularised, number and date of the sanction order by the Committee constituted by Government, amount of compounding fee remitted with challan receipt particulars, conditions, if any, stipulated in the order and action taken thereon.

7. Duties, responsibilities and liabilities.—(1) 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.

(2) It shall be the responsibility of the owner and the licensee concerned, who has issued the Structural Stability Certificate as per the provisions contained in these rules, to ensure the structural stability of the building. However, in the case of high-rise buildings, telecommunication towers and building if any above which such telecommunication tower is erected, the owner and the structural engineer who had issued the structural stability certificate as per these rules shall be responsible for the structural stability of such building (s)/constructions.

(3) The licensee including Architects, Building Designers, Engineers, Town Planners, Supervisors etc., registered under Chapter XXIII of the Building Rules, who violates the functions and responsibilities entrusted on him/her shall also be liable to action as prescribed in sub-rules (7) and (8) of rule 144 of the Building Rules, and the Licensees/Structural Engineers who certify the plan with wrong information shall be blacklisted all over Kerala. If convinced that the Licensee has violated any rule or furnish false information, his registration will be suspended or canceled or he may be disqualified from future registration based on the gravity of the violation on a case to case basis.

In the case of Architects, action shall be recommended against the Architect to the Council of Architecture in accordance to the Architects (Professional Conduct) Regulations, 1989. The details of such licensee including photograph shall be published in the website of the concerned Grama Panchayat, Department of Town and Country Planning and Local Self Government Department.

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

(5) In cases, where the unauthorised construction is considered to be regularised by the Committee, if the Secretary has furnished a compounding fee in Form I-B not in conformity to Appendix I, the Secretary shall be liable for furnishing false information. The appropriate authority shall take action against Government Servants as per the Service rules applicable to them, who manipulate, prepare and furnish false reports intentionally against the spirit of these rules.

(6) The compounding fee remitted, shall not be refunded under any circumstances.

8. *Construction after regularisation.*—(1) No further construction or regularisation shall be permitted in the building once the building has been regularised under the provisions of these rules.

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

9. *Procedure in case the application for regularisation is rejected etc.*—(1) In case if the application for regularisation is rejected or the applicant does not fully comply with any of the conditions 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 or these rules or any orders issued thereunder as per the provisions of the Act.

(4) Strict action shall be taken against the Secretaries who default in taking action against such persons who do not apply for regularisation in time as per these rules or whose regularisation application is rejected by the Committee constituted by Government as per these rules.

10. *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 by the Secretary.

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

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

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

(6) In case the review petition is rejected, the Secretary shall initiate action as provided under rule 9.

11. *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 under these rules at any time, if found that any building regularised is of serious safety and security concerns.

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

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

12. *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 regularisation of unauthorised construction, consisting of the following Members, namely:—

- | | | | |
|-----|---|----|-----------|
| (1) | The Additional Chief Secretary/
The Principal Secretary, Local
Self Government Department | .. | Chairman; |
| (2) | The Chief Town Planner | .. | Member; |
| (3) | The Chief Engineer, Local Self
Government Department; | .. | Member; |
| (4) | The Director, Department of
Panchayats | .. | Convenor. |

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

(3) The Monitoring Committee may, if necessary, conduct random site inspections of the construction regularised under these rules and also scrutinise the related files at all levels of the regularisation process as cited in rules (6) and (9).

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

13. *Removal of doubts.*—The Government shall have power, if any doubt arises with regard to the interpretation or otherwise of any provision or if any difficulty arises in the implementation of the provision, to clarify the doubt or to issue necessary direction for removing the difficulty.

APPENDIX I [See Rule 6 (1)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]
COMPOUNDING FEE

COMPOUNDING FEE FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION
 CARRIED OUT ON OR BEFORE 31ST DAY OF JULY 2017 VIOLATING
 THE PROVISIONS OF THE BUILDING RULES

(1) Telecommunication Towers

Sl. No.	Category of Unauthorised construction	Compounding fee in rupees	
		Grama Panchayat Category I	Grama Panchayat Category II
(1)	(2)	(3)	(4)
(a)	Telecommunication Towers +	₹ 1,00,000 per tower and its ancillary structures	₹ 1,00,000 per tower and its ancillary structures

(2) Single family residential buildings up to 300 sq.metre floor area

Sl. No.	Category of Unauthorised construction	Compounding fee in rupees	
		Grama Panchayat Category I	Grama Panchayat Category II
(1)	(2)	(3)	(4)
(a)	Single family residential buildings up to 60 sq.m floor area	Nil	Nil
(b)	Single family residential buildings above 60 sq.m. and up to 300 sq.m floor area:		
	61-100 sq.m.	₹ 2,000	₹ 2,000
	101-200 sq.m.	₹ 15,000	₹ 15,000
	201-300 sq.m.	₹ 20,000	₹ 20,000

(3) *Other buildings*

Sl. No.	Unauthorised construction	Compounding fee in rupees	
		Grama Panchayat Category I	Grama Panchayat Category II
(1)	(2)	(3)	(4)
(i)	Other buildings up to 100 sq.m floor area	Ten times of the permit fee as prescribed in the Building Rules, and 1/50th (one-fiftieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction	Ten times of the permit fee as prescribed in the Building Rules, and 1/50th (one-fiftieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction.
(ii)	Single family residential buildings above 300 sq.m. floor area and other buildings above 100 sq.m floor area:		
(a)	Basic compounding fee	Ten times of the permit fee as prescribed in the Building Rules, and 1/40th (one fortieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction	Ten times of the permit fee as prescribed in the Building Rules, and 1/40th (one-fortieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction
(b)	Additional compounding fee for deficient car parking in case of violations for off-street parking under rule 38 of the building rules:		

(1)	(2)	(3)	(4)
(i)	Where minimum of 50% the parking specified is available	₹ 2,00,000 per deficient car parking	₹ 2,00,000 per deficient car parking
(ii)	Where minimum of 25% the parking specified is available	₹ 3,00,000 per deficient car parking	₹ 3,00,000 per deficient car parking
(iii)	Where the available parking is less than 25% of the parking specified as per rules	₹ 3,50,000 per deficient car parking	₹ 3,50,000 per deficient car parking
(c)	Additional compounding fee for Floor Area in excess of that corresponding to Floor Area Ratio value in column (4a) of Table 2 of rule 35 of building rules in the case of Group G2 Group 1(1) and Group 1 (2) occupancies and column (4b) of Table 2 in the case of other occupancies for Category I Grama Panchayat and column (5a) of Table 2 in the case of Group (I) occupancy and column (5b) of the Table 2 in the case of other occupancies for Category II Grama Panchayat and notes thereunder as applicable:		

(1)	(2)	(3)	(4)
(i)	Where provided Floor Area Ratio does not exceed 1.5 times the value prescribed in rules	₹ 3,000 per sq.m. of floor area built in excess of that permissible as per building rules	₹ 3,000 per sq.m. of floor area built in excess of that permissible as per building rules
(ii)	Where provided Floor Area Ratio exceeds 1.5 times the value prescribed in rules	₹ 4,000 per sq.m. of floor area built in excess of that permissible as per building rules	₹ 4,000 per sq.m. of floor area built in excess of that permissible as per building rules
(d)	Additional compounding fee for Covered Area in excess of that corresponding to the maximum permissible coverage value in column (3a) of Table 2 of rule 35 in the case of category I Grama Panchayat and column (3b) of Table 2 of rule 35 in the case of category II Grama Panchayat of building rules and Note thereunder as applicable:		
(i)	Where provided coverage does not exceed 1.5 times the value prescribed in rules	₹ 1,000 per sq.m. of coverage area, built in excess of that permissible as per building rules	₹ 1,000 per sq.m. of coverage area, built in excess of that permissible as per building rules
(ii)	Where provided coverage exceed 1.5 times the value prescribed in rules	₹ 2,000 per sq.m. of coverage area, built in excess of that permissible as per building rules	₹ 2,000 per sq.m. of coverage area, built in excess of that permissible as per building rules

(1)	(2)	(3)	(4)
(e)	Additional compounding fee for total floor area built in excess of that permissible corresponding to the minimum width of access prescribed in the building rules:		
(i)	Where the access width provided is not less than 2/3rd of the value prescribed in rules	₹ 1,500 per sq.m. of floor area built in excess of that permissible as per building rules	₹ 1,500 per sq.m. of floor area built in excess of that permissible as per building rules
(ii)	Where the access width provided is less than 2/3rd of the value prescribed in rules	₹ 3,000 per sq.m. of floor area built in excess of that permissible as per building rules	₹ 3,000 per sq.m. of floor area built in excess of that permissible as per building rules

- Note* :— (1) Fair Value considered for calculation of the basic compounding fee shall be the maximum fair value of the survey numbers within the plot.
- (2) In the case of building/building complex which accommodates more than one occupancy, the permit fee shall be that of other occupancy as per item 4(ii) in Schedule II of the Building Rules.
- (3) The floor area considered for regularisation will be the total floor area on all floors of the building which has to be regularised.
- (4) Additional fee for higher Floor Area Ratio value as prescribed in column (4b) of Table 2 of the building rules for category I Grama Panchayat and column (5b) of Table 2 of the building rules for category II Grama Panchayat shall be levied by the Panchayat for floor area in excess of that

corresponding to Floor Area Ratio value in column (4a) but up to that in column (4b) of Table 2 of Building Rules/ column (5a) but up to that in column (5b) of Table 2 of Building Rules as the case may be, if not already paid. This is in addition to the compounding fee prescribed above.

- (5) The compounding fee for item 3(ii)— “Single family residential buildings above 300 sq.m. floor area and other buildings above 100 sq.m. floor area” shall be the sum of sub-items (a), (b), (c), (d) and (e).
- (6) The amount collected by way of regularisation shall be accounted separately by Government. Government may allot fifty per cent of the collected amount for each unauthorised building for providing facilities for solid and liquid waste management, drainage, common car parking facilities, pedestrain paths and road developments and the remaining fifty per cent may be allotted to the respective Grama Panchayat for the above mentioned purpose. In the case of unauthorised construction has been considered for regularisation, Secretary shall intimate to the applicant to remit the fifty percentage of the compounding fee in Government Treasury under the Head of Account of “0515 Other Development Programme-800-Other receipts—92 compounding Fee for regularisation of Unauthorised Construction violating provisions of Building Rules” and fifty percentage of Compounding Fee in the counter of the front office of the concerned Local body.
- (7) In case if any part of a structure is constructed unauthorisedly, for the purpose of calculation of the fees as per these rules, the whole structure shall be considered as unauthorised construction.
- (8) In the case of certain occupancies, the following percentages of the compounding fee as per Appendix I shall be applicable, if the unauthorised building is recommended for regularisation:—

TABLE

<i>Item</i>	<i>Building occupancy</i>	<i>Percentage of compounding fee applicable as per Appendix I</i>
(1)	(2)	(3)
(a)	Government offices	Nil
(b)	Government educational institutions, buds school	Nil
(c)	Government aided schools	10
(d)	Government sanctioned private educational institutions including self financing educational institutions	35
(e)	Approved Pain and Palliative Clinics, Religious buildings	25
(f)	Offices of political parties having importance in Niyamasabha, Loksabha and Rajyasabha	25
(g)	Old age home, Orphanages, Day care centers, Creches, Adult day care centers, Block Resource Centers	10
(h)	Library (Affiliated to Kerala State Library Council)	10

APPENDIX II [See Rule 6(4)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

SAFETY AND SECURITY PROVISIONS IN THE BUILDING RULES REQUIRED TO BE STRICTLY COMPLIED WITH FOR REGULARISATION IN THE CASE OF UNAUTHORISED CONSTRUCTIONS

- (1) sub-rule (5) of rule 26 and Table I—Clearance from Overhead Electric Lines.
- (2) Wherever off-street parking is provided, the width of access to the plot shall not be less than 3.6m and shall be motorable.
- (3) rule 104—Facilities for persons with disabilities.
- (4) rule 47—Fire escape staircase.
- (5) rule 51—Lift.
- (6) sub-rule (3) to (15) of rule 61—Provisions for Group I occupancy.
- (7) rule 84 of the Building Rules —Accessory Building.
- (8) Provisions for Waste disposal as per rule 30, Ground water recharging arrangements as per rule 101, Rain water Storage arrangements as per rule 102 and Solar Assisted Water Heating and Lighting System as per rule 103 shall be provided as per Building Rules.
- (9) 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, regularization may be considered by the Government if it is fully satisfied that safety, security and fire-fighting capabilities are not compromised.
- (10) Rules 122 to 125 of Chapter XX-Telecommunication Towers.
- (11) Any other provisions in the building rules having serious safety and security concerns.

