

செம்பாக்கம் நகராட்சியில் 12.10.2020ம் நாள் திங்கட்கிழமை மாலை 5.00 மணியளவில் தனி அலுவலர் அவர்களின் தலைமையில் நடைபெற்ற அவசரக்கூட்டத்தின் நடவடிக்கைகளின் நகல்.

கலந்துக்கொண்ட தனி அலுவலர் பெயர் மற்றும் பதவி:

திருமதி. கா. ராஜலட்சுமி  
தனி அலுவலர் / ஆணையாளர்  
செம்பாக்கம் நகராட்சி

## Agenda No.1

The representatives of Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain of Vallal Yusuf Nagar, had sought permission to form a Burial ground in an area of 6 grounds out of the 20 grounds earmarked for the public purpose in the approved layout of PPD/LO No.113/1985 at S.No.39/1, Rajakilpakkam Village, Tambaram Taluk, Sembakkam Municipality.

When the matter was under examination, It was objected by one Thiru. S.M.Shamshudeen residing at New No.62/4, Old No.61/4, Soorapa Mudali Street, Triplicane, Chennai-5 alleging that the proposed site for the formation of burial ground is located amidst residential area and the formation of burial ground would violate the building rules and affect the health of the Public living in nearby houses.

Subsequently, Thiru S.M.Shamsudeen has filed W.P.No 33043/2015 before the Hon'ble High Court of Madras objecting the formation of the burial Ground wherein the Hon'ble Court in its order dated 15.10.2015 has ordered as follows:-

*"The grievance of the petitioner is that he owns the plot on leasehold basis on perpetuity and a layout was carved out on the land measuring 12.80 acres in S.no.39/1 of Rajakilpakkam village, Semabakkam Municipality limits. The plot is stated to have been given by the Tamil Nadu Waqf board and the area opposite to his plot was earmarked for public purpose. The allegation is that now the land is sought to be allotted for grave yard which is in the midst of the colony.*

*The petitioner has made a representation on 15.07.2015 which remained unaddressed.*

*On hearing the submission of the learned counsel for the petitioner we direct that the District Revenue officer, Tambaram, Chennai / 4<sup>th</sup> respondent should dispose of the representation of the petitioner within a maximum period of one month from the receipt of the order. The decision should be the speaking order, after hearing all concerned. Till such time, status quo on the use of land should be maintained"*

Pursuant to the order of the Hon'ble High Court, the matter was enquired by the District Revenue officer, Kanchipuram with all the petitioner and respondents concerned. Based on the report of then Commissioner, Sembakkam Municipality, and Tashildar, Tambaram, the District Revenue Officer in the reference second cited rejected the request for the use of the land in S.No.39/1 for burial ground in the said Vallal Yusuf Nagar citing, the proposed site is not in conformity to the rule 6(5) of The Tamil Nadu District Municipalities Building Rules, 1972.

However, persistently the representative of Tamil Nadu Waqf Board Employees Colony Mosque had submitted petition dated 10.10.2016 and 02.01.2017 requesting the permission of the Municipality for the formation of a burial ground in the land measuring about 6 grounds adjoining the mosque out of 20 grounds earmarked for public purpose in the layout approved by MMDA (PPD/LO No.113/1985) at R.S.No39/1, Rajakilpakkam Village, Vallal Yusuf Nagar.

Subsequently, Thiru. A.V. Sirajudeen, Secretary of Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain has filed W.P.No.6586 of 2017 before the Hon'ble High Court of Madras praying to direct the first respondent (Commissioner, Sembakkam Municipality) to consider the representation dated 10.10.2016 and 02.01.2017 submitted to the Municipality for the formation of grave yard on the ground that District Municipalities Council is the competent authority under District Municipalities Act to grant licence by virtue of section 279 of the Act. The Chief Executive Officer, Tamil Nadu Waqf Board and Thiru.S.M.Shamsudeen were impleaded as second and third respondents respectively in the above writ petition.

The Hon'ble High Court of Madras in its order dated 17.3.2017 has ordered as follows:-

*“Though the petitioner prays for a larger relief, this Court in the Light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to put the respondents 2 and 3 on notice and thereafter, consider the representations of the petitioner dated 10.11.2016 and 02.01.2017 in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this orders and communicate the decision taken to the petitioner as well as to the respondents 2 and 3.”*

Pursuant to the above High Court order, the representatives of Tami Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain in their representation dated 11.07.2020 received on 18.08.2020 has requested to implement the above direction of Hon'ble High Court of Madras and submitted application along with the site plan for the proposed formation of burial ground.

