

144. Disqualification of Municipal Officers and servants:- (1) Any person who is directly or indirectly by himself or his partner, or if he belongs to a Joint Hindu Family by any member of the family, has any share or interest in any contract or employment with, by or on behalf of the Corporation other than as a Municipal Officer or servant shall be disqualified for being a Municipal Officer or servant.

(2) Any Municipal Officer or servant who shall acquire by himself or his partner any share or interest in any contract or employment as aforesaid shall cease to be a Municipal Officer or servant and his office shall become vacant.

Explanation :- Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as in clause (1) of Section 22 it is permissible for a ¹[Member] to have without his being thereby disqualified for being a ¹[Member].

CHAPTER V

MUNICIPAL PROPERTY ACQUISITION OF PROPERTY

145. Power of Corporation as to acquisition of property :- (1) The Corporation shall, for the purposes of this Act have power to acquire and hold movable and immovable property or any interest therein whether within or without the limits of the City.

²[(2) Any immovable property which may be transferred to the Corporation by the Government shall be held by it, subject to such conditions as may be imposed by the Government and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

(3) It shall be competent for the Government to resume any land transferred to the Corporation by the Government with or without a condition for resumption whether before or after the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1991 for utilisation by the State Government or the Central Government or any authority under their control.]

146. Acquisition of immovable property by agreement :- Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms at such rates or prices not exceeding such maxima as shall be approved by the Standing Committee, either generally for any class of cases or specially in a particular case.

(2) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

1. Subs. for 'councillor' by Act 17 of 1994.

2. Subs. by A.P. Act 11 of 1991 (w.e.f. 6-12-1990).

(3) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of Corporation to agree with the owner of any land or of any interest in land needed by the Corporation for the purposes of any Scheme under Chapter XIII or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith.

(4) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-sections (1), (2) or (3) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds rupees five thousand unless and until such contract has been approved by the Corporation.

(5) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by Commissioner, shall have the common seal of the Corporation affixed thereto in the presence of ¹[two officers nominated by the Commissioner] and shall also have the signature of the said two members, in the manner provided in Section 125.

(6) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as provided in sub-section (4) shall be binding on the Corporation.

(7) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

147. Procedure when immovable property cannot be acquired by agreement :-

(1) Whenever the Commissioner is unable to acquire any immovable property under the last preceding Section by agreement, the Government may, in their discretion, upon the application of the Commissioner, made with the approval of the Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation ²[in accordance with the provisions of the Land Acquisition Act, 1894 as amended for a public purpose within the meaning of the provisions of the said Act.]

(2) The amount of compensation awarded and all other charges incurred in acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.

1. Subs. for the words "two members of the Standing Committee" by the A.P. Act 3 of 1994 w.e.f. 1-3-1994.

2. Subs. by A.P. Act 14 of 1989.

Section 146

In the absence of an agreement under Section 146 or acquisition under Section 147,

Corporation cannot refuse compensation for the land of the owner abutting National Highway earmarked for road widening. However, where the roads and open spaces have to be left over as per layout rules, the owner cannot make any constructions thereon. 1996 (2) ALD 38 = 1996 (1) ALT 185 = 1996 (1) APLJ 162.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line occupied by the said building, and such land shall thenceforward be deemed to be a part of the public street and shall vest as such in the Corporation.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the State.

384. Acquisition of open land or of land occupied by platforms, etc., within regular line of street :- If any land not vesting in the Corporation, whether open or closed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or portion of a platform, verandah, step, compound wall, hedge, or fence or other such structure, is within the said line of such street, the Commissioner may after giving to the owner of the land or building not less than seven clear days written notice of his intention to do so, take possession on behalf of the Corporation of the said land within its enclosing wall, hedge or fence, if any or of the said platform, verandah, step or other structure as aforesaid or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street and; if necessary, clear the same and the land so acquired, shall thenceforward be deemed a part of the public street:

Provided that when the land or building is vested in the State possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the Government.

385. Acquisition of the remaining part of building and land after their portions within a regular line of the street are acquired:- (1) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward of building under Section 386.

386. Setting forward of buildings to regular line of the street:- (1) If any building which abuts on a public street is in rear of the regular line of street, the Commissioner may, whenever it is proposed—

- (a) to re-build such building; or
- (b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet; in any order which he issues concerning the rebuilding, alteration or repair of such building, permit, or with