

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

UNAUTHORISED CONSTRUCTIONS - Regularisation of Unauthorised constructions made upto 30-6-1998 in the areas of Municipal Corporations, Urban Development Authorities and Municipalities - Revised Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms.No.419 M.A.,

Dated:30th July 1998.

Read the following:-

1. G.O.Ms.No.87, M.A., dated: 12.2.1992.
2. G.O.Ms.No.1235, M.A., dated: 14.8.1992.
3. G.O.Ms.No.313, M.A., dated: 11.5.1993.
4. G.O.Ms.No.243, M.A., dated: 22.5.1996.
5. G.O.Ms.No.343, M.A., dated: 02.12.1997.
6. G.O.Ms.No.289, M.A., dated: 25.5.1998.
7. G.O.Ms.No.373, M.A., dated: 1.7.1998.

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ORDER

Government after taking note of increased unauthorised constructions in Urban areas, without following the prescribed rules and regulations, took a decision to give a one time opportunity to the individuals to come forward and declare voluntarily the unauthorised constructions made by them and to get them regularised by paying the penal amount. Accordingly orders were issued in the G.O. 7th read above giving several concessions thereby facilitating the individuals to get the unauthorised constructions made upto 30.6.1998 regularised by paying the penal amount prescribed therein.

2. In the meanwhile, Government received representations from various forums requesting for extension of time limit and reduction of penal amount and simplification of procedure. Government after careful examination of the views expressed during the discussions have decided to substantially simplify the system and reduce the rates for regularisation.

3. Keeping in view the unauthorised constructions made in small plots i.e. in plots upto 200 sq.mtrs. Government had issued orders giving ample opportunity to get them regularised, and the time was also extended from time to time, lastly upto 31.7.1998.

4. Government have decided not to extend the time limit fixed earlier in G.O. 6th read above (i.e. 31.7.1998) for regularisation of unauthorised constructions in small plots of upto 200 sq.mtrs. and direct that all the G.Os hitherto issued in this regard for providing such regularisations shall cease to be in operation after 31.7.1998. However individuals who constructed the buildings unauthorisedly or in deviation of the sanctioned plan can get them regularised duly paying the penal amount and as per procedure prescribed in this order.

5. Government in supercession of all the G.Os issued earlier on the regularisation of unauthorised constructions now issue the following orders.

CONTD:2.

The rates for regularisation of unauthorised constructions shall be as follows:

PENAL AMOUNT RATES

I. PENAL AMOUNT FOR REGULARISATION OF DEVIATED / UNAUTHORISED INDIVIDUAL RESIDENTIAL BUILDINGS AND INSTITUTIONAL BUILDINGS IN MUNICIPAL CORPORATION OF HYDERABAD AND OTHER AREAS

Type of Development	M.C.H Area		Other Areas	
	Rs. per Sq.ft of violated area			
1. Individual Residential Building	15		10	
2. Institutional Building	25		15	

II PENAL AMOUNT RATES FOR REGULARISATION OF DEVIATIONS / UNAUTHORISED CONSTRUCTION OF FLATS IN MUNICIPAL CORPORATION OF HYDERABAD AND OTHER AREAS.

Type of Flats	M.C.H. Area		Other Areas	
	Flat area in Sq.mtrs		Flat areas in Sq.mtrs.	
	Above 60	60 and below	Above 60	60 and below
Permitted Bldg. / Flat but deviated from sanctioned Plan with Regd. Sale deed of undivided share of land with construction agreement of flat / Regd. Sale deed of flat / Declaration of ownership.	Rs.5000/- Per flat	Rs.4000/- Per flat	Rs.4000/- Per flat	Rs.3000/- Per flat
Total unauthorised flats with Regd. Sale deed of undivided share of land with construction agreement of flat / Regd. Sale deed of flat / Declaration of ownership.	Rs.10000/- Per flat	Rs.8000/- Per flat	Rs.8000/- Per flat	Rs.6000/- Per flat

Note: 60 Sq.mts = 645.6 Sq.ft.