Accordingly notice was served to both the parties namely respondent 2 and 3.

The respondent 3, Thiru S.M. Shamshudeen in his representation has objected the formation of burial ground stating the problem of water logging causing unhygienic to the public nearby in the proposed site for formation of burial ground.

The respondent 2, the Chief Executive Officer of Tamil Nadu Waqf Board has informed that an extent of 12.80 acre land at R.S.No.39/1, Rajakilpakkam Village, Vallal Yusuf Nagar has allotted to the employees of the Tamil Nadu Waqf Board by virtue of its resolution in the year 1983 on perpetual lease basis for residential purpose. At present more than 140 Muslim families and a population of around 500 people residing in Vallal yusuf nagar. As per the register of Tamil Nadu Waqf Board, mosque, shopping complex were constructed in the above extent of land and the remaining 11 grounds of land is being kept vacant within the mosque complex and out of that 6450 Sqft of land is allotted for burial purpose. A compound wall was constructed around the land at a cost of Rs.3.00 lakhs under Government Subsidy

scheme for mosque and burial ground obtained through Waqf board. At present an extent of 4772 sqft of land alone is allotted for burial purpose leaving 30 meter (100 ft) distance from the existing residential plot. Therefore Tamil Nadu Waqf Board has informed the Municipality to grant permission to Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain committee to permanently use the above extent of 4772 sqft of land for burial ground purpose for the residents of Vallal Yusuf nagar as per guidelines of the Government and the existing law in force.

Considering the representations of the petitioner and the opposition submitted by Thiru. S.M.Shamshudeen, and the recommendation of Tamil Nadu Waqf Board the proposed site was again inspected along with the Town Planning Inspector and Sanitary Inspector and local residents.

The Town planning Inspector in his report has stated that the proposed site is measuring at an extent of 6 grounds out of 20 grounds earmarked for Public purpose in the 12.80 acre land in R.S.No.39/1, Rajakilpakkam Village, Tambaram Taluk, is originally belongs to Tamil Nadu Waqf Board and the board by virtue of its resolution dated 17.6.1982, allotted the land to the employees of Tamil Nadu Waqf Board on perpetual lease basis for residential purpose. consequently the above extent of 12.80 acre was carved into layout of 142 plots leaving 20 grounds of land for Public purpose and obtained approval from the competent authority MMDA vide approval No. PPD/LO No.113/1985 Dated: 7.11.1985.

Further the Tamil Nadu Waqf Board vide its proceedings dated 16.3.1993 has granted permission for the construction of mosque within the 20 grounds of land earmarked for public purpose in the approved layout at S.No.39/1 and the mosque was constructed and inaugurated 05.01.1997 and in the proceeding dated 24.10.2000 the board had notified in the gazette and attached the newly constructed Mosque as separate Waqf viz, Masjid Al Haramain Waqf Board Employees Colony Mosque.

As stated by the Chief Executive Officer of the Tamil nadu Waqf Board as per the registration particulars of board land in R.S. No. 39/1 is already allotted by the board for the purpose of formation burial Ground for Masjid Al Haramain. Further the Tamil Nadu Waqf Board has also in its proceedings Dated: 17.4.2006 sanctioned funds for the construction of compound wall obtained under the Tamilnadu Government subsidy scheme of renovation, repair and fencing around the burial ground to the poor and needy Waqf institution in the state for the year 2004-2005 and the compound wall was also constructed in the year 2006 in the proposed site. The Waqf of Masjid Al Haramain mosque in its general body meeting on 15.5.2010 has resolved to utilise the 6 ground out of 20 grounds earmarked as public purpose land in the approved layout for the formation of burial ground. Thiru. S.M.Shamshudeen, respondent in the above writ who opposed the formation of the burial ground, had also consented and also signed in the resolution of the general body meeting of the mosque committee held on 15.05.2010.

It was further stated that 140 Muslim families are residing in Vallal Yusuf Nagar Colony. Further more than 174 Muslim families are also residing in nearby areas of Vallal Yusuf Nagar within the Sembakkam Municipal limit. The residents of Vallal Yusuf Nagar colony have expressed no objection for the formation of burial

ground at the proposed site in Vallal Yusuf Nagar. Thiru. S.M. Shamshudeen who is objecting the proposed burial ground is not at all residing for years together in this area even though he is an allottee of a house site in Vallal Yusuf Nagar and has not experienced any difficulty in the problem of burying the dead ones in these area and therefore informed that the objection of Thiru.S.M.Shamsudeen need not be entertained. This fact is established through the representation of Thiru. S.M.Shamshudeen residing at New No.62/4, Old No.61/4, Soorapa Mudali Street, Triplicane, Chennai-5 and not residing in Vallal Yusuf Nagar.