Note.—As regards constructions with reference to item (11), taking into account the serious nature of safety and security concerns, Government may decide as to the extent up to which regularisation can be considered on a case by case basis.

APPENDIX III

[See rule 6(13)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

INDEMNITY BOND AND UNDERTAKING TO BE SUBMITTED ALONG WITH
INTIMATION TO SECRETARY

(On Stamp paper worth ₹ 100 and Notarised)

THIS INDEMNITY BOND and Undertaking made on this
..... day of.....2018 by
Smt./Sri.....S/o, D/o, W/o.....
Age.....(Full Address).....

hereinafter referred to as the **FIRST PARTY** which term shall include their legal heirs, successors, assignees, agents, representatives and tenants. IN FAVOUR OF The Secretary of Grama Panchayat herein after called the **SECOND PARTY**, which term shall include all officials and staff of the.....Grama Panchayat.

WHEREAS the **FIRST PARTY** has applied for the regularisation of the unauthorised construction of..... (occupancy).....(floor area) sq.m near building No.....; or telecommunication tower/pole structure near/over the building no.....; or alteration/addition to an existing building No.....in Sy. No.....of.....Village.....Taluk in.....Grama Panchayat.....District in the site/plot covering an extent of.....sq.m.

AND WHEREAS, the **SECOND PARTY** has agreed to consider regularisation of the unauthorised construction in the said site/plot in terms of 'Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018' and it is hereby affirmed that 'there are no cases pending before or direction(s), judgment(s) etc. issued by Courts, Tribunals, Ombudsman etc. and there are no claims of Government

Banks/Attachments of Courts Land acquisition proceedings etc. specific to the plot or constructions therein, which prevents regularisation of the unauthorised construction, and the **FIRST PARTY** indemnify the **SECOND PARTY** to this effect.

AND WHEREAS, the **FIRST PARTY** having agreed to the aforesaid condition hereby indemnifies the **SECOND PARTY** with the above assurance and solemnly declare that the above said site/land is the property of the **FIRST PARTY** which is possessed by him/her since the date of purchase and there are no cases pending before or direction(s), judgment(s) etc. issued by Courts, Tribunals, Ombudsman etc. and there are no claims of Government/Banks/Attachments of Courts/Land acquisition proceedings etc. specific to the plot or constructions therein, which prevents regularisation of the unauthorised construction and in case of any disputes/litigations arises at any time in future the **FIRST PARTY** will be responsible for the settlement of the same and the **SECOND PARTY** will not be a party to any such disputes/litigations.

The **FIRST PARTY** solemnly affirm and undertake that no additional constructions will be done in the unauthorised construction after the building has been regularized as per the provisions in Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018

FIRST PARTY.....

IN WITNESS WHEREOF, THIS DEED OF INDEMNITY is signed byon this the.....day of.....in the presence of

WITNESSES:

3.....Name and address

(ci).....Name and address

Sworn and signed before me on this.....day of.....2018 in the presence of above witnesses.

PUBLIC NOTARY

APPENDIX IV
[See rule 6(11)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

.....Grama Panchayat

No.....

Date.....

INTIMATION REGARDING SANCTION FOR REGULARISATION OF
UNAUTHORISED CONSTRUCTIONS

To

Smt./Sri.....

Your application No.dated..... for the regularisation of the unauthorised construction of.....building with arenear Building No., or telecommunication tower/pole structure near/over Building No.....or alteration/addition/reconstruction to an existing Building No.in..... Sy. No.Village Taluk has been considered by the committee constituted by Government.

The Committee has sanctioned the above mentioned unauthorised construction for regularisation in accordance with the provisions in the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018 vide order No.dated under the following conditions:

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

In accordance to the order, you are directed to comply with all the above conditions and submit a letter of intimation to the Secretary to the effect that the above conditions are compiled along with the following documents within.....days

- (1) (NOC)
- (2) (NOC)
- (3) Indemnity Bond as per rule 6(13)

Secretary,

.....Grama Panchayat.

APPENDIX V

[See rule 6(13)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

To

The Secretary

.....**Grama Panchayat**

In accordance to the intimation received vide No.dated.....from Secretary, Grama Panchayat for the regularisation of the.....(occupancy).....building/telecommunication tower/alteration/addition/reconstruction constructed by me in Sy. No., Village....., Taluk....., the following are enclosed for issue of regularisation orders.

(1)

(2)

The Indemnity bond in the prescribed format is also enclosed herewith.

Signature of Applicant

Name of Applicant(In Block letters)

Address.....

.....

.....

Place

Date

APPENDIX VI

[See rule 6(14)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

.....Grama Panchayat

No.

Date.....

INTIMATION REGARDING REMITTANCE OF COMPOUNDING FEE FOR REGULARISATION OF
UNAUTHORISED CONSTRUCTIONS

To

Smt./Sri.....

.....

It is hereby acknowledged the receipt of the NOCs and affidavit required for the regularisation of the building/telecommunication tower/addition extension, reconstruction constructed by you in Sy. No., Village....., Taluk.....

You are directed to remit fifty percentage of compounding fee of ₹..... in Government Treasury under the Head of Account.....within.....days and remit fifty percentage of compounding Fee of ₹.....in the counter of Front Office from receipt of this notice. The regularization orders will be issued after the acknowledgment of receipt of compounding fee.

Secretary,

.....Grama Panchayat.

APPENDIX VII

[See rule 6 (14)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

.....**Grama Panchayat**

No.

Date.....

FINAL ORDERS REGARDING REGULARISATION OF UNAUTHORISED CONSTRUCTION

To

Smt./Sri.....

.....

Your application No.dated....., for the regularisation of the unauthorised construction of.....building with are.....near building with are.....near Building No....., or telecommunication tower/pole structure near/over Building No....., or alteration/addition/reconstruction to an existing Building No....., in.....Sy.No..... Village,.....Taluk has been considered by the Committee constituted by Government.

The Committee has sanctioned the above mentioned unauthorised construction for regularisation in accordance to the provisions in Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018 vide order No.dated.....under the following conditions:

(1)

(2)

The conditions stipulated in the order were complied with and the following NOCs were submitted:

(1)

(2)

The compounding fee of ₹.....as stipulated in the order have been remitted vide Challan No.dated.....

Hence, in accordance to the orders of the Committee, it is certified that the unauthorised construction of.....building/ Telecommunication tower/addition extension, reconstruction done by Sri..... in Sy. No.of.....Village, is hereby regularised under the provisions of rule 6 (14) of Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018.

Secretary,

.....*Grama Panchayat.*

APPENDIX VIII

[See rule 6 (11)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]**ORDER REJECTING THE REGULARISATION APPLICATION**

To

Shri/Smt.

WHEREAS, you have carried out, the unauthorised development, of building/telecommunication tower/addition/alteration/reconstruction to existing building in Survey No.of.....village, have been considered for regularisation by the Committee constituted by Government as per the provisions of Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018 and have been rejected because of the following reasons:

- 1.
- 2.
- 3.

NOW THEREFORE, in pursuance of the provisions of sub-rule (11) of rule 6 of the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018, it is hereby informed that your application for regularization is hereby rejected and your unauthorised construction cannot be regularised.

If you are aggrieved by this notice, you may prefer a review to the Government as per the provisions of rule 10 of the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018 within a period of thirty days from the date of receipt of this notice.

Date

Place

Secretary,.....*Grama Panchayat.*

APPENDIX IX

**GENERAL INSTRUCTIONS TO APPLICANT FOR FURNISHING
DETAILS IN FORM I-A**

7. Submit 2 copies of the completed application form (in Form I-A) with the documents required as per rule 3(2) of the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018, within Ninety days of notification made by the Government calling for such applications.
8. Pay the application fee as prescribed in rule 4 of the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018, in the Grama Panchayat, and the copy of the receipt shall be submitted along with the application for regularisation.
9. The application fee remitted, shall not be refunded under any circumstances.
10. Only application fee need to be remitted at the time of submission of application for regularisation. The regularisation fee is to be remitted only after intimation for remitting of regularisation fees is received from the Secretary.
11. Furnish all the details of the unauthorised construction in Form I-A, along with the Statement of the Owner.
12. Affix passport size photograph of the owner in the space provided in Form I-A
13. Affix a minimum of 4 nos. of time stamped photographs of all four sides of the of size 15 cms x 10 cms of the four sides of the building showing all external details of development. The photographs should be attested by the owner/owners and the Licensee.
14. The plans submitted along with the application should be certified by the owner(s), Licensee and Structural Engineer (as required)
15. All required documents detailed in rule 3(2) of these rules, should be enclosed with Form I-A. The list of documents required are detailed below. If the application is not in order or incomplete or required documents are not attached, the application shall be rejected.
16. Additional sheets may be used wherever necessary as part of Form I-A, these additional sheets should be signed by the owner.

17. The plans of high rise building and telecommunication towers should be certified by a Structural Engineer having the qualification stipulated in these rules.
18. The checklist appended along with Form I-A in triplicate has to be duly filled and submitted along with the application. On receipt of the application by the Grama Panchayat, the checklist shall be verified and one copy shall be returned to the applicant as acknowledgment.
19. The applicant shall be the owner or authorized representative of the owners. Any application made by any person for regularisation who does not have any right over the land or building shall be summarily rejected. If the plot is owned by more than one person, the application shall be submitted jointly and signed by all the persons.
20. If the unauthorised constructions does not conform to the provisions detailed in rule 6(4) of these rules, the application shall be rejected.
21. If the unauthorised construction is carried out in a land acquired for road widening or public land the application shall be rejected.
22. During verification if it is found that the applicant has undertaken further additions, reconstruction or extensions to the existing building after submission of application for regularization, then such application shall be summarily rejected.
23. Once sanction is accorded by the Committee constituted by Government for regularisation, an intimation will be issued by the Secretary informing the owner about the sanction and the conditions to be complied with. After complying with the conditions (if any in order), the owner should submit a letter to Secretary informing that the conditions are complied, along with copies of all NOCs required by the Secretary.
24. An Indemnity Bond as per the format attached along with the rule in Stamp paper worth ₹ 100 may also be submitted along with the letter to Secretary.
25. Regularisation fees may only be remitted after receiving intimation of the same from the Secretary.
26. The compounding fee may be calculated invariably using the compounding fee calculator. A signed copy of this statement should be furnished along with the application.
27. The following documents have to be submitted along with the application, namely:—

