

# **Tamil Nadu Panchayats (Prohibition Against Obstruction in or Over Public Roads, Removal of Encroachments, Etc.) Rules, 2000**

TAMILNADU

India

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### **Rule**

### **TAMIL-NADU-PANCHAYATS-PROHIBITION-AGAINST-OBSTRUCTION- of 2000**

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Tamil Nadu Panchayats (Prohibition Against Obstruction in or Over Public Roads, Removal of Encroachments, Etc.) Rules, 2000Published vide Notification No. G.O. Ms. No. 311, Rural Development (C-4), dated 29th November 2000 - No. SRO-A-90(a)/2000In exercise of the powers conferred by clause (xxxiv) of sub-section (2) of section 242 read with section 131 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rules relating to prohibition against obstructions in or over public roads, removal of encroachments, etc., the Governor of Tamil Nadu hereby makes the following Rules: -

#### **1. Short title.**

- These rules may be called the Tamil Nadu Panchayats (Prohibition against Obstruction in or over Public Roads, Removal of Encroachments, Etc.) Rules, 2000.

#### **2. Definitions.**

- Unless the context otherwise requires, "Act" means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).

### **3. Restriction on quarrying in or over public roads.**

(1)The Village Panchayat or Panchayat Union Council may grant a licence for any work referred to in clause (c) of sub-section (1) of section 131 of the Act on such terms and conditions and subject to such restrictions as it may determine and where it refuses to grant such licence, it shall communicate to the persons or person concerned its reasons for the refusal.(2)If, in the opinion of the Village Panchayat or Panchayat Union Council, the working of any quarry or the removal of stone, ward or other material from any place is dangerous to person residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Village Panchayat or Panchayat Union Council may, by order, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order other action on the quarry or place as it shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

### **4. Restriction on fixing of door, etc. appertaining to public road.**

(1)No door, window gate, bar in ground and other floors shall be huge or placed so as to open outwards upon any public road vested in the Village Panchayat or Panchayat Union Council without a licence from the Executive Authority or Commissioner, as the case may be.(2)The Executive Authority or Commissioner may, by notice, require the owner of such door, gate, bar or window to alter it so that no part thereof, when open, shall project over the public road.

### **5. Issue of notice for removal of obstructions, etc.**

- The Executive Authority or the Commissioner may, by notice require the owner or occupier of any premises, to remove or alter any projection, encroachment, or obstruction situated against or in front of such premises and in or over any public road vesting in the Village Panchayat or Panchayats Union Council.

### **6. Licence for putting up of temporary sunshades, etc.**

(1)The Executive Authority or the Commissioner may, with the approval of the Village Panchayat, or Panchayat Union Council grant a licence, subject to such conditions and restrictions as he may think fit, to the owner or occupier of any premises to put up temporary sunshades, weather frames and the like to project over a public road vested in the Village Panchayat or Panchayat Union Council, or to construct any step or drain cover necessary for access to the premises.(2)Every application for a licence under sub-rule (1) shall furnish information in Form-1 appended in these rules as to the materials of which it is proposed to construct the structure and the period for which a licence is required.(3)The licence may be granted or renewed in Form-2 appended in these rules by the Village Panchayat or Panchayat Union Council, if the structure is of temporary materials, such as palmyra or coconut leaves, bamboo or other matting or gunny cloth or other similar materials, or is of such a nature as to be movable easily, and if the period of the licence does not exceed twelve months.(4)No

licence for a structure not in accordance with the description given in Rule, sub-rule (3) or for a period exceeding twelve months, shall be granted by a Village Panchayat or Panchayat Union Council except with the previous approval of the Inspector, who, in granting approval may lay down such condition, as he may consider necessary subject to which the licence may be granted by the Village Panchayat or Panchayat Union Council. The Village Panchayat or Panchayat Union Council shall embody such conditions in the licence before it is granted. In the case of licence granted under this rule, the approval of the Inspector shall not be necessary for renewal, if such renewal does not extend the duration of the licence for a period exceeding three years.