The arguments put forth for and against the proposed formation of burial ground at Vallal Yusuf Nagar by the residents of Vallal Yusuf Nagar, Tamil Nadu Waqf board Employees Colony Mosque, Masjid Al Harmain committee and the Chief Executive Officer of Waqf board and Thiru. S.M.Shamsudeen were examined threadbare with reference to DR-7, Second master plan for Chennai Metropolitan Area 2026, sec 2(36)of Tamil Nadu Town Country Planning Act, 1971 Annexure XVII 5(3) of Rule 19, AnnexureXVIII Zoning regulations (1)(Xiii) of Rule 33 of Tamil Nadu Combined Development Building Rules, 2019 and Layout approval accorded by MMDA and the field conditions in the area and the needs, feelings and emotions of local residents.

As per the above rule provisions, burial ground may exist from 30 meters distance of residential and the municipality can allow the burial ground in residential zone. It is found that the site about 4772 sqft of land in the 6 grounds request by the petitioner for the formation of burial ground is alone 30 meters away from existing residential houses to satisfy the Rule 19 AnnexureXVII of Tamil Nadu Combined Building Rules, 2019. Therefore Town Planning Inspector recommended for the formation of burial ground in the site in R.S.No.39/1 classified as residential zone in the approved master plan for Sembakkam Municipality .

In respect of the objection relates to water logging and thereby causing health hazard, the Sanitary Inspector has reported that to alleviate that problem and constraints a sump has already been constructed in Vallal Yusuf Nagar with the erection of automated pumping motor in the year 2016 and functioning effectively and therefore the problem of water logging is ruled out. Besides a compound wall has been constructed around the proposed site to prevent water logging during flooding time.

Further under section 279(1),(2),(3) of Tamil nadu District Municipalities Act 1920 the Municipal Council has the authority to grant licence for burial ground.

The Municipal council is bounded to comply the order of the Hon'ble High court in a time bound manner. Hence in conclusion as the request of the mosque committee based on the recommendation of the Waqf Board, satisfies all the rule provisions, it deserves merit considering the emergent necessity to form a new burial ground for the use of the Muslim community in the years to come due to growth of population also necessitated to grant permission to form new burial ground in the proposed site.

Therefore considering the above aspects and after examination the council under section 279(1) has a power to grant permission for the formation of new burial ground in an extent of 4772 sqft measuring west to east 116 ft in northern side and north to south 61 ft 6 inches in eastern side and east to west 50 ft in

southern side south to north 39 ft 6 inches in western side and east to west 60 ft 9 inches in southern side and south to north 32 ft in western side at 30 meter distance from the neighbouring residential area from all sides in the central part of vacant land marked as public purpose in the approved layout (PPD/LO.No.113/1985 dated 07.11.1985) bearing R.S.No. 39/1, Rajakilpakkam village, allotted by the Tamil Nadu Waqf Board to the Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain Vallal Yusuf Nagar for the construction of mosque and burial ground with following conditions.

1. The Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain should maintain a burial ground without water logging at any point of time.
2. The Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain should maintain a register of burial ones and report to the municipality.
3. The Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain should follow the conditions stipulated in Sec No. 284 of Tamil nadu District Municipalities Act 1920.
4. The Tamil Nadu Waqf Board Employees Colony Mosque, Masjid Al Haramain should obtain the licence of Executive authority for the grave diggers in the proposed burial ground.
5. The height of the existing compound wall should be raised.
6. Prior permission must be obtained from the executive authority of the Municipality to carry out any improvements activity within or on the periphery of the burial ground.

If there is any breach of the above condition is liable for cancellation of the licence.