TABLE

<i>Sl. No.</i>	<i>Documents Required</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 regularisation rules	Compulsory
(b)	<p>Three copies of the drawings—</p> <p>(i) Three 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 the Building Rules, duly signed and certified in the format given under rule 3 (2), (b) by the owner/by the licensee and if applicable by the Structural Engineer who has issued the structural stability certificate as per the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018.</p> <p>(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.</p> <p>(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</p>	Compulsory

(1)	(2)	(3)
	<p>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>Note:—</i>(1) the unauthorised construction applied for regularization shall be indicated in red colour outline in the drawings.</p> <p>(2) The following shall be the format for Certificate on the drawings by:—</p>	Compulsory
	<p>(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."</p>	Compulsory
	<p>(ii) the Licensee: "Certified that this is the drawing(s) having reference to the details furnished in Form I-A and documents enclosed along with and that the details and measurements there in conform to actual constructions made in the site</p> <p>I further certify that, the unauthorised building(s) under reference is/are structurally stable (not required if the unauthorised building(s) is high rise building and/or telecommunication tower)".....</p>	Compulsory

	(2)	(3)
	<p>(iii) the Structural Engineer: "Certified that the unauthorised high rise 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 high rise building and/or telecommunication tower)"</p>	Compulsory as per applicability
(c)	<p>Documents to prove ownership of land such as:</p> <p>(i) Copy of land deed</p> <p>(ii) Copy of Tax Receipt</p> <p>(iii) Copy of Possession Certificate</p> <p>(iv) Copy of BTR Certificate</p> <p>(v) Attested copy of the survey sketch from Revenue Department</p>	Compulsory
(d)	<p>4 Nos. of time stamped photographs from all four sides of the unauthorised construction showing all external details of development, which is attested by the applicant and the licensee</p>	Compulsory
(e)	<p>Proof of having carried out the construction of unauthorised building(s) on or before the 31st day of July, 2017</p>	Not compulsory

(1)	(2)	(3)
(f)	Proof of valid Registration of the licensee	Compulsory except in cases (ii) and (iii) of item (b) above
(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.
(h)	Copies of the cases pending before or direction, judgment etc., by Courts, Tribunal, Ombudsman etc. there of pertaining to or with reference to the plot or constructions there in as mentioned in item 9 of the statement in Form I-A	To be compulsorily disclosed by the owner
(i)	Copies of any Government orders, circulars, any form of communication against the plot/land or any construction works there in as mentioned in item 10 of Form 1-A	To be compulsorily disclosed by the owner/applicant
(j)	Proof of having stopped the unauthorised construction works before 31st day of July, 2017, on account of any communication from the Grama Panchayat or Government directing to stop the unauthorised construction.	Not Compulsorily

(1)	(2)	(3)
(k)	Copies of plans approved and/or permit(s) issued, if any, by the Secretary	Compulsory
(l)	Orders granting exemption from the provisions of the Kerala Building Rules, 1984, obtained earlier	If Applicable
(m)	Copy of orders granting exemption from the provisions of the Town Planning Schemes, obtained earlier	If Applicable
(n)	Copy of documentary evidences if any of the details of action, taken by the Grama Panchayat concerned against the unauthorised construction(s).	If Applicable
(o)	Copy of documentary evidence, if any, enclosed with reference to item 12 of the Statement in this form	
(p)	Copy of the resolution made by all owners or their association	Applicable and compulsory in the case of residential flat/apartment buildings
(q)	Checklist and acknowledgment in triplicate (Appendix IX)	Compulsory
(r)	Statement of compounding fee using the fee calculator provided	Compulsory
(s)	Copy of Aadhar card of the applicant	Compulsory

(22) No further constructions or regularisations shall be permitted in the building once the building has been regularized under the provisions of these rules

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

APPENDIX X
[See rule 3(2) (q)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

Check List and Acknowledgement

(To be submitted in **triplicate**—one copy to be given to applicant as acknowledgment, one copy to be retained in file of Grama Panchayat, and one copy to the District Town Planner while forwarding the application by the Secretary)

Applications Reference Number
--------------------------------------	-------

APPLICATION FOR REGULARISATION OF UNAUTHORISED BUILDING CONSTRUCTED IN DEVIATION OF THE SANCTIONED PLAN / WITHOUT AN APPROVED PLAN IN

.....grama Panchayat

1	Name of Applicant(s)	
1	Building Location	
	(i) Ward No.	
	(ii) Road/Street	
	(iii) Survey No./Sub. Dn. No.	
	(iv) Name of Village	
	(v) Name of Block	
	(vi) Existing Building No. if any	
	(vii) Permit No. if any	
	(viii)	

List of documents enclosed along with the application:		Submitted		
1	Receipt for payment of application fee	YES	NO	NA
2	Three Copies of the drawings	YES	NO	NA
	(i) Each of the floor Plans	YES	NO	NA
	(ii) Elevation	YES	NO	NA
	(iii) Section	YES	NO	NA
	(iv) Site Plan	YES	NO	NA
	(v) Location Plan	YES	NO	NA
	(vi) Service Plan	YES	NO	NA
	(vii) Parking Plan	YES	NO	NA
3	Documents to prove ownership of land	YES	NO	NA
	(i) Copy of land deed	YES	NO	NA
	(ii) Copy of Tax receipt	YES	NO	NA
	(iii) Copy of latest Possession Certificate	YES	NO	NA
	(iv) Copy of BTR certificate	YES	NO	NA
	(v) Attested Copy of the survey sketch from revenue department	YES	NO	NA
4	Photo of Applicant(s)—affixed	YES	NO	NA
5	4 Photographs of Unauthorised Construction from all four sides of the building showing all external details of development—affixed and attested by owner(s) and Licensee	YES	NO	NA

6	Proof of having carried out the construction of unauthorised building(s) on or before 31st day of July, 2017	YES	NO	NA
7	Proof of valid registration of the licensee	YES	NO	NA
8	Proof of qualification of the Structural Engineer who has issued the structural stability certificate	YES	NO	NA
9	Copies of the cases pending before or direction, judgment etc., by Courts, Tribunal, Ombudsman etc. pertaining to or with reference to the plot or construction(s)	YES	NO	NA
10	Copies of any Government orders, Circulars any form of communication against the plot/land or construction(s)	YES	NO	NA
11	Proof of having stopped the unauthorised construction works before 31st day of July, 2017 on account of any communication from the Grama Panchayat or Government directing to stop the unauthorised construction	YES	NO	NA
12	Copy of approved plans issued by the Secretary as per the provisions contained in the Building rules	YES	NO	NA

13	Copy of building permit issued by the Secretary as per the provisions contained in the Act or Building rules.	YES	NO	NA
14	Copy of orders granting exemption from the provisions of the Kerala Building Rules, 1984 if obtained.	YES	NO	NA
15	Copy of orders granting exemption from the provision of the Town Planning Schemes if obtained	YES	NO	NA
16	Copy of documentary evidence of the details of action taken by the Grama Panchayat against the unauthorised construction.	YES	NO	NA
17	Copy of the resolution made by all owners or their association (For residential apartments)	YES	NO	NA
18	Copy of previous orders if any regularising construction(s) within the plot.	YES	NO	NA
19	Copy of documentary evidence or any other details pertaining to or relevant to the unauthorised construction(s) and plot	YES	NO	NA
20	Statement of Compounding fee calculated using the compounding fee calculator provided	YES	NO	NA

21	Copy of Aadhar card of the owner	YES	NO	NA
22	Any other documents submitted:			
(i)				
(ii)				
	Total No. of documents			
SIGNATURE OF THE APPLICANT:				
23. ACKNOWLEDGEMENT				
Received the application and documents as stated above.				
Date of receipt:				
Office Seal	APPLICATION REFERENCE NUMBER			
	Signature of the Receiver	Designation		

FORM I-A
[See rule 3(1)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

APPLICATION FOR REGULARISATION OF UNAUTHORISED
CONSTRUCTION(S)
(to be submitted in duplicate)

To

The Secretary,

.....Grama Panchayat

<p>Affix Passport size Photograph of the applicant(s)</p>

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. Village..... Taluk.....District.....before 31st day of July, 2017, without obtaining building permit from the competent authority.

OR

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

I realise that the construction so carried out is in violation of the provisions 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 unauthorized one.

I request that sanction may be accorded to the Secretary for the regularisation of the said construction(s). The application fee ofonly has been remitted videNecessary documents and plans in triplicate are enclosed.

Signature of Applicant.....

Name of Applicant.....(In block letters)

Address.....

.....

.....

Aadhar card No.(copy of Aadhar card to be enclosed)

Place..... Date.....

STATEMENT OF THE OWNER (IN DUPLICATE)
 (Please read the general instructions before filling the Statement)

1. Name and address of the applicant.....
 (owner)

2. The number allotted by the Grama.....
 Panchayat to the building/nearest.....
 building (strike out 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) District
 - (vi) Area of the plot in sq. metressq. metres

4. Nature of ownership of land:
 Sale Deed/Gift/Partitions 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 Extensions 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)sq. metres
 of the Authorised building(s)
 within the plot
- (e) Occupancy/Use of the
 unauthorised building(s)

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

<i>Floor (Basement, Ground, First etc.)</i>	<i>Floor area in sq. metres of the respective floor</i>	<i>Occupancy of the respective floor (If more than occupancy in the floor, furnish the area of each occupancy)</i>
(1)	(2)	(3)

7. Date of commencement of the construction

8. Date of completion of construction

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

If yes, furnish the details

10. Any Government Orders, Circulars, any form of communication against the plot/land or any Construction works therein (Specify Yes/No)

If Yes, furnish the details

11. Whether copy of the resolution made by all owners or their association has been furnished (Applicable for residential apartments) (Specify Yes/No/NA)

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

.....

If Yes, furnish the details

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

13. Photographs of the building

(Affix time stamped photographs—minimum four numbers showing the four sides of the building showing all external details of development) (Photographs to be attested by both owner and Licensee)

(Affix time stamped photograph-minimum four numbers showing the four sides of the building showing all external details of development)
(Photographs to be attested by both owner and Licensee)

14. Any remarks on the unauthorised construction to be submitted by the Applicant *(use additional sheets if necessary)*

15. Amount of compounding fee calculated as per the Statement *(Use compounding fee calculator. Attach a signed copy of the Statement of compounding fee):*

2. 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 July, 2017, beyond which date, no construction works were carried out unauthorisedly and that the drawings and measurements therein conform to actual constructions made in the site and the unauthorised construction(s) is/are structurally stable.

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

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

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

.....

(Signature of the owner)

Name.....

Address.....

.....

.....

Place.....

Date.....

14. CERTIFICATE AND DECLARATION OF THE LICENSEE
REGISTERED UNDER CHAPTER XXIII OF THE
BUILDING RULES

[See proviso to rule 141(5)]

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 July, 2017, 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 high-rise building and/or telecommunication tower).

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

I also declare that I have the qualification for the licensee prescribed under these rules. I further declare that I am fully aware 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 are false or the facts are suppressed or misrepresented.

.....
(Signature of the licensee)

Name.....

Reg. No.....

Address.....
.....
.....

Place.....

Date

15. CERTIFICATE OF THE STRUCTURAL ENGINEER

(Applicable in the case of 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 hereby 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 his 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(l)(g) 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 are false or facts were suppressed or misrepresented.

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

Name.....

Address.....

.....

Place.....

Date.....

FORM I B

[see rule 6 (1)]

[The Kerala Panchayat Building (Regularisation of Unauthorised
Construction) Rules, 2018]

DETAILED REPORT OF THE SECRETARY

(To be prepared in duplicate)

TO BE FURNISHED BY THE SECRETARY OF THE GRAMA PANCHAYAT
CONCERNED AS PRESCRIBED UNDER RULE 6 OF THE KERALA
PANCHAYAT BUILDING (REGULARISATION OF UNAUTHORISED
CONSTRUCTION) RULES, 2018

.....Grama Panchayat

Inspection and Verification Report

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

(Specify).....