## 7. Licence for the construction of steps, etc.

- Licence for the construction of steps or drain cover, necessary for giving access to premises, shall be granted, subject to the following further conditions, which should be specified in the licence. (i) The steps or slab over the drains shall not project into the road beyond the retaining wall of the drain. The step or slab over the drain leading to a premises directly abating on the road shall not be more than one meter long in the case of domestic premises and 1.5 meters long in the case of shops or business premises, but in the case of shops or business premises, which have a frontage of less than six meters in length, only one flight of step shall be allowed. In the case of premises having a compound in front into which vehicular traffic is likely to pass over the drain, the Executive Authority or Commissioner shall fix the strength of the covering. (ii) Coverings over the drains shall be fixed with the top of the retaining walls of the drains, provided that the depth of the drain below the coverings is considered sufficient by the Village Panchayat or Panchayat Union Council to carry the storm water flow. A covering slab may be laid on the top of the retaining walls, in rare cases where it may be necessary to do so in order that the water way of the drain may not be restricted, or in cases where the licensing authority has no objections, provided that the previous sanction of the Inspector is obtained and that a suitable cement concrete ramp is constructed on the road side of the raised slab leading from the level of the top of the slab on the road. (iii) The drain covering in the case of premises abutting on the road shall be five to ten centimetres in thickness for drains, fifteen to ninety centimetres wide. In the case of premises with a compound in front where heavy vehicular traffic is likely to pass over the drain, the covering may be of granite or reinforced concrete slab of the follow thickness: -

Width of over drains (in centimetres)	Thickness of reinforced concrete slabs (incentimetres)	Thickness of Granite slab (each 45 centimetreswidth in centimetres)
(1)	(2)	(3)
13-30	10	12
31-60	15	18
61-90	18	24

In the case of larger drains, the thickness and materials of the covering shall be such as may be decided by Executive Authority or Commissioner in each case, to such - (a) the class of stone or other covering material used; (b) the width of individual slabs members carrying the load; (c) the load concentration excepted; and (d) the depth of fill, if any, over the slab, Provided that the above

condition may be relaxed in exceptional cases with the previous approval of the Inspector.(iv)They shall be liable to be removed at the cost of the licensee, whenever necessary in order that the drain may be inspected or repaired.(v)The Executive Authority or Commissioner may, whenever he thinks fit by order in writing, direct the removal of the step or drain covering altogether without payment of compensation: Provided that the order aforesaid shall specify the reasons for the action proposed and shall not be issued without notice to the person concerned.(vi)The top of the drain covering shall not be used as part of a shop or be otherwise encroached upon.

## **8. Powers of Inspector for cancellation of licence.**

- The Inspector shall have power to cancel any licence granted under sub-rules (3) or (4) of rule 6 or rule 7, if, in his opinion, the projection, erection or structure, which has been licensed, has become objectionable or if he considers it necessary in the public interest that the projection, erection or structure should be removed and, upon such order, the Village Panchayat or Panchayat Union Council shall have the projection, erection or structure removed.

## **9. Conditions for issue of licence.**

- It shall be the condition of every licence granted under sub-rules (3) or (4) of rule 6 or rule 7  
-(i)that it shall be liable to be cancelled at any time in the circumstances referred to in those rules; and(ii)that an annual fee shall, if levied, be paid to the Village Panchayat or Panchayat Union Council in advance so long as the licence is in force and that in default of payment of such fee, the licence is liable to be cancelled.

## **10. Licence for pandal, etc.**

- The Executive Authority or Commissioner may grant a licence, subject to such conditions and restrictions as he may think vested in the Village Panchayat or Panchayat Union Council or in any other public place, the control of which he vested with the Village Panchayat or Panchayat Union Council.

## **11. Powers of Government for restrictions.**

- The Government may, by notification, restrict any place under such control as they may think fit, the exercise by any Village Panchayat or Panchayat Union Council of the powers under rules 6 and 8.