III. PENAL AMOUNT RATES FOR REGULARISATION OF DEVIATED / UNAUTHORISEDLY CONSTRUCTED COMMERCIAL / INDUSTRIAL BUILDINGS IN MUNICIPAL CORPORATION OF HYDERABAD AND OTHER AREAS

Type of Development	MCH Area	Other Areas
	Per Sq.ft.of violated area	Per Sq.ft.of violated area
Permitted Building but deviated space from sanctioned plan and covered by Registered Sale Deed / Registered Sale Agreement/ declaration of ownership.	Rs.60/-	Rs.45/-
Total unauthorised space and covered by Regd.sale deed/Regd.sale agreement/ declaration of ownership.	Rs.100/-	Rs.75/-

IV. PENAL AMOUNT RATE FOR REGULARISATION OF HUTS AND TILED ROOF STRUCTURES

Category	Upto 100 Sq.mtrs. Plot Area	101 to 200 Sq.mtrs. Plot Area
	Madras Terrace / Mangalore tiles / A.C.Sheets	Rs.750/-

Huts constructed on plots upto 200 sq.mtrs. can be got regularised without payment of any penalty. If there are huts on plots above 200 sq.mtrs. they can be got regularised by paying a flat rate of Rs.750/-

6. The applications for regularisation of unauthorised constructions along with voluntary declaration in the prescribed proforma enclosed in this order (Form-A) shall be filed with the concerned Commissioner of the Municipal Corporation/ Municipality/Vice Chairman of the concerned Urban Development Authority for Panchayat areas falling in Urban Development Authority areas before 31.8.1998 along with 20% of the penal amount.

7. The applicants who filed Form-A for regularisation of unauthorised constructions shall file Form-B along with required documents as prescribed in Form-B such as Building Plans, Ownership Documents, Undertakings etc. on or before 31.10.1998.

8. The balance of penal amount shall be paid within 4 months i.e. on or before 31.12.1998 in lumpsum or in not more than four equal instalments.

9. The Commissioners of Municipal Corporations / Municipalities, Vice Chairmen of Urban Development Authorities as the case may be shall dispose of all such applications within a period of four months after collection of balance penal amount, prescribed

contd..4.

fee, charges and development charges, wherever applicable. If any further information is required the individuals shall obtain the same from the concerned local authority/Urban Development Authority.

10. 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 1.01.1985 and before 30.6.1998 or from the date of formation of Municipal local body/Urban Development Authority or date of inclusion of a particular area in the local body whichever is the latest. The declarants shall produce conclusive proof to establish that the construction was completed before 30-6-1998. The unauthorised constructions made after 30.6.1998 shall not be regularised under any circumstances.

11. Regularisation of unauthorised constructions / buildings 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 ULG and Agricultural Land Ceiling Act.
- c) Sites affected under the alignment of Master Plan / Zonal Development Plan Roads / and other public roads.
- d) Tank bed and Shakam lands
- e) Layout open spaces meant for public use.
- f) Parking spaces.
- g) Areas earmarked for Recreational use in Master Plan / Zonal Development Plans.
- h) In case of multistoreyed buildings the aspects of fire safety, N.O.C. from Airport Authority and structural stability etc., will have to be considered by the Competent Authority before regularisation of such structures.
- i) Subject to resolution of legal issues, if any.

12. 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 / Multi Storeyed Building Regulations / Building Rules etc. on payment of penal amount as prescribed and other usual fees and charges. 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, or where it is found that the declaration covers unauthorised construction after 30-6-98 action shall be initiated by the Commissioner of municipal Corporations / Municipalities and Vice Chairmen of Urban Development Authorities for demolition / sealing of property / confiscation.

13. 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 purposes 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.

14. 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 along with list of declarations received and action taken from time to time to the Government.

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

N.S. HARIHARAN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The All Commissioners of Municipal Corporations.
The Vice-Chairmen of all Urban Development Authorities.
The Director of Town and Country Planning, Hyderabad.
The Commissioner & Dir. of Municipal Administration, Hyderabad.
The All Commissioners of Municipalities. (thro' C & DMA, Hyd.)
Copy to:

All District Collectors.
The Commissioner, Information & Public Relations, Hyd.
The Secretary to Chief Minister, C.M.'s Secretariat, Hyd.
The Private Secretary to Chief Secretary.
The Private Secretary to Minister for Mpl. Adm.
All the Officers & Sections in M.A. & U.D. concerned.
SF / SC

// Forwarded by Order //

V. Venkatesh
SECTION OFFICER

FORM-A

VOLUNTARY DECLARATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTIONS UNDER BUILDING REGULARISATION SCHEME (B.R.S.)