5. Particulars of the construction/
building(s)
- (a) Occupancy of the construction/
buildings
- (b) Built-up/Floor Area

<i>Sl. No.</i>	<i>Area Description</i>	<i>Authorised Buildings</i>	<i>Unauthorised Buildings</i>	<i>Total Area (sq. metres)</i>
(1)	(2)	(3)	(4)	(5)

(8). Total Built-up area (sq. metres)

2. Total Floor area (sq. metres)

8. Remarks on the authorised and unauthorised construction/building in the site, including building rule violations:

.....

.....

.....

.....

(use additional sheets if required. Additional sheets must be certified)

9. Whether any additions, reconstructions or extensions have been found to be carried out in the building after submission of application for regularisation on site verification (Specify Yes/No)

If Yes, details of constructions carried out

.....

.....

.....

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

<i>Sl. No.</i>	<i>Provision</i>	<i>Violations (Specify Yes/No)</i>	<i>If Yes, specify the extent of violation</i>
(1)	(2)	(3)	(4)

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

<i>Sl. No.</i>	<i>Name of Scheme</i>	<i>Status of the Scheme (Sanctioned/ Published)</i>	<i>Violation</i>
(1)	(2)	(3)	(4)

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

<i>Sl. No.</i>	<i>Name of Statute</i>	<i>Violation</i>
(1)	(2)	(3)

11. Recommendations of the Secretary:

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

(i) was carried out on or before :
31st day of July, 2017

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

1. 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:

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

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

If yes, please furnish the details

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

(d) Whether any concurrence/approval/ NOC etc. is required as per the Building Rules from Various Central or State Government Departments and agencies such as Fire and Rescue Department, State level Environment Impact Assessment Authority/Ministry of Environment and Forests of Government of Coastal Zone Management Authority, Airports Authority, Railway Authorities, Defense Authorities, The Kerala State Pollution Control Board, District Collector, Chief Electrical Inspector etc. (other than those required from the Department of Town and Country Planning) *(Please specify: Yes/No.)* :

.....

 India,

If Yes, please furnish the details of the required concurrence/ approval/NOC etc. is required details below:

Rule	Agency from which concurrence/approval/NOC
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

(e) Whether the construction violate, any law, such as Acts, rules, bye laws 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 copy of the resolution made by all owners or their association has been furnished (Applicable for residential apartments) *(Specify Yes/No/NA)* :

12. Amount of compounding fee to be remitted, if recommended for regularisation under the Kerala Panchayat Building (Regularisation of unauthorised Construction) Rules, 2018. *(The compounding fee must be calculated using the compounding fee calculator provided. Attach a signed copy of the Statement of compounding fee.)*
13. Whether details of the unauthorized construction having been published in the website and notice board *(Please specify: Yes/No)* :

CERTIFICATE OF THE SECRETARY

I hereby certify that,—

- (i) the unauthorized construction(s) as per the drawings and details enclosed was/were carried out on or before the 31st day of July, 2017, beyond which date, no construction works were carried out unauthorizedly.
- (ii) All the drawings and measurements there in 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 correct.
- (iv) to the best of my knowledge, the information furnished in Form I-B are correct.
- (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
[See Rule 6(6)]

[The Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018]

TECHNICAL RECOMMENDATIONS

TO BE FURNISHED BY THE TOWN PLANNER/SENIOR TOWN PLANNER CONCERNED AS PRESCRIBED UNDER RULE 6(6) OF THE KERALA PANCHAYAT BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION) RULES, 2018

1. Recommendations of the Town Planner/Senior Town Planner: Whether the unauthorised construction is recommended for regularisation (*Please specify Yes/No*)

If Yes, please specify the conditions for regularisation if any.

If No, the grounds for not recommending regularisation.

2. Amount of compounding fee to be remitted, if recommended for regularisation under the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2018 (Attach a signed copy of the Statement of compounding fee)
-
.....

(Signature with Name and Seal)
Senior Town Planner/Town Planner,
Department of Town and Country Planning,
.....District.

(Office Seal)

Place:
Date:

By order of the Governor,

T. K. JOSE,
Additional Chief Secretary to Government.

Explanatory Note

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

As it has come the notice of Government that several unauthorised buildings exists within the State, Government have decided to bring in a legislation to regularise the Unauthorised Constructions carried out up to 31st July, 2017 in the Grama Panchayat areas in the State, by imposing compounding fee for achieving the said purpose, Government have decided to amend Section 235AB of the Kerala Panchayat Raj Act, 1994, through the Kerala Panchayat Raj (Second Amendment) Ordinance, 2017 (Ordinance No. 32 of 2017) to regularise the Unauthorised Constructions carried out up to 31st July, 2017 in the Grama Panchayat areas. Accordingly the Government have decided to issue this rule, by superseding the existing rules namely the Kerala Panchayat Building (Regularisation of Unauthorised Construction) Rules, 2014.

The notification is intended to achieve the above object.

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 രാജ സർക്കാർ
 Government of Kerala
 2018



Regn. No. KERBIL/2012/45073
 dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 7 Vol. VII	തിരുവനന്തപുരം, ചെമ്പു Thiruvananthapuram, Tuesday	2018 ഫെബ്രുവരി 20 20th February 2018	നമ്പർ } No. } 407
		1193 കുമാരം 8 8th Kumbham 1193 1939 ഫാൽഗുണം 1 1st Phalguna 1939	

GOVERNMENT OF KERALA

Local Self Government (RD) Department

NOTIFICATION

G. O. (P) No. 11/2018/LSGD.

Dated, Thiruvananthapuram, 15th February, 2018
3rd Kumbham 1193.

S. R. O. No. 95/2018.—In exercise of the powers conferred by section 565 read with section 407 of the Kerala Municipality Act, 1994 (20 of 1994) and in supersession of the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2014 issued under G. O. (Ms.) No. 39/2014/LSGD dated 14th February, 2014 and published as S. R. O. No. 122/2014 in the Kerala Gazette Extraordinary No. 529 dated the 17th February, 2014, the Government of Kerala hereby make the following rules, namely:—

RULES

1. *Short title, and commencement and applicability.*—(1) These Rules may be called the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018.

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

(3) These rules shall apply to unauthorised constructions carried out on or before the 31st July, 2017 in any Municipal and Municipal Corporation area in the State.

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

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

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

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

(d) “Government” means the Government of Kerala;

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

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

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

(h) “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;

(i) "Town Planning Act" means the Kerala Town and Country Planning Act, 2016 (9 of 2016);

(j) "Town Planning Scheme" means any Master Plan or Detailed Town Planning Scheme under the Kerala Town and Country Planning Act, 2016;

(k) "Unauthorised Construction" means any construction, addition or reconstruction carried out or completed on or before the 31st day of July, 2017 and which the Secretary has no power to regularise under Section 406 of the Kerala Municipality Act, 1994 and Chapter XX of the Building Rules.

(2) Words and expressions used and not defined in these rules, but defined in the Act or the Building Rules shall have the same meaning assigned to them in the Act or in 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 in Form 1-A appended to these Rules, in duplicate, and the application fee specified in rule 4 within ninety 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 as per rule 4 of these Rules;

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

(i) Certified by the owner to the effect that "this is the drawings having reference to the details furnished in Form 1-A and documents enclosed along with"

(ii) Certified by the licensee to the effect that "this is the drawings having reference to the details furnished in Form 1-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 buildings is/are structurally stable (applicable in the case of unauthorised construction with the exception of high rise buildings or telecommunication towers).

(iii) Certified by a Structural Engineer to the effect that "the unauthorised high rise buildings/unauthorised telecommunication towers/the building above which unauthorised telecommunication tower is erected as per the drawings and Form 1-A enclosed herewith is/are structurally stable:

Provided that in the case of huts, a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets, duly signed by the owner is only required:

Provided also that in the case of constructions under approved schemes as mentioned in rule 73 of the Building Rules with total floor area of building up to 60 sq. meters and number of floors limited to two and a stair room, where the construction has to be done by individuals separately, a site plan showing the outline of the built-up area, the boundaries of the plot and the 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) Documents to prove ownership of land such as:

- (i) Copy of land deed;
- (ii) Copy of latest tax receipt;
- (iii) Copy of latest possession certificate;

(iv) Copy of BTR certificate;

(v) Attested Copy of the survey sketch from Revenue Department;

(d) Time stamped photographs of the unauthorised buildings applied for regularisation under these rules (minimum of 4 numbers from all four sides showing all external details of development) which is to be attested by the owner and the licensee.

- (e) Proof of having completed or carried out the construction on or before the 31st day of July, 2017;
- (f) Proof of valid Registration of the licensee;
- (g) Proof of qualification of Structural Engineer who has issued the structural stability certificate;
- (h) Copies of the documents regarding Court cases (Courts, Tribunal, Ombudsman etc.) pertaining to or of reference to the plot or constructions therein;
- (i) Any Government Orders, Circulars, any form of communication(s) pending to the plot/land or any construction works therein;
- (j) Proof of having stopped the construction before 31st day of July, 2017 on account of any communication from the Municipality or Government directing to stop the unauthorised construction;
- (k) Copy of approved plans and/or permit issued if any, by the Secretary as per the provisions contained in the Act or the Building Rules;
- (l) Orders if any, granting exemption from the provisions of the Kerala Building Rules, 1984, obtained earlier;
- (m) Details of action, if any taken by the Municipality concerned against this unauthorised construction;
- (n) Copy of Orders granting exemption from the provisions of the Town Planning Schemes, obtained earlier;
- (o) Copy of previous orders if any, regularising constructions within the plot;
- (p) Copy of the resolution made by all owners or their association (for residential apartments);
- (q) Checklist and acknowledgement (as in Appendix X) in triplicate;
- (r) Copy of Aadhar card of the applicant;
- (s) Any other 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 Municipal Corporation/Municipality while submitting the application for regularisation of unauthorised construction, shall be as follows, namely:—

TABLE

Sl. No.	Item	Application fee in rupees	
		Municipal Corporation	Municipal Council
(1)	(2)	(3)	(4)
(1)	Telecommunication Tower	₹ 10,000	₹ 7,000
(2)	Huts and buildings under Group A1 Residential Occupancy as per rule 30 (3) (a) of the Building Rules with total built-up area up to 60 sq. metres	Nil	Nil
(3)	All buildings other than those mentioned above with total built-up area:		
	(i) 61 sq. m. up to 100 sq. metres	₹ 2,000	₹ 1,500
	(ii) 101 sq. metres and up to 200 sq. metres	₹ 5,000	₹ 3,500
	(iii) 201 sq. metres and up to 500 sq. metres	₹ 10,000	₹ 7,000
	(iv) 501 sq. metres and up to 1000 sq. metres	₹ 15,000	₹ 10,000
	(v) 1001 sq. metres and above	₹ 15,000 + ₹ 25 per sq. m. of built-up area in excess of 1000 sq.m.	₹ 10,000 + ₹ 20 per sq. m. of built-up area in excess of 1000 sq.m.

Note:—(1) The area for this purpose shall be the total built-up area on all floors of the unauthorised building(s).

(2) The application fee remitted, shall not be refunded under any circumstance.

5. Construction after submission of application for regularisation.—During verification if it is found that the applicant has undertaken further additions or extensions to the existing building after submission of application for regularisation, then such application shall be summarily rejected.

6. 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 Form 1B appended to these rules, in duplicate, incorporating compounding fee as per Appendix 1 in the case if the unauthorised construction is regularised, duly sign and make a certification, as provided therein. The Secretary shall scrutinize the application on first-in first-out basis.