**Office Note:** The Council may approve with specific conditions.

**Resolution No.703** Office Note Approved.

## **பொருள் எண்.2**

செம்பாக்கம் நகராட்சியில் துப்புரவு பணியாளர்கள் போதிய அளவில் தோற்றுவிக்கப்படாத காரணத்தினால், அரசால் நிர்ணயம் செய்யப்பட்ட குறியீட்டின் படி கூடுதல் தோற்றுவிக்கப்பட வேண்டிய பணியிடங்களில் 130 பணியாளர்களையும் தனியார் நிறுவனம் மூலம் ஒப்பந்த அடிப்படையில் நியமனம் செய்ய நகராட்சி நிர்வாக ஆணையர் அவர்களிடமிருந்து நிர்வாக அனுமதி K.Dis No.22043/P3/2018 Dated: 10.8.2018 ன் படி பெறப்பட்டு ஒப்பந்தப்புள்ளிகள் கோரி ஓர் ஆண்டிற்கு மெஸ்ஸர்ஸ் S.R. Manpower Consultancy, 464/938, TH Road, Old Washermanpet, Chennai 21 என்ற நிறுவனத்தை இந்நகர் மன்ற தீர்மானம் எண்.348 நாள் 28.9.2018ன் படி ஒப்புதல் அளித்ததன் பேரில், இவ்வலுவலக 24.10.2018ம் தேதிய பணி உத்திரவின் படி மேற்படி நிறுவனம் மூலம் 1.11.2018ம் தேதி முதல் பணி செயல்படுத்தப்பட்டு வருகிறது. இந்நிலையில் ஓராண்டு ஒப்பந்த காலம் 31.10.2019 தேதியில் முடிவடைந்தவுடன், இந்நகர் மன்ற தீர்மானம் எண்.514 நாள் 31.7.2019ன் படி திடக்கழிவு மேலாண்மை திட்ட பணியினை தொய்வின்றி தொடரவும், அவசர அவசியம் கருதியும் மேலும் ஒரு ஆண்டிற்கு 1.11.2019 முதல் 31.10.2020 வரை தொடர்ந்து மேற்கொள்ளவும், மேலும் ஒரு ஆண்டு (இரண்டாம் ஆண்டிற்கு) கால நீட்டிப்பு செய்து இவ்வலுவலக செயல்முறை உத்திரவு நாள் 31.7.2019ன் படி உத்திரவு வழங்கப்பட்டு பணி செயல்படுத்தப்பட்டு வந்தது.

இந்நிலையில் இப்பணிக்கான ஒப்பந்த காலம் (இரண்டாம் ஆண்டிற்கானது) 31.10.2020 தேதியில் முடிவடைகிறது.

மேலும், மெஸ்ஸர்ஸ் S.R. Manpower Consultancy நிறுவனம் மூலம் மேற்கொள்ளப்படும் இப்பணி 1.11.2018 முதல் இன்று வரை தொடர்ந்து இரண்டு ஆண்டு காலமாக எந்த வித புகாருக்கும் இடமளிக்காமல் நல்ல நிலையில் பணி செய்து வருவதாலும், மேற்படி நிறுவனத்தின் பணிக்காலம் 31.10.2020 உடன் முடிவடைவதாலும், தற்போது கொரோனா பெருந்தொற்று காலமாக உள்ளதாலும், மாற்று ஒப்பந்ததாரரை ஏற்படுத்தி பணி மேற்கொள்ளவும் காலதாமதம் ஏற்பட்டு பணி தொடர்ந்து மேற்கொள்ள இயலாத நிலை சூழ்நிலை உருவாகும் என்பதாலும், திடக்கழிவு மேலாண்மை திட்ட பணியினை தொய்வின்றி தொடரவும், அவசர அவசியம் கருதி, மூன்றாம் ஆண்டிற்கு, அதே ஒப்பந்ததாரர் மூலம் அதே விலை விகித அடிப்படையில் மேலும் ஒரு ஆண்டிற்கு 1.11.2020 முதல் 31.10.2021 வரை தொடர்ந்து மேற்கொள்ள ஒரு ஆண்டு கால நீட்டிப்பு செய்து உத்திரவு வழங்கிடவும், அதற்கான உத்தேச செலவின தொகை ரூ.208.00 இலட்சத்திற்கு மன்றத்தின் அனுமதிக்கு வைக்கப்படுகிறது.

#### அலுவலக குறிப்பு:

1. மன்றம் அனுமதி வழங்கலாம்.
2. நகராட்சி வருவாய் நிதியிலிருந்து செலவினத் தொகையினை ஏற்க மன்றம் அனுமதி வழங்கலாம்.
3. அவசர அவசியம் கருதி நகர் மன்ற தனி அலுவலரின் மன்ற முன் அனுமதி பெற்று நடவடிக்கை மேற்கொண்டமைக்கு மன்றம் பின்னேற்பு அங்கீகாரம் வழங்கலாம்.

தீர்மான எண். 704 அலுவலக குறிப்பிற்கு ஒப்புதல் அளிக்கப்பட்டது.

தனி அலுவலர்  
செம்பாக்கம் நகராட்சி

Special Officer  
Sembakkam Municipality