## **12. Removal of construction on expiry of lease period.**

- On the expiry of any period for which a licence has been granted under rules 6 and 8, the Executive Authority or Commissioner may, without notice, cause any projection or construction put up under the said rules, be removed and the cost of so doing shall be recoverable from the person to whom the licence was granted.

### **13. Construction over drain.**

- No building shall be erected without the written permission of the Executive Authority without such permission in a manner contrary to, or inconsistent with the terms of such permission, to demolish the same.

### **14. Notice for removal of obnoxious vegetation, etc.**

- The Executive Authority or Commissioner may, by notice, require the owner or occupier of any land adjoining a public road or adjoining other land or water source vested in the Village Panchayat or Panchayat Union Council to clear away prickly pear, wattle, lantana or other or noxious vegetation where it encroaches on such property and so far as it has spread from such land on to such property.

### **15. Restriction on making hole, etc., on roads.**

(1)The Village Panchayat or Panchayat Union Council shall earmark certain places with ready made holes for erecting poles in any public road vested with them.(2)No person shall make a hole, or cause any obstruction in any public road other than these places specified in sub-rule (1) unless he previously obtains the permission of the Executive Authority or Commissioner and complies with such conditions as the Executive Authority or Commissioner may impose.(3)When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.(4)If any person contravenes the provisions of this rule, the Executive Authority or Commissioner shall fill up the hole or remove the obstruction or cause the hole or obstruction to be lighted, as the case may be, and may free cover the cost of so doing from such person.

### **16. Penalty and compensation.**

(1)The Executive Authority or Commissioner shall have power to permit a person to plant any tree on any public road or other property vesting in or belonging to the Village Panchayat or Panchayat Union Council on such conditions as the Executive Authority or Commissioner may impose.(2)The Executive Authority or Commissioner shall have power to permit a person to fell, remove, destroy, lop, or strip bark or leaves from or otherwise damage any tree referred to in clause (f) of sub-section (1) of section 131 of the Act, on such conditions as the Executive Authority or Commissioner may impose.

Form 1[See rule 6(2)]Application For Licence/Renewal of LicenceToThe Executive Authority/Commissioner,.....Village Panchayat/Panchayat Union,.....District.

### **1. Name of person/firm**

## **2. Father's name**

## **3. Address**

House No. Street:

Village: Post:

District: Pin Code:

## **4. Purpose for which licence is applied:**

## **5. Type and description of temporary structure proposal:**

**6. This is to certify that.....Dimension of temporary structure will be erected by me on the road at.....(Place) and I am to inform that all these temporary structures will be removed by me as and when informed by you and request to issue to licence for the temporary structure. I certify that the said temporary structure will not be obstructing normal road traffic. I have paid Rs..... towards the licence/renewal of licence in the ..... Village Panchayat/Panchayat Union Office vide. Receipt..... dated..... I shall abide by all the terms and conditions of the licence.**

Date:Place:Signature of the applicant.Form 2[See rule 6(3)]Licence/renewal of Licence For Temporary Structure on Roads.....Village Panchayat.....Panchayat Union.....DistrictLicence is issued in favour of Thiru/Tmt....., Address.....for erecting temporary structure on the road located at.....(Place) coming under the jurisdiction of this Village Panchayat/Panchayat Union. The licence is valid for days (not exceeding 265 days).The applicant has paid licence fee of Rs.....(Rupees.....) vide this Village Panchayat/Panchayat Union receipt No....., dated.....Signature of the Executive Authority and Date.Office Seal: Commissioner. Designation:Original to the Licence.Counter-foil Office copy.Terms and conditions of licence. - (1) Erection of temporary structures shall be done as per the laws and rules in force.(2)Temporary structures will be of the dimensions and quality as indicated in this licence and as per rule.(3)This licence is liable for cancellation in case the licensee violates any of the conditions of the licence.