(2) If the application received is in order, the Secretary shall forward the following documents to the Town Planner within 60 days from the date of receipt of the application,—

(i) One copy of Forms 1-A and 1-B duly filled up in all respects with office seal affixed in all pages;

(ii) Two sets of drawings verified, duly signed and certified by the owner, licensee, structural engineer as the case may be. The verified drawings shall be signed by the Secretary or any designated person authorised by the Secretary.

(3) The other documents received along with the application shall be kept in the office after due verification.

(4) On scrutiny of application for regularisation, if it is found that the unauthorised constructions does not conform to the following provisions, the Secretary shall reject the application citing the reason for rejection:

(i) Section 383A of the Kerala Municipality Act, 1994 (20 of 1994);

(ii) Town Planning Scheme, if any for that area sanctioned under the Town Planning Act;

(iii) The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Act 24 of 1958) and the rules made thereunder;

(iv) The Kerala Conservation of Paddy Land and Wetland Act, 2008 (28 of 2008);

(v) The Coastal Zone Regulations notified by the Ministry of Environment and Forests, Government of India;

(vi) The Real Estate (Regulation and Development) Act, 2016 (Central Act);

(vii) The Aircraft Act, 1934 (22 of 1934);

(viii) Any other law, including rules, byelaws, notifications etc. made under such laws and any similar Acts;

(ix) Safety and security provisions in the Building Rules laid out in Appendix II to these rules;

(x) If the unauthorised construction is carried out in any land which is acquired for road widening or public land;

(xi) If the land has no title deed.

(5) The Secretary shall reject the application within sixty days, if they are not in order and or not duly filled up or signed or certified, or violating the provisions of the Acts and rules mentioned in sub-rule 4 of these rules, citing reasons for rejection.

(6) The Town Planner shall consider the duly filled up Forms and the drawings forwarded by the Secretary and prepare technical recommendations in Form 1-C. The Town Planner may, if necessary, inspect or cause to inspect the location and/or site and/or the building.

(7) The Town Planner may reject and return the Forms and the drawings to the Secretary, if they are not in order and or not duly filled up or signed or certified, citing reasons for the non-acceptance.

(8) The Town Planner shall place the following within sixty days from the date of receipt, if they are in order, before a Committee constituted by Government:

(i) Forms 1-A, 1-B and 1-C duly filled up and signed in all respects;

(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 drawings.

(9) The Government may issue orders constituting a Committee for considering the applications for regularisation of unauthorised constructions with the following members, namely:—

- (i) The District Town Planner;
- (ii) The Regional Joint Director, Department of Urban Affairs;
- (iii) The Secretary, Local Self Government Institution.

(10) The Committee shall be convened by the District Town Planner. The Committee shall consider the duly filled up Forms and the drawings placed by the Town Planner and considering the merit of the application, may issue orders according sanction to the Secretary for regularisation with or without conditions and approve the plans or reject the application for regularisation and forward the same to the Secretary concerned along with a copy of the drawing approved or rejected by the Committee. A copy of the orders of the Committee shall be forwarded to the applicant also. Any order according sanction for regularisation shall specify,—

- (i) The name of applicant, survey number/re-survey number of the plot/land with the name of villages, occupancy of the buildings, total floor area, number of floors in each buildings;
- (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 and the period within which the compounding fee is to be remitted in the Government Treasury.

(11) Once the orders according sanction for regularisation with or without conditions or rejecting the same are received by the Secretary, the Secretary shall intimate the applicant accordingly on each application, with copy of the said order. If sanction is accorded to regularise the unauthorised construction, Secretary shall intimate the applicant to comply the conditions, if any in the orders.

(12) The Secretary shall in his intimation, inform the applicant to submit all concurrences/approvals required as per Building Rules from various Central or State Government Departments and agencies such as Fire and Rescue Services Department, State level Environment Impact Assessment Authority, Ministry of Environment and Forests of Government of India, Coastal Zone Management Authority, Airports Authority, Railway Authorities, Defence Authorities, Kerala State Pollution Control Board, District Collector, Chief Electrical Inspector, Department of Town and Country Planning etc. and check conformity to any law or rules, byelaws, notifications etc. made under such law(s) other than the Act wherever applicable.

(13) The applicant, after complying the directions in the intimation of the Secretary, shall in writing inform the Secretary about the compliance and submit an indemnity bond as in Appendix III.

(14) The Secretary on receipt of such letter from the applicant shall verify the compliance in all respects and if complied, Secretary shall then direct the applicant to remit the compounding fee as stipulated in the orders of the Committee according sanction to the Secretary for regularisation. Once the applicant intimates the Secretary with proof of the remittance of compounding fee, Secretary shall issue final orders in Appendix VII for regularisation and copy of the said order shall be sent to the applicant.

(15) The Secretary shall also publish the list of such orders issued in the office notice board every month and in the official website of the Municipality concerned, which shall include the number and date of the orders issued, together with the name of the applicant, survey/re-survey numbers and name of village and taluk pertaining to the plot, violations and whether the construction was regularised or not regularised; or regularised with conditions.

(16) The details of the Licensees, Structural Engineers, Architects etc., including photographs, who have been involved in the design, supervision and construction of the building under regularisation will also be made available in the website along with the details of the building so regularised/rejected.

(17) 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.

(18) 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/re-survey numbers and name of village, occupancy, number of storeys, floor area of each floor, Name of Licensee and Structural Engineer, violation of rules regularised, number and date of the sanction order by the Committee constituted by Government, amount of compounding fee remitted with challan receipt particulars, conditions, if any, stipulated in the order and action taken thereon.

7. Duties, responsibilities and liabilities.—(1) 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.

(2) It shall be the responsibility of the owner and the licensee concerned, who has issued the Structural Stability Certificate as per the provisions contained in these rules, to ensure the structural stability of the building. However, in the case of high-rise buildings, telecommunication towers and building if any above which such telecommunication tower is erected, the owner and the structural engineer who had issued the structural stability certificate as per these rules shall be responsible for the structural stability of such building(s)/constructions.

(3) The licensee including Architects, Building Designers, Engineers, Town Planners, Supervisors etc. registered under Chapter XXI of the Building Rules, who violates the functions and responsibilities entrusted on him shall also be liable to action as prescribed in sub-rules (7) and (8) of rule 153 of the Building Rules, and the Licensees/Structural Engineers who certify the plan with wrong information shall be blacklisted

all over Kerala. If convinced that the Licensee has violated any rule or furnish false information, his registration will be suspended or cancelled or may be disqualified from future registration based on the gravity or the violation on a case to case basis. In the case of Architects, action shall be recommended against the Architect to the Council of Architecture in accordance to the Architects (Professional Conduct) Regulations, 1989. The details of such licensee including photograph shall be published in the website of the concerned Municipality, Department of Town and Country Planning and Local Self Government Department.

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

(5) In cases, where the unauthorised construction is considered to be regularised by the Committee, if the Secretary has furnished a compounding fee in Form 1-B not in conformity to Appendix I, the Secretary shall be liable for furnishing false information. The appropriate authority shall take action against Government Servants as per the service rules applicable to them, who manipulate, prepare and furnish false reports intentionally against the spirit of these rules.

(6) The compounding fee remitted, shall not be refunded under any circumstances.

8. *Construction after regularisation.*—(1) No further construction or regularisation shall be permitted in the building once the building has been regularised under the provisions of these rules.

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

9. *Procedure in case the application for regularisation is rejected etc.*—(1) In case if the application for regularisation is rejected or the applicant does not fully comply with any of the conditions 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 unauthorized 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

regularization 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 or these rules or any orders issued thereunder as per the provisions of the Act.

(4) Strict action shall be taken against the Secretaries who default in taking action against such persons who do not apply for regularisation in time as per these rules or whose regularisation application is rejected by the Committee constituted by Government as per these rules.

10. *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 by the Secretary.

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

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

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

(6) In case the review petition is rejected, the Secretary shall initiate action as provided under rule 9.

11. *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 under these rules at any time, if found that any building regularized is of serious safety and security concerns.

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

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

12. *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 regularisation of unauthorised construction, consisting of the following Members, namely:—

- | | |
|--|-------------|
| (i) The Additional Chief Secretary/Principal Secretary, Local Self Government Department | .. Chairman |
| (ii) The Chief Town Planner, Town and Country Planning Department | .. Member |
| (iii) The Chief Engineer, Local Self Government Department | .. Member |
| (iv) The Director, Department of Urban Affairs; | .. Convenor |

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

(3) The Monitoring 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 6 and 9.

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

13. *Removal of doubts.*—The Government shall have power, if any doubt arises with regard to the interpretation or otherwise of any provision or if any difficulty arises in the implementation of the provision, to clarify the doubt or to issue necessary direction for removing the difficulty.

APPENDIX I

[See rule 6 (1)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION) RULES, 2018]

COMPOUNDING FEE

COMPOUNDING FEE FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION CARRIED OUT ON OR BEFORE 31ST DAY OF JULY, 2017 VIOLATING THE PROVISIONS OF THE BUILDING RULES

(1) Telecommunication Towers

Sl. No.	Category of Unauthorised construction	Compounding fee in rupees	
		Municipal Corporation areas	Other Municipal areas
(1)	(2)	(3)	(4)
(a)	Telecommunication Towers	₹ 1,50,000 per tower and its ancillary structures	1,50,000 per tower and its ancillary structures

(2) Single family residential buildings upto 300 sq. metre floor area

Sl. No.	Category of Unauthorised construction	Compounding fee in rupees	
		Municipal Corporation areas	Other Municipal areas
(1)	(2)	(3)	(4)
(a)	Single family residential buildings upto 60 sq. m floor area	Nil	Nil
(b)	Single family residential buildings above 60 sq. m and upto 300 sq.m floor area		
	61-100 sq.m	₹ 3,000	₹ 3,000
	101-200 sq.m	₹ 20,000	₹ 20,000
	201-300 sq.m	₹ 30,000	₹ 30,000

(3) Other buildings*Compounding fee in rupees*

<i>Sl. No.</i>	<i>Unauthorised construction</i>	<i>Municipal Corporation areas</i>	<i>Other Municipal areas</i>
(1)	(2)	(3)	(4)
(i)	Other buildings upto 100 sq. m floor area	Ten times of the permit fee as prescribed in the Building Rules, and 1/50th (one-fiftieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction	Ten times of the permit fee as prescribed in the Building Rules, and 1/50th (one-fiftieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction
	(ii) Single family residential buildings above 300 sq.m floor area and other buildings above 100 sq.m floor area:		
	(a) Basic compounding fee	Ten times of the permit fee as prescribed in the Building Rules, and 1/40th (one-fortieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction	Ten times of the permit fee as prescribed in the Building Rules, and 1/40th (one-fortieth) of the fair value of land in rupees per sq.metre of the land multiplied by the total floor area of the unauthorised construction
	(b) Additional compounding fee for deficient car parking in case of violations for off-street parking under rule 34 of the building rules:		

