

HOMES AND GARDENS

Building along the coast

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G. Shyam Sundar writes on rules prohibiting construction near water bodies

Many States in India have clear Development Control Rules that prohibit construction within a specified distance from any water body. There is, however, no clear rule being followed in Tamil Nadu. The law states that if an applicant proposes to locate any plot for a building within 15m from the boundary of the channel/ water course and water body like Kulam, Kuttai, Eri, Tank, etc., a no-objection (NOC) certificate from the commissioner/executive officer/executive authority of the local body has to be obtained. The DCR of CMDA do not specify the extend of prohibition. It's clearly specified in other States. The Directorate of Tamil Nadu Town and Country Planning Department (DTCP) follows only the DCR specified by the CMDA. Rule 7 of the Tamil Nadu Municipalities Building Rules, 1972, states that even if the building is located within 15 metres of any tank, reservoir, water-course, river, fresh water channel or well, it should carry out necessary measures to prevent contamination of any drainage from the building passing into the water body.

The recent order of the Madras High Court banning registration of plots and houses in unapproved housing layouts as well as conversion of agricultural land for non agricultural use in an unplanned manner across the State of Tamil Nadu is aimed at saving the ecology and minimising flooding of rivers.

Written rules prohibiting construction near water bodies in other States in India

Andhra Pradesh and Telangana (GONo.168 dated 09.04.2012)

- a) 100m from the boundary of the river outside the municipal corporation / municipality / nagara panchayat limits and 50m within their limits. The boundary of the river shall be as fixed and certified by the irrigation department and revenue department.
- b) 30m from the FTL boundary of lakes / tanks / kuntas of area 10Ha and above
- c) 9m from the FTL boundary of lakes / tanks / kuntas of area less than 10Ha / shikam lands
- d) 9m from the defined boundary of canal, vagu, nala, storm water drain of width more than 10m
- e) 2m from the defined boundary of canal, vagu, nala, storm water drain of width up to 10m

Assam

River and notified bodies : 15 m. Pond or other notified bodies : 10 m

Madhya Pradesh

30m from Rivers or lakes/ponds/reservoirs or nala/canal or flood affected areas

Chhattisgarh

100m from Mahanadi Canal is a green belt and no construction is allowed

Bihar

No Construction or re-construction of any building shall be allowed within a strip of land of 200 m or such other higher distance as may be prescribed from time to time by the State Government from the outer boundary of the river of Ganges (as prescribed by the irrigation department) shall be permitted (except for repair and renovation of heritage buildings) and in the case of other rivers, no construction or re-construction of any building shall be allowed within a strip of land of 100 meters.

Karnataka

A buffer of 45 m is assumed all along the flow of the river on both banks, which shall be treated as a no-development zone.

a) No building/ development activity shall be allowed in the bed of water bodies like nala, and in the Full Tank Level (FTL) of any lake, pond etc.,

b) As per the Judgement of the National Green Tribunal, Principal Bench, New Delhi in O.A.No.222 of 2014, no construction activity is allowed in Karnataka in buffer/green zone .

i) In case of lakes, 75 meters from the periphery of water body to be maintained as a green belt and buffer zone for all existing water bodies ie lakes/wetlands.

ii) 50 m from the edge of the primary Rajkulewas

iii) 35 m from the edge of the secondary Rajkulewas

iv) 25 m from the edge of the tertiary Rajkulewas

Maharashtra

If the site is within a distance of 9 m from the edge of water mark of a minor watercourse (like nallah) and 15 m from the edge of water mark of a major water course (like river) shown in the development plan or village/city survey map or otherwise.

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States in India'



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