

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Municipal Corporations, Urban Development Authorities and Municipalities - Regularisation of unauthorised constructions in sites more than 200 Sq.mtrs. in area - Orders - Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (M1) DEPT.

G.O.Ms.No.373

Dated: 01-07-1998

Read the following:

1. G.O.Ms.No. 87 M.A., dt:12-2-1992.
2. G.O.Ms.No.1235 M.A., dt:14-8-1992.
3. G.O.Ms.No. 243 M.A., dt:22-5-1996.
4. G.O.Ms.No. 313 M.A., dt:11-5-1993.

ORDER :-

Government have taken note of the increasing trend of unauthorised construction in Corporations, Municipalities & Urban Development Authority areas. Due to such unauthorised constructions and constructions in deviation of sanctioned plans, planned development as envisaged in the Master Plan/Zonal Development Plan is getting defeated.

2. In respect of unauthorised buildings constructed in small plots i.e., upto 200 Sq.mts, Government have issued orders vide G.O.1 to 3 read above for regularisation of the same by the Municipal Corporations & Municipalities in the given time period. Government have also issued orders vide G.O.4th above making provisions to relax Zoning Regulations & building bye-laws by levying penalties in respect of violations of building regulations/Zoning regulations.

3. The Government have now taken a decision to do away with the practice of relaxing the rules/regulations for the construction/regularisation of unauthorised buildings and no application or representation for grant of relaxations from any of the Zoning Regulations/Multi Storeyed Building Regulations/Byelaws/Rules shall be considered by the Government. At the same time, Government have also received a number of representations for evolving a simplified system of regularisation of unauthorised constructions by giving an opportunity to the people to voluntarily come forward and declare the unauthorised constructions made uptill now and get them regularised by paying a reasonable penal amount.

4. Keeping the above in view, Government after careful examination have decided to give a one time opportunity to owners/Individuals to voluntarily come forward for regularisation of unauthorised constructions made upto 30-6-1998 and where the title deed vests with the plot holder and where such constructions do not affect any public interest or interfere with public activity. This will be a one time opportunity and such unauthorised constructions shall be got regularised within the specified time. The Government consider it necessary to prescribe afresh the rates of penal amount payable for such regularisation of violation of Zoning Regulations etc., Accordingly, in modification of orders issued in the G.O. read above, the Government prescribe the revised rates of penal amount for regularisation of unauthorised constructions and issue the following orders.

n.t.o.

i. The old buildings are exempted from the purview of this Regularisation policy. The Regularisation procedure as detailed below is applicable to all unauthorised buildings constructed after 1-01-1989 or from the date of formation of Municipal/Body/Urban Development Authority or date of inclusion of a particular area in the local body which ever is the latest.

ii. The Government hereby authorise the Commissioners of all Municipal Corporations/Municipalities and Vice-Chairmen of Urban Development Authorities to regularise unauthorised constructions already made on sites/plots where the title deed vests with the plot holder in relaxation of Zoning Regulations/Multistoreyed Building Regulations/Building Rules etc., on payment of penal amount of prescribed and other usual fees and charges.

iii. The applications for regularisation of unauthorised constructions alongwith voluntary declaration together with prescribed proforma, copies of ownership documents, building plans, showing clearly the actual builtup area constructed on ground etc., shall be filed with the concerned Commissioner of the Municipal Corporations/Municipality or Vice-Chairmen of the concerned Urban Development Authority for Panchayat areas falling in UDA areas with one month from 1-7-98 along with 20% of the penal amount. The balance of the penal amount shall be paid within a period of three months. The Commissioners of Municipal Corporations/Municipalities, Vice-Chairmen of Urban Development Authorities as the case may be shall dispose of all such applications with in a period of three months after collection of full penal amount, prescribed fees, charges and development charges wherever applicable.

iv. Regularisation of unauthorised constructions/building shall not be considered in the following cases and in cases where public interest and safety are likely to be affected viz.,

- a) Government/Municipal/Local Body's Land.
- b) Surplus land declared under ULC and Agricultural Land Ceiling Act.
- c) Site affected under the alignment of Master Plan/ZDP Roads/and other public roads.
- d) Tank bed and Shikam Lands.
- e) Layout open spaces meant for public use.
- f) Parking spaces;
- g) Totlots/Recreational Areas.
- h) Areas earmarked for Recreational use in Master Plan/Zonal Development Plans.
- i) In case of Multistoreyed Buildings the aspects of fire safety, NOC from Airport Authority and structural stability etc., will have to be considered by the Competent Authority before regularisation of such structures.
- j) Subject to resolution of legal issues, if any.

v. Applications and declaration for the regularisation of unauthorised constructions shall not be entertained after 31-7-1998.

- vi. If the declaration for the regularisation of unauthorised constructions are not filed and the unauthorised constructions are not got regularised within the said stipulated period, action shall be initiated by the Commissioner of Municipal Corporations/Municipalities and Vice-Chairmen of U.D.As for demolition/sealing of property/confiscation.
- vii. The penal amount so collected for the regularisation of such unauthorised constructions shall be kept in a separate head of account and shall be utilised for the specific purpose of developmental works like widening of roads, construction of bridges/fly overs/parks and play grounds or any other work with the prior approval of the Government.
- viii. The Commissioners of all Municipal Corporations/Municipalities and Vice-Chairmen of all Urban Development Authorities are directed to take immediate necessary action in the matter and give wide publicity. They shall furnish a compliance report, alongwith list of declarations received and action taken from time to time to the Government.
- ix. The rates of penal amount payable for Regularisation of unauthorised constructions made in deviations to Zoning Regulations/Sanctioned plans are as follows.

PENAL AMOUNT STRUCTURE FOR REGULARISATION OF UNAUTHORISED CONSTRUCTIONS

RATES OF PENAL AMOUNT			
	FAR VIOLATION Rs./Sft.	SETBACK/COVERAGE/VIOLATION Rs./Sft.	
INDIVIDUAL RESIDENTIAL BUILDINGS.	15	10	
INSTITUTIONAL BUILDINGS	25	15	
COMMERCIAL BUILDINGS/ APARTMENTS/GROUP HOUSING	75	40	(upto 10% violation)
	100	60	(above 10% violation & upto 20%)
	150	80	(above 20% & upto 30% violation)
	200	100	(above 30% violation)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.S. HARIHARAN
PRINCIPAL SECRETARY TO GOVERNMENT.

To
 All Commissioners of Municipal Corporations.
 The Vice-Chairmen of all Urban Development Authorities.
 The Director of Town & Country Planning, Hyderabad
 The Commissioner & Director of Municipal Administration, Hyderabad.
 All Commissioners of Municipalities through C & DMA.

Copy to:

All District Collectors.
The Commissioner, Information & Public Relation.
The Secretary to Chief Minister.
P.S. to Chief Secretary.
P.S. Minister, Municipal Administration & Urban Development,
Hyderabad.

// FORWARDED BY ORDER //

Sd/-
SECTION OFFICER.

HYDERABAD URBAN DEVELOPMENT AUTHORITY
Planning Department

Endt:No.1718/P8/HUDA/92.

Dated 6-7-1998.

Communicated to all the concerned for information and
necessary action.

WVC
6/7/98
for Chief Planning Officer.

To

All the concerned.

CC to: Secretary, HUDA .. for information.

CC:to P.A. to Vice-Chairman, HUDA.

CC:to P.S. to Chairman, HUDA.