(1)	(2)	(3)	(4)
(i) Where minimum of 50% the parking specified is available:	₹ 3,00,000 per deficient car parking	₹ 2,50,000 per deficient car parking	
(ii) Where minimum of 25% the parking specified is available:	₹ 4,00,000 per deficient car parking	₹ 3,50,000 per deficient car parking	
(iii) Where the available parking is less than 25% of the parking specified as per rules	₹ 5,00,000 per deficient car parking	₹ 4,00,000 per deficient car parking	
(c) Additional compounding fee for Floor Area in excess of that corresponding to Floor Area Ratio value in column (4) of Table 2 of rule 31 of building rules in the case of Group G1, Group I (1) and Group I(2) occupancies and column (5) of Table 2 of rule 31 in the case of other occupancies and Note thereunder as applicable			
(i) Where provided Floor Area Ratio does not exceed 1.5 times the value prescribed in rules	₹ 6,000 per sq.m of floor area built in excess of that permissible as per building rules.	₹ 5,000 per sq.m of floor area built in excess of that permissible as per building rules.	
(ii) Where provided Floor Area Ratio exceeds 1.5 times the value prescribed in rules	₹ 7,500 per sq.m of floor area built in excess of that permissible as per building rules.	₹ 6,000 per sq.m of floor area built in excess of that permissible as per building rules.	
(d) Additional compounding fee for Covered Area in excess of that corresponding to the maximum permissible coverage value in column (3) of Table 2 of rule 31 of building rules and Note thereunder as applicable			

(1)	(2)	(3)	(4)
	(i) Where provided Coverage does not exceed 1.5 times the value prescribed in rules	₹ 2,500 per sq.m of coverage area built in excess of that permissible as per building rules.	₹ 2,000 per sq.m of coverage area built in excess of that permissible as per building rules.
	(ii) Where provided Coverage exceeds 1.5 times the value prescribed in rules	₹ 4,000 per sq.m of coverage area built in excess of that permissible as per building rules.	₹ 3,000 per sq.m of coverage area built in excess of that permissible as per building rules.
	(e) Additional compounding fee for total floor area built in excess of that permissible corresponding to the minimum width of access prescribed in the building rules		
	(i) Where the access width provided is not less than 2/3 rd of the value prescribed in rules	₹ 2,500 per sq.m of floor area built in excess of that permissible as per building rules.	₹ 2,500 per sq.m of floor area built in excess of that permissible as per building rules.
	(ii) Where the access width provided is less than 2/3 rd of the value prescribed in rules	₹ 5,000 per sq.m of floor area built in excess of that permissible as per building rules.	₹ 5,000 per sq.m of floor area built in excess of that permissible as per building rules.

Note :—(1) Fair value considered for calculation of the basic compounding fee shall be the maximum fair value of the survey numbers within the plot.

- (2) In the case of building/building complex which accommodates more than one occupancy, the permit fee shall be that of other occupancy as per item (4)(ii) in Schedule II of Building Rules.

- (3) The floor area considered for regularisation will be the total floor area on all floors of the building which has to be regularised.
- (4) Additional fee for higher Floor Area Ratio value as prescribed in column (5) of Table 2 of the building rules shall be levied by the municipality for floor area in excess of that corresponding to Floor Area Ratio value in column (4) but up to that in column (5) of table 2 of Building Rules, if not already paid. This is in addition to the compounding fee prescribed above.
- (5) The compounding fee for item (3) (ii)-"Single family residential buildings above 300 sq.m floor area and other buildings above 100 sq.m floor area" shall be the sum of sub-items (a), (b), (c), (d) and (e).
- (6) The amount collected by way of regularisation shall be accounted separately by Government. Government may allot fifty percent of the collected amount for each unauthorised building for providing facilities for solid and liquid waste management, drainage, common car parking facilities, pedestrian paths and road developments and the remaining fifty percent may be allotted to the respective Municipality for the above mentioned purpose. In the case of unauthorised construction has been considered for regularisation, Secretary shall intimate to the applicant to remit the fifty percentage of the compounding fee in Government Treasury under the Head of Account of "0217 Urban Development-60 other urban Development Scheme-800-Other receipts-91 compounding Fee for Regularisation of Unauthorised Construction violating provisions of Building Rules" and fifty percentage of compounding Fee in the counter of the front office of the concerned Local body.

- (7) In case if any part of a structure is constructed unauthorisedly, for the purpose of calculation of the fees as per these rules, the whole structure shall be considered as unauthorised construction.
- (8) In the case of certain occupancies, the following percentages of the compounding fee as per Appendix I shall be applicable, if the unauthorised building is recommended for regularisation

<i>Item</i>	<i>Building occupancy</i>	<i>Percentage of compounding fee applicable as per Appendix I (%)</i>
(a)	Government Offices	Nil
(b)	Government educational institutions, buds school	Nil
(c)	Government aided schools	10
(d)	Government sanctioned private educational institutions including self financing educational institutions	35
(e)	Approved pain and palliative clinics, Religious buildings	25
(f)	Offices of political parties having importance in Niyamasabha, Lok Sabha and Rajya Sabha	25
(g)	Old age home, orphanages, Day Care centers, creches, Adult day Care centers, Block Resource Centers	10
(h)	Library (Affiliated to Kerala State library council)	10

APPENDIX II
[See rule 6 (4)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION
OF UNAUTHORISED CONSTRUCTION, RULES, 2018]

**SAFETY AND SECURITY PROVISIONS IN THE BUILDING RULES
REQUIRED TO BE STRICTLY COMPLIED WITH FOR
REGULARIZATION IN THE CASE OF
UNAUTHORIZED CONSTRUCTIONS**

- (1) sub-rule (5) of rule 23 and Table I—Clearance from Overhead Electric Lines.
- (2) Wherever off-street parking is provided, the width of access to the plot shall not be less than 3.6m and shall be motorable.
- (3) Rule 40A—Facilities for persons with disabilities.
- (4) Rule 42—Fire escape staircase.
- (5) Rule 48—Lift.
- (6) sub-rule (3) to (13) of Rule 59—Provisions for Group I (1) and Group I (2) occupancies.
- (7) Rule 88—Accessory building.
- (8) Provisions for Waste disposal as per rule 26A, Ground water recharging arrangements as per rule 109A, Rain water Storage arrangements as per rule 109B and Solar Assisted Water Heating and Lighting System as per rule 109C shall be provided as per Building Rules.
- (9) Rules 112 to 119 with modification to Rule 117(1) of Chapter XVII-Safety Provisions for High rise Buildings as specified below:

If a motorable road of width not less than 5m is available on the side other than the front and if open space for the building within the plot on that side is minimum 3.6m and is kept open by

not constructing any compound wall, fence or structure the regularisation may be considered by the Government if it is fully satisfied that safety, security and fire fighting capabilities are not compromised.

- (10) Rules 134 to 137 of Chapter XIX—Telecommunication Towers.
- (11) Any other provisions in the building rules having serious safety and security concerns.

Note:—As regards constructions with reference to item (11), taking into account the serious nature of safety and security concerns, the Committee may decide as to the extent up to which regularisation can be considered on a case by case basis.

APPENDIX III
[See rule 6 (13)]

[The Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018]

Indemnity Bond and undertaking to be submitted along with Intimation to Secretary

(On Stamp paper worth ₹ 100 and Notarised)

This INDEMNITY BOND and undertaking made on thisday of.....2018 by Smt./Sri, S/o, D/o, W/o..... Age.....Full Address.....

herein after referred to as the **FIRST PARTY** which term shall include their legal heirs, successors, assignees, agents, representatives and tenants. IN FAVOUR OF The Secretary of/Municipal Corporation/Municipality herein after called the **SECOND PARTY**, which term shall include all officials and staff of the..... Municipal Corporation/Municipality.

WHEREAS, the **FIRST PARTY** has applied for the regularisation of the unauthorised construction of.....(occupancy)(floor area) sq.m near building No.....; or telecommunication tower/pole structure near/over the building No.....; or alteration/addition to an existing building No.in Sy.No.....of.....Village.....Taluk inMunicipal Corporation/Municipality.....District in thesite/plot covering an extent of.....sq.m.

AND WHEREAS, the **SECOND PARTY** has agreed to consider regularisation of the unauthorised construction in the said site/plot in terms of 'Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018' it is hereby affirmed that made that 'there are no cases pending before or direction(s), judgment(s) etc. issued by Courts, Tribunals, Ombudsman etc. and there are no claims of Government/

Banks/Attachments of Courts/Land acquisition proceedings etc. specific to the plot or constructions therein, which prevents regularisation of the unauthorised construction, and the **FIRST PARTY** indemnify the **SECOND PARTY** to this effect.

AND WHEREAS, the **FIRST PARTY** having agreed to the aforesaid condition herein indemnifies the **SECOND PARTY** with the above assurance and solemnly declare that the above said site/land is the property of the **FIRST PARTY** which is possessed by him/her since the date of purchase and there are no cases pending before or direction(s), judgment(s) etc. issued by Courts, Tribunals, Ombudsman etc. and there are no claims of Government/Banks/Attachments of Courts/Land acquisition proceedings etc. specific to the plot or constructions therein, which prevents regularisation of the unauthorised construction and in case of any disputes/litigations arises at any time in future the **FIRST PARTY** will be responsible for the settlement of the same and the **SECOND PARTY** will not be a party to any such disputes/litigations.

The **FIRST PARTY** solemnly affirm and undertake that no additional constructions will be done in the unauthorised construction after the building has been regularized as per the provisions in Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018.

FIRST PARTY

IN WITNESS WHEREOF, THIS DEED OF INDEMNITY is signed by.....on this the.....day of.....in the presence of

WITNESSES :

1.Name and address
2.Name and address

Sworn and signed before me on this.....dy of.....201..... in the presence of above witnesses.

PUBLIC NOTARY

APPENDIX IV
[See rule 6 (11)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION
OF UNAUTHORISED CONSTRUCTION) RULES, 2018]

Municipal Corporation/Municipality

No.

Date.....

INTIMATION REGARDING SANCTION FOR REGULARISATION OF UNAUTHORISED
CONSTRUCTIONS

To,

Smt./Sri.....

Your application No.dated....., for
the regularisation of the unauthorised construction of
building with area.....near building No., or
telecommunication tower/pole structure near/over building No.
or alteration/addition/reconstruction to an existing building No.
inSy. No. Village,Taluk has
been considered by the Committee constituted by Government.

The Committee has sanctioned the above mentioned unauthorised
construction for regularisation in accordance with the provisions in the
Kerala Municipality Building (Regularisation of Unauthorised Construction)
Rules, 2018 vide Order No.dated.....under the
following conditions:—

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

In accordance to the order, you are directed to comply with all the
above conditions and submit a letter of intimation to the Secretary to the
effect that the above conditions area compiled along with the following
documents within days

- (1) (NOC)
- (2) (NOC)
- (3) Indemnity Bond as per rule 6(13)

Secretary,
Municipal Corporation/Municipality.

APPENDIX V

[See rule 6 (13)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION) RULES, 2018]

SUBMISSION OF INDEMNITY BOND

To,
The Secretary

.....Municipal Corporation/Municipality

In accordance to the intimation received vide No. dated.....from Secretary, Municipal Corporation/Municipality for the regularisation of the.....(occupancy).....building/telecommunication tower/alteration/addition/reconstruction constructed by me in Sy.No., Village....., Taluk....., the following are enclosed for issue of regularisation orders.

(1)

(2)

The Indemnity bond in the prescribed format is also enclosed herewith.

Signature of Applicant

Name of Applicant(In Block letters)

Address:

.....

.....

Place: Date:

APPENDIX VI

[See rule 6 (14)]

**[THE KERALA MUNICIPALITY BUILDING (REGULARISATION
OF UNAUTHORISED CONSTRUCTION) RULES, 2018]****Municipal Corporation/Municipality**

No.

Date.....

**INTIMATION REGARDING REMITTANCE OF COMPOUNDING FEE FOR
REGULARISATION OF UNAUTHORISED CONSTRUCTIONS**

To,

Smt./Sri.....
.....