I/We S/o, W/o, D/o do hereby declare the following details for regularisation of unauthorised/ deviated construction in respect Flat/building bearing Premises No. located at (full address) to the best of my knowledge and belief.

Further I enclose the following:

- a) One Photograph of the building indicating the date of photograph duly attested (by the owner) at the back of photograph.
- b) Mode of payment of 20% penal amount.
(DD No. / Challan No. , Dt: , Bank)

Details of deviations / unauthorised constructions and type of buildings (Fill up whichever is applicable)

A. INDIVIDUAL RESIDENTIAL / INSTITUTIONAL BUILDINGS

Approved building permit (if any): No. , Dt:
Plot Area Sq.mtrs. No. of floors constructed

1. FAR Deviations:

Total FAR sanctioned	Total FAR constructed	Excess in Sq.Ft.	Total Penal Amount (Rs.)	20% of penal Amount (Rs.)

2. Other Deviations (i.e. setbacks / coverage):

As per sanctioned Plan	As per construction at Site	Excess in Sq.Ft.	Total Penal Amount (Rs.)	20% of Penal Amount (Rs.)

Penal amount payable as per item 1 or 2 above whichever is higher.

B. RESIDENTIAL FLAT/APARTMENT:

1. Total flat area : _____
2. Whether part of sanctioned plan : Yes / No
3. If Yes please give details of sanctioned Plan (if available) : Permit No. _____
Date _____
4. Whether the flat is covered by Registered Sale Deed or Regd. sale Agreement or both. : Yes / No
5. If Yes, please enclose one attested copy of the same. :

Contd..

6. Flat constructed but not covered with Registered Sale Deed/ Regd. sale agreement. : Declaration to be submitted

Total penal amount

C. COMMERCIAL / INDUSTRIAL BUILDINGS

i) Approved building permit (if any) : No. Date

ii) Plot Area Sq.mtrs. No. of floors constructed

1. F.A.R. Deviations

Total FAR sanctioned	Total FAR constructed	Excess in Sq. Feet	Total Penal Amount (Rs.)	20% of penal Amount (Rs.)

2. Other Deviations (i.e. setbacks / coverage)

As per sanctioned Plan	As per construction at Site	Excess in Sq. Ft.	Total Penal Amount (Rs.)	20% of Penal Amount (Rs.)

Penal amount payable as per item 1 or 2 above whichever is higher.

1. Whether the unauthorised construction is covered by Registered Sale Deed or Regd. sale agreement or both. : Yes / No

2. If Yes. Please enclose one attested copy of the same.

3. Commercial/Industrial Buildings constructed but not covered with Regd. sale deed. : Declaration to be submitted.

In case of any difficulty on the above please contact the concerned Municipal Office/Urban Development Authority.

I/We, declare that the construction applied for regularisation is not part of parking area. It is not encroaching on roads indicated in Master Plan / Zonal Development Plan. It is also not part of any of the prohibited areas for regularisation as indicated in the orders.

I/We, declare that the above details are as per the construction made at site before 30-6-98 which are true and correct to the best of my knowledge and belief and the Municipal Authority / Urban Development Authority would in no way be responsible if the same are found contrary to my declaration.

Contd.

later and I/We also understand that this may even result in non-regularisation for which the onus will not fall on Municipal Authority / Urban Development Authority.

DATE

SIGNATURE

Name of the declarant / Owner(s)

Address for
correspondence

DECLARATION TO BE SUBMITTED WITH FORM-A

(In case of Flats/Apartments/Commercial/Industrial space not registered)

I/We, _____, have applied for regularisation of _____ covered by sanctioned plan, but deviated/unauthorised with area of _____ bearing No. _____ in _____ Floor. Premises No. _____ located at (full address) _____

I/We, hereby declare that the above flat/apartment/commercial/industrial space is constructed before 30.6.1998 and

1. I am in possession of the same after paying the sum of Rs. _____ through Cheque/DD (indicate details) in favour of _____ OR
2. I am in the possession of the same as owner of the land as evidenced by development agreement (copy enclosed). OR
3. I am in possession of the same and hereby produce proof through property tax receipts/telephone bills/water bills etc. OR
4. As I am unable to produce any of the above (1 to 3). I enclose a certificate issued by a licenced architect evidencing that the building was constructed prior to 30-6-98.