It is hereby acknowledged the receipt of the NOC's and Indemnity bond required for the regularisation of the building/ telecommunication tower/ addition extension constructed by you in Sy. No., Village.....Taluk.....

You are directed to remit fifty percentage of compounding fee of ₹ in Government Treasury under the Head of Accountwithin.....days and remit fifty percentage of compounding fee of ₹in the Counter of Front Office from receipt of this notice. The regularisation orders will be issued after the acknowledgment of receipt of compounding fee.

Secretary,
Municipal Corporation/Municipality.

APPENDIX VII
[See rule 6 (14)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION
OF UNAUTHORISED CONSTRUCTION) RULES, 2018]

Municipal Corporation/Municipality

No. Date.....

FINAL ORDERS REGARDING REGULARISATION OF UNAUTHORISED CONSTRUCTION

To,

Smt./Sri.....

Your application No.dated, for the regularisation of the unauthorised construction of building with areanear building No. or telecommunication tower/pole structure near/over building No.or alteration/addition to an existing building No. in.....Sy. No.Village,Taluk has been considered by the Committee constituted by Government.

The Committee has sanctioned the above mentioned unauthorised construction for regularisation in accordance to the provisions in Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018 vide Order No.dated.....under the following conditions:—

- (1)
- (2)

The conditions stipulated in the order were complied with and the following NOCs were submitted:

- (1)
- (2)

The compounding fee of Rs. as stipulated in the order have been remitted vide Challan No.dated.....

Hence, in accordance to the orders of the Committee, it is certified that the unauthorised construction of.....building/ Telecommunication tower/addition extension done by Sri.....in Sy. No.....ofVillage, is hereby regularised under the provisions of rule 6(14) of Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018.

Secretary,
Municipal Corporation/Municipality.

APPENDIX VIII

[See rule 6 (11)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION) RULES, 2018]

ORDER REJECTING THE REGULARISATION APPLICATION

To,

Shri/Smt.
.....
.....

WHEREAS, you have carried out, the unauthorised development, of building/telecommunication tower/addition/alteration/reconstruction to existing building in Survey No.of.....Village, have been considered for regularisation by the Committee constituted by Government as per the provisions of Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018 and have been rejected because of the following reasons:

- 1.
- 2.
- 3.

NOW THEREFORE, in pursuance of the provisions of sub-rule (11) of rule 6 of the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018, it is hereby informed that your application for regularisation is hereby rejected and your unauthorised construction cannot be regularised.

If you are aggrieved by this notice, you may prefer a review an appeal to Government as per the provisions of rule 10 of the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018 within a period of thirty days from the date of receipt of this notice.

Date:.....

Place:.....

Secretary,
Municipal Corporation/Municipality.

APPENDIX IX

GENERAL INSTRUCTIONS TO APPLICANT FOR FURNISHING
DETAILS IN FORM I-A

1. Submit 2 copies of the completed application form (in Form I-A) with the documents required as per rule 3(2) of the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018, within the Ninety days of notification made by the Government calling for such applications.
2. Pay the application fee as prescribed in rule 4 of the Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018, in the Municipal Corporation/Municipality, and the copy of the receipt shall be submitted along with the application for regularisation.
3. The application fee remitted, shall not be refunded under any circumstances.
4. Only application fee need to be remitted at the time of submission of application for regularisation. The regularisation fee is to be remitted only after intimation for remitting of regularisation fees is received from the Secretary.
5. Furnish all the details of the unauthorised construction in Form I-A, along with the Statement of the Owner.
6. Affix passport size photograph of the owner/owners in the space provided in Form I-A.
7. Affix a minimum of 4 nos. of time stamped photographs of size 15cms × 10cms showing the four sides of the building showing all internal details of development. The photographs should be attested by the owner/owners and by the Licensee.
8. The plans submitted along with the application should be certified by the owner(s). Licensee and Structural Engineer (as required).
9. All required documents detailed in rule 3(2) of these rules, should be enclosed with Form I-A. The list of documents required are detailed below. If the application is not in order or incomplete or required documents are not attached, the application shall be rejected.

10. Additional sheets may be used wherever necessary as part of Form I-A. These additional sheets should be signed by the owner.
11. The plans of high rise building and telecommunication towers should be certified by a Structural Engineer with qualification stipulated in these rules.
12. The checklist appended along with Form I-A has to be duly filled in triplicate and submitted along with the application. On receipt of the application by the Municipal Corporation/Municipality, the checklist shall be verified and one copy shall be returned to the applicant as acknowledgment.
13. The applicant shall be the owner or authorized representative of the owners. Any application made by any person for regularisation who does not have any right over the land or building shall be summarily rejected. If the plot is owned by more than one person, the application shall be submitted jointly and signed by all the persons.
14. If the unauthorised construction(s) does not conform to the provisions detailed in rule 6(4) of these rules, the application shall be rejected.
15. If the unauthorised construction is carried out in a land acquired for road widening or public land the application shall be rejected.
16. During verification if it is found that the applicant has undertaken further additions, alteration or extensions to the existing building after submission of application for regularization, then such application shall be summarily rejected.
17. Once sanction is accorded by the Committee constituted by Government for regularisation, an intimation will be issued by the Secretary informing the owner about the sanction and the conditions to be complied with. After complying with the conditions (if any in order), the owner should submit a letter to Secretary informing that the conditions are complied, along with copies of all NOC's required by the Secretary.
18. An Indemnity Bond as per the format attached along with the rule in Stamp paper worth of ₹ 100 may also be submitted along with the letter to Secretary.

19. Regularisation fees may only be remitted after receiving intimation of the same from the Secretary.
20. The compounding fee may be calculated invariably using the compounding fee calculator. A signed copy of this statement may be furnished along with the application.
21. The following documents have to be submitted along with the application, namely:—

TABLE

<i>Sl. No.</i>	<i>Documents Required</i>	<i>Applicability</i>
(1)	(2)	(3)
(a)	Receipt for payment of application fee, if any paid to the Municipality as per rule 4 of these Rules	Compulsory
(b)	Three copies of the drawings,—	Compulsory
(i)	Three copies each of the floor plans, elevations and sections of the building(s) constructed, the site plan and wherever applicable, the service plans, parking plans and specifications drawn as provided in sub-rule (9) of rule 7 of Building Rules, duly signed and certified in the format given under by the owner/by the licensee and if applicable, by the Structural Engineer who has issued the structural stability certificate as per the, Kerala Municipality Building (Regularisation of Unauthorised Construction) Rules, 2018.	
(ii)	In the case of huts, two copies each of a site plan showing the outline of the built-up area, the boundaries of the plot and nearby streets duly signed by the owner;	
(iii)	In the case of constructions under approved Schemes as mentioned in rule 73 of the Building Rules with total floor area of building up to 60 sq. metres and number of floors limited to two and a stair room, where the construction has to be done by individuals separately, two 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.

(1)

(2)

(3)

(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." **Compulsory**

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

"I further certify that, the unauthorised building(s) under reference is/are structurally stable" (not required if the unauthorised building(s) is high rise building and/or telecommunication tower)

(iii) **the Structural Engineer:** "Certified that the unauthorised high rise 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)." **Compulsory as per applicability**

(c) Documents to prove ownership of land such as: **Compulsory**

- (i) Copy of land deed
- (ii) Copy of Tax Receipt
- (iii) Copy of Possession Certificate
- (iv) Copy of BTR Certificate
- (v) Attested copy of the survey sketch from Revenue Department

(d) 4 Nos. of time stamped photographs from all four sides of the unauthorised construction showing all external details of development, which is attested by the owner and the licensee **Compulsory**

(1)	(2)	(3)
(e)	Proof of having carried out the construction of unauthorised building(s) on or before the 31st day of July 2017;	Not Compulsory
(f)	Proof of valid Registration of the licensee	Compulsory except in cases (ii) and (iii) of item (b) above
(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.
(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 Form I-A	To be compulsorily disclosed by the owner.
(i)	Copies of any Government orders, circulars any form of communication against the plot/land or any construction works there in as mentioned in item 10 of Form I-A	To be Compulsorily disclosed by the owner
(j)	Proof of having stopped the unauthorised construction works before 31 st day of July, 2017 on account of any communication from the Municipality or Government directing to stop the unauthorised construction.	Not Compulsory
(k)	Copy of plans approved and/or permit(s) issued, if any, by the Secretary.	Compulsory

(1)	(2)	(3)
(l)	Orders granting exemption from the provisions of the Kerala Building Rules, 1984, obtained earlier	If applicable
(m)	Copy of orders granting exemption from the provisions of the Town Planning Schemes, obtained earlier	If applicable
(n)	Copy of documentary evidences, if any, of the details of action, taken by the Municipality concerned against the unauthorised construction (s).	If applicable
(o)	Copy of documentary evidence, if any, enclosed with reference to item 12 of the Statement in this form.	
(p)	Copy of the resolution made by all owners or their association	Applicable and compulsory in the case of residential flat/apartment buildings
(q)	Checklist and acknowledgment in triplicate (Appendix IX)	Compulsory
(r)	Statement of compounding fee using the fee calculator provided	Compulsory
(s)	Copy of Aadhar Card of the applicant	Compulsory

22. No further constructions or regularisations shall be permitted in the building once the building has been regularized under the provisions of these rules

23. No regularisation of unauthorised construction shall be provided in future.

APPENDIX X

[See rule 3(2) (q)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION) RULES, 2018]**CHECK LIST AND ACKNOWLEDGEMENT**

(To be submitted in **triplicate**—one copy to be given to applicant as acknowledgement, one copy to be retained in file of Municipality, and one copy to the District Town Planner while forwarding the application by the Secretary)

APPLICATIONS REFERENCE NUMBER

APPLICATION FOR REGULARISATION OF UNAUTHORISED BUILDING CONSTRUCTED IN DEVIATION OF THE SANCTIONED PLAN/WITHOUT AN APPROVED PLAN IN

.....MUNICIPAL CORPORATION/MUNICIPALITY

1	Name of Applicant(s)	
2	Building Location	
	(i) Ward No.	
	(ii) Road/Street	
	(iii) Survey No./Sub. Dn. No.	
	(iv) Name of Village	
	(v) Name of Block	
	(vi) Existing Building No. if any	
	(vii) Permit No. if any	
	(viii)	

List of documents enclosed along with the application:		Submitted		
1	Receipt for payment of application fee	YES	NO	NA
2	Three Copies of the drawings	YES	NO	NA
(i)	Each of the floor Plans	YES	NO	NA
(ii)	Elevation	YES	NO	NA
(iii)	Section	YES	NO	NA
(iv)	Site Plan	YES	NO	NA
(v)	Location Plan	YES	NO	NA
(vi)	Service Plan	YES	NO	NA
(vii)	Parking Plan	YES	NO	NA
3	Documents to prove ownership of land	YES	NO	NA
(i)	Copy of land deed	YES	NO	NA
(ii)	Copy of Tax receipt	YES	NO	NA
(iii)	Copy of latest Possession Certificate	YES	NO	NA
(iv)	Copy of BTR certificate	YES	NO	NA
(v)	Attested Copy of the survey sketch from revenue department	YES	NO	NA
4	Photo of Applicant(s)—affixed	YES	NO	NA
5	4 Photographs of Unauthorised Construction from all four sides of the building showing all external details of development-affixed and attested by owner(s) and Licensee	YES	NO	NA
6	Proof of having carried out the construction of unauthorised building(s) on or before 31st day of July 2017	YES	NO	NA