DATE

SIGNATURE
Applicant/ Owner

Postal Address:

RECEIPT

(To be given by local authority)

In compliance of G.O.Ms.No.419, MA, Dt:30-7-98 for regularisation of unauthorised construction the declaration (Form-A) received on date _____ from Sri / Smt. _____ in respect of Premises No. _____ situated at _____ for regularisation, and allotted with SI No. _____

RECEIVING OFFICER

FORM-B
APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION

I/We, _____ S/o. W/o. D/o _____ have submitted Form-A on _____ alongwith Penal Amount of Rs. _____ being 20% of total penal amount in respect of flat/building bearing Premises No. _____, situated at (full address) _____ (please enclose a copy of Form-A already submitted or its receipt).

I/We, further enclose the following documents:

I.(a) In case of individual Buildings / Commercial Complexes / Industrial / Institutional Buildings.

One tracing cloth and five sets of blue-prints / Ammonia Prints showing the building as constructed before 30-6-98 and existing on ground together with site plan duly signed by licenced technical personnel and a copy of ownership documents.

(b) In case of individual residential flat/apartment

Documentary Plan (five sets) indicating the details of the flat/apartment alongwith copy of ownership documents.

II. A copy of approved building plan (if any) Building Permit No. _____ and Date: _____

III. Urban Land Ceiling (Wherever applicable):

(a) If site area - less than 'Ceiling Limit': Notarised Affidavit to be enclosed.

(b) If site area - excess than 'Ceiling Limit': U.L.C. Clearance is to be enclosed.

IV. Copy of upto date Property Tax Receipt.

V. Service Connections: APSEB/Water Works receipts if any to be enclosed.

VI. Undertakings: a) Indemnity Bond

b) Road widening undertaking if it is not already submitted.

c) Declaration regarding Urban Land Ceiling.

d) Certificate Licenced Technical Personnel in case of item i(a).

DATE

SIGNATURE

Name of the Declarant / Owner(s)

Address for correspondence

Note: Form-B along with the above enclosures must be submitted on or before 31-10-1998, failing which the applicant will forego the regularisation and the authorities would in no way be held responsible for it.

RECEIPT

(to be given by local authority)

In compliance of G.O.Ms.No.419, MA. dt:30-7-98, for regularisation of unauthorised construction already declared in Form-A bearing Sl.No. _____ dated _____ Form-B received on _____ from Sri / Smt. _____ in respect Premises No. _____ situated at (full address) _____ for regularisation alongwith required documents.

Receiving Officer

INDEMNITY BOND

(To be submitted along with Form 'B' on Non-judicial Stamp Paper of Rs.100/-).

This Indemnity Bond is executed on this-----day of 1998 by Sri/Smt. S/o,W/o Age Occupation R/o herein after called the 1st PARTY which term shall include their legal heirs, successors, assignees agents, representatives and tenants.

IN FAVOUR OF

The Commissioner Corporation/Municipality/V.O U.D.A herein after called the 2nd PARTY, which term shall include all officials and staff of Municipal Corporation/Municipality/ -- U.D.A.

Whereas the 1st Party has applied for the regularisation of the unauthorised construction made on Plot/Building/Apartment over an extent of sq.mts. bearing Premises No. situated at and consisting of Ground+ floors.

Whereas the 2nd Party has agreed to consider regularisation of the aforesaid building/apartment as per the orders of the Government of Andhra Pradesh contained in G.O.Ms.No.419. M.A., dated.30-7-98 and made it a condition that there shall not be any defect/litigations over the land/building and the same shall be free from all the claims of Government/Banks and attachments of Courts, and the 1st Party has to indemnify the 2nd Party to this effect.

Whereas the 1st Party having agreed to the aforesaid condition hereby indemnify the 2nd Party with the above assurance and hereby solemnly declare that the above said land/Apartment/Building is the sole property of the 1st Party which is possessed by him/her since the date of purchase and the same is free from all defects, litigations, claims and attachments from any courts etc., and in case of any disputes/litigations arises at any time in future the 1st Party will be responsible for the settlement of the same and the 2nd Party will not be a party to any such disputes/litigations.

Hence this Indemnity Bond.