7	Proof of valid registration of the licensee	YES	NO	NA
8	Proof of qualification of the Structural Engineer who has issued the structural stability certificate	YES	NO	NA
9	Copies of the cases pending before or direction, judgment etc. by Courts, Tribunal, Ombudsman etc. pertaining to or with reference to the plot or constructions	YES	NO	NA
10	Copies of any Government orders, Circulars any form of communication against the plot/land or constructions.	YES	NO	NA
11	Proof of having stopped the unauthorised construction works before 31st day of July 2017 on account of any communication from the Municipal Corporation/Municipality or Government directing to stop the unauthorised construction	YES	NO	NA
12	Copy of approved plans issued by the Secretary as per the provisions contained in the Building rules	YES	NO	NA
13	Copy of building permit issued by the Secretary as per the provisions contained in the Act or Building rules.	YES	NO	NA
14	Copy of orders granting exemption from the provisions of the Kerala Building Rules, 1984, if obtained	YES	NO	NA
15	Copy of orders granting exemption from the provision of the Town Planning Schemes if obtained	YES	NO	NA
16	Copy of documentary evidence of the details of action taken by the Municipal Corporation/ Municipality against the unauthorised construction.	YES	NO	NA

17	Copy of the resolution made by all owners or their association (For residential apartments)	YES	NO	NA
18	Copy of previous orders if any, regularising construction(s) within the plot.	YES	NO	NA
19	Copy of documentary evidence or any other details pertaining to or relevant to the unauthorised constructions and plot	YES	NO	NA
20	Statement of Compounding fee calculated using the compounding fee calculator provided	YES	NO	NA
21	Copy of Aadhar card of the owner	YES	NO	NA
22	Any other documents submitted:			
(i)				
(ii)				
	Total No. of documents			
SIGNATURE OF THE APPLICANT:				
23 Acknowledgement				
Received the application and documents as stated above.				
Date of receipt:				
Office SEAL	APPLICATION REFERENCE NUMBER		
	<i>Signature of the Receiver</i>	<i>Designation</i>		

See rule 3(1)

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION OF UNAUTHORISED CONSTRUCTION) RULES, 2018]

APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION(S)
(to be submitted in duplicate)

To

The Secretary,
.....Corporation/Municipality.

Affix
passport size
photograph
of the
applicant(s)

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 in Survey No. VillageTaluk..... District before 31st July, 2017 without obtaining building permit from the competent authority

OR

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

I realise that the construction so carried out is in violation of the provisions contained in the building rules and/or the Act and the date of commencement of the construction is

I realize that the said construction is an unauthorized one.

I request that sanction may be accorded to the Secretary for the regularization of the said constructions. The application fee ofonly has been remitted videNecessary documents and plans in triplicate are enclosed.

Signature of Applicant

Name of Applicant(In Block letters)

Address:
.....
.....

Aadhar card No. (copy of Aadhar card to be enclosed)

Place:

Date:

STATEMENT BY THE OWNER (IN DUPLICATE)

(Please read the general instructions before filling the Statement)

1. Name and address of the applicant :
(owner)

2. The number allotted by the :
Municipality to the building/nearest
building
(strike out whichever is not applicable)

3. Details of land
 - (i) Survey Number(s) (with :
sub-divisions)
.....

 - (ii) Resurvey Number(s) :
(with sub-divisions if applicable)
.....

 - (iii) Village :

 - (iv) Taluk :

 - (v) Area of the plot in sq.metres :sq.metres

 - (vi) District :

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 Extensions 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) :sq.metres
of the Authorized building(s)
within the plot
- (e) Occupancy/Use of the
unauthorized building(s):

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

Floor (Basement, Ground, First etc.)	Floor area in sq.metres of the respective floor	Occupancy of the respective floor (If more than one occupancy in the floor, furnish the area of each occupancy)
(1)	(2)	(3)

- 7. Date of commencement of the construction :
 - 8. Date of completion of construction :
 - 9. Is there any cases pending before or disposed off by Courts Tribunal Ombudsman etc. pertaining to or with reference to the land/plot or buildings therein (Specify Yes/No) :
- If Yes, furnish the details
-
-
-
-
-
-

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

If Yes, furnish the details
.....
.....
.....
.....

11. Whether copy of the resolution made:
by all owners or their association has
been furnished (Applicable for residential
apartments) (Specify Yes/No/NA)

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

If Yes, furnish the details
.....
.....
.....

13. Photographs of the building (Affix time stamped photographs-
minimum four numbers showing the
four sides of the buildings showing
all external details of development)
(Photographs to be attested by both
owner and Licensee)

(Affix time stamped photograph-minimum four numbers showing the four sides of the building showing all external details of development)
(Photographs to be attested by both owner and Licensee)

14. Any remarks on the unauthorized construction to be submitted by the Applicant: *(use additional sheets if necessary)*

15. Amount of compounding fee calculated as per the Statement:
(Use compounding fee calculator. Attach a signed copy of the Statement of compounding fee)

16. 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 July, 2017, beyond which date, no construction works were carried out unauthorizedly and that the drawings and measurements therein conform to actual constructions made in the site and the unauthorized construction(s) is/are structurally stable.

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

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

.....
(Signature of the owner)

Name:

Address:

.....

.....

Place:

Date:

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

[See proviso to rule 150 (5)]

.....
.....(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 July, 2017,
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 high-rise building and/or telecommunication tower~~).

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

I also declare that I have the qualification for the licensee prescribed
under these Rules. I further declare that I am fully aware 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
are false or the facts are suppressed or misrepresented.

.....
(Signature of the Licensee)

Name :

Reg. No:

Place :

Address :

Date :

.....

15. CERTIFICATE OF THE STRUCTURAL ENGINEERING

(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 hereby 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)(g) 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 are false or facts were suppressed or misrepresented.

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

Name :

Address :

.....

.....

.....

Place :

Date :

FORM 1-B
[See Rule 6 (1)]

[THE KERALA MUNICIPALITY BUILDING (REGULARISATION
OF UNAUTHORISED CONSTRUCTION) RULES, 2018

DETAILED REPORT OF THE SECRETARY
(To be prepared in duplicate)

To be furnished by the Secretary of the Municipal Corporation/
Municipality concerned as prescribed under rule 6 of the Kerala
Municipality Building (Regularisation of Unauthorised Construction)
Rules, 2018

MUNICIPAL CORPORATION/MUNICIPALITY
INSPECTION AND VERIFICATION REPORT

1. Application received on :
2. Verified on :
3. Inspected on :
4. Particulars of land
 - (a) Area of land/plot :Sq. metres
 - (b) Survey No. and Name of Village :
 - (c) Re-survey No.
and Name of Village :
 - (d) Nature of ownership of land : Sale Deed/Gift/Partition Deed/
(*strike out which is not* Puramboke/Others
applicable) (*specify*).....
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 Buildings	Total Area (sq.metres)
(1)	(2)	(3)	(4)	(5)
1	Total Built-up area (sq.metres)			
2	Total Floor area (sq. metres)			

6. Remarks on the authorised and unauthorised construction/building in the site, including building rule violations:

.....

.....

.....

.....

(use additional sheets if required. Additional Sheets must be certified.)

7. Whether any additions reconstruction or extensions have been found to be carried out in the building after submission of application for regularisation on site verification (*Specify Yes/No.*)

If yes, details of constructions carried out

.....

.....

.....

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

<i>Sl. No.</i>	<i>Provision</i>	<i>Violations (Specify Yes/No)</i>	<i>If Yes, specify the extent of violation</i>
(1)	(2)	(3)	(4)

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

<i>Sl. No.</i>	<i>Name of Scheme</i>	<i>Status of the Scheme (Sanctioned/published)</i>	<i>Violation</i>
(1)	(2)	(3)	(4)

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

<i>Sl. No.</i>	<i>Name of Statute</i>	<i>Violation</i>
(1)	(2)	(3)

11. 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 July, 2017 :

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

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

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

If yes, please furnish the details:

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

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

If yes, please furnish the details:

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

- (d) Whether any concurrence/approval/NOC etc. is required as per the Building Rules from Various Central or State Government Departments and other agencies such as Fire and Rescue Department, State Level Environment Impact Assessment Authority/Ministry of Environment and Forests of Government of Coastal Zone Management Authority, Airport Authority, Railway Authorities, Defense Authorities, Kerala State Pollution Control Board, District Collector, Chief Electrical Inspector, Department of Town and Country Planning etc. (Please specify: Yes/No).India,

If yes, please furnish the details of the required concurrence/ approval/NOC etc. is required details below:

Rule	Agency from which concurrence/ approval/NOC
.....
.....
.....
.....
.....
.....

- (e) Whether the construction violate any law, such as Acts, Rules, Byelaws etc. (other than the Kerala Municipality Act, 1994 and the Kerala Municipality Building Rules, 1999) (Please specify: Yes/No)

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

.....

.....

.....

.....

.....

(f) Whether copy of the resolution made by all owners or their association has been furnished :
(Applicable for residential apartments)
(Specify: Yes/No/NA):

(g) 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:.....

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

(h) Recommendations of the Secretary: :
Whether the unauthorised construction is reco-
mmended for regularisation
(Please specify: Yes/No)

If Yes, please specify the conditions for
regularization, if any; If No, the grounds for not
recommending regularisation

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

12. Amount of Compounding fee to be remitted,
if recommended for regularisation under the
Kerala Municipality Building (Regularisation
of Unauthorised Construction) Rules, 2018

*(The compounding fee must be calculated using the
compounding fee calculator provided. Attach a signed copy of the
Statement of compounding fee)*

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 or before the 31st day of July, 2017, beyond which date, no construction works were carried out unauthorisedly.
- (ii) all the drawings and measurements therein conform to actual constructions made in the site and that the land ownership documents were verified and found correct.
- (iii) the information furnished in Form I-A, the drawings and the other documents/enclosures submitted were verified and found correct.
- (iv) to the best of my knowledge, the information furnished in Form I-B are correct.
- (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

[See rule 6(6)]

**THE KERALA MUNICIPALITY BUILDING (REGULARISATION
OF UNAUTHORISED CONSTRUCTION) RULES, 2018**

TECHNICAL RECOMMENDATIONS

**To be furnished by the Town Planner/Senior Town Planner
concerned as prescribed under rule 6(6) of the Kerala
Municipality Building (Regularisation of Unauthorised
Construction) Rules, 2018**

1. Recommendations of the Town Planner/
Senior Town Planner

Whether the unauthorised construction is
recommended for regularisation

(Please specify Yes/No)

If Yes, please specify the condition for regularisation if any.

If No, the grounds for not recommending regularisation

2. Amount of compounding fee to be remitted,
if recommended for regularisation under the
Kerala Municipality Building (Regularisation
of Unauthorised Construction) Rules, 2018
*(Attach a signed copy of the Statement of
compounding fee)*

(Signature with name and seal)

Senior Town Planner/Town Planner

Department of Town and Country Planning

..... District

Place:

Date:

(Office Seal)

By order of the Governor,

T. K. JOSE,

Additional Chief Secretary to Government.

Explanatory Note

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

As it has come to the notice of Government that several unauthorised buildings exist within the State, Government decided to bring in a legislation to regularise the Unauthorised Constructions carried out up to 31st July, 2017 in the Municipal and Municipal Corporation areas in the State by imposing compounding fee for achieving the purpose. Government have decided to amend section 407 of the Kerala Municipality Act, 1994, through the Kerala Municipality (Second Amendment) Ordinance, 2017 (Ordinance No. 33 of 2017) to regularise the Unauthorised Constructions carried out up to 31st July, 2017 in the Municipal and Municipal Corporation areas. Accordingly the Government have decided to issue this rule, by superseding the existing rules namely the Kerala Municipality Buildings (Regularisation of Unauthorised Construction) Rules, 2014.

The notification is intended to achieve the above object.