WITNESSES:

- 1.
2.

1st PARTY

Sworn and signed before me on this day of 1998 in presence of the above witnesses.

PUBLIC NOTARY

UNDERTAKING

(To be submitted alongwith form 'B' on Non-Judicial Stamp Paper of Rs.50/-).

This undertaking is executed on the _____ day of _____ 1998 with free will without any force by, Sri/Smt. _____ S/o./W/o _____ Age _____ Occupation _____ R/o _____ here in after called the 1st Party, which term shall include his legal heirs successors agents and assignee.

IN FAVOUR OF

The Commissioner _____ Corporation/Municipality/V.C. U.D.A. herein after called the 2nd Party which term shall include all officials and staff of the Municipal Corporation _____/Municipality/U.D.A.

Whereas the 1st Party has applied for regularisation of the unauthorisedly constructed building (Commercial/Residential) consisting of Ground Floor, _____ Floors bearing Premises No. _____ situated at _____ Whereas the 2nd Party made it a condition for regularising the afore said building as per the provision of G.O.Ms.No.419, M.A. dated.30-7-98 that:

- 1) The balcony projection and other structure constructed beyond property line or over the road margin shown as the dismantled in the plan shall be removed as and when required by the _____ Corporation/Municipality/ U.D.A by the 1st Party himself otherwise, the 2nd Party _____ Corporation/Municipality/ U.D.A is at liberty to remove the same without giving any further notice.
- 2) The structures constructed unauthorisedly within the portion affected under the widening of road as per Master Plan/Zonal Development Plan/Road Development Plan etc., as indicated in the plan of regularisation shall be removed by the first party himself at his own cost as and when required by the second party or as and when the actual work of road widening is taken up by the 2nd Party or any other authority as empowered by the Government of Andhra Pradesh, and shall handover the said affected portion free of cost without claiming any compensation. If he fails to remove the same the 2nd Party _____ Corporation/ Municipality/ U.D.A will be at liberty to demolish such structure from the affected portion under road widening out of the said property.

The 1st Party having agreed to the above said condition/ conditions as imposed by the 2nd Party set his/her hand on this undertaking in presence of the following witnesses.

WITNESSES

- 1)
- 2)

FIRST PARTY

SECOND PARTY

DECLARATION-CUM-UNDERTAKING

(To be submitted along with form 'B' on Non-Judicial Stamp Paper of Rs.100/-).

I, Sri/Smt/Kum. _____ have applied for regularisation of unauthorised construction with a plinth area of _____ sq.mtrs. bearing Municipal No. _____ the total area (admeasuring about _____ sq.mtrs.(not to exceeding 200 sq.mtrs.) land located at _____ I am aware of the provisions of contained in URBAN LAND(Ceiling and Regulation) Act, 1976 I am also aware that the above land will be treated as vacant land under clause 10(a) of section of the said Act even after the regularisation of the unauthorised construction in by Commissioner _____ Corporation/Municipality/V.C. _____ U.D.A. for the purpose of the said Act and liable to be surrendered to the Government, in the event of its being determined as excess vacant land under the provisions of the Act. I also declare that the said land does not form part of the excess vacant land of any to be surrendered by me and hereby undertake to surrender the said land along with the building if it is ultimately determined as excess vacant land liable to be surrendered or in the event if the Urban Land Ceiling authority or any Competent Authority or Government demands the market value of the excess vacant land, the permission granted regularising the unauthorised construction on such land by Commissioner _____ Municipal Corporation/Municipality /V.C. _____ U.D.A is not a bar from claiming the value of the land, by such authority/ Government I hereby agree to pay all such amounts.

DECLARANT

WITNESSES:

1)

2)

PLACE:

DATE:

CERTIFICATE OF LICENCED SURVEYOR/ARCHITECTS ENGINEER

(To be submitted along with form 'B').

I hereby Certify that Sri/Smt. S/o. D/o. W/o
submitted declaration for premises bearing No. situated
at (area name) in (place name)

The Plans are prepared by me duly taking measurement as per
the ground position as constructed at site by the applicant,
which are true and correct according to my knowledge and I will
be held responsible if the same are found not to be in order at a
later stage.

Licence No.

Signature & Name

Date:

Licensed Architect/
Engineer/Surveyor

Postal Address:

(Stamp)