HIGH COURT OF ANDHRA PRADESH
RUNNING INDEX
W.P.No. 2068 OF 2009

Between:-
M/s. Sri Sai Builders of M/s. Modi Ventures, and another ..Petitioners

And
The Greater Hyderabad Municipal Corporation, ...Respondents

S. No.	Description of the Documents	Date of Paper	Date of Filing	Page Nos.
(1)	(2)	(3)	(4)	(5)
1.	Service Certificate			1
2.	Court Fees			2
3.	Memo of W.P.			3
4.	Annexure I & II			4
5.	Affidavit			5 - 8
6.	Material Papers: P-Series			
	P1).Letter of the Greater Municipal Corporation.	25-11-2008		9 –10
	P2).Letter of the Modi Ventures.	30-12-2008		11
	P3). Letter of the Greater Municipal Corporation.	17/27-1-09		12
	P4).Building Application submitted by the petitioners.			13-15
	P5). Letter of the Greater Municipal Corporation.	26-4-2008		16-17
	P6) GOMs.No.113	31-1-2008		18- 20
	P7).GOMs.No.902.	31-12-2007		21 –26
	P8).Proceedings of the Municipal Corporation.	29-9-2005		27-30
	P9).Letter of the HUDA	22-8-2005		31-35
7.	Vakalatnama			36
8.	Address of Respondents			37

Hyderabad
Dt.05-02-2009

M/s. Vedula Venkataramana

Counsel for the Petitioners

(3)

MEMORANDUM OF WRIT PETITION, MISC. PETITION
(UNDER SECTION 151 OF C.P.C)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT: HYDERABAD

W.P.M.P.No. of 2009

in

W.P.No. of 2009

Between:-

1. M/s. Sri Sai Builders of M/s. Modi Ventures, a registered partnership firm, rep. by its Authorised Representative, Soham Modi, S/o. Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad.

2. M/s. Modi Vendutes, a registered partnership firm, rep. by its partner, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad.

..Petitioners/Petitioners

And

1. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Hyderabad.

2. The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office), Hyderabad.

...Respondents/Respondents

For the reasons stated in the affidavit filed in support of the main Writ Petition, it is prayed that this Honourable Court may be pleased to direct the respondents to release the construction permission to the petitioners subject to the fulfillment of the demand amount as contained in the letters of the respondents dated 25-11-2008 and 17/27-01-2009, pending disposal of the writ petition and subject to the result of the writ petition, and grant such other relief as it deems fit in the circumstances of the case.

Hyderabad
Dt.05-02-2009

Counsel for the Petitioners

(5)

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT: HYDERABAD

W.P.No. OF 2009

Between:-

1. M/s. Sri Sai Builders of M/s. Modi Ventures, a registered partnership firm, rep. by its Authorised Representative, Soham Modi, S/o. Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad.

2. M/s. Modi Vendutes, a registered partnership firm, rep. by its partner, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad.

..Petitioners

And

1. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Hyderabad.

2. The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office), Hyderabad.

...Respondents

AFFIDAVIT FILED ON BEHALF OF THE PETITIONERS

I, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Authorized Representative of the 1st petitioner and Managing Partner of the 2nd petitioner-registered partnership firms and as such, I am competent to depose to this affidavit on behalf of the petitioners.

2. I submit that the petitioners herein are registered partnership firms which are engaged in development of land and construction of Group Housing Scheme, residential apartment complexes etc.

3. I further submit that the petitioners had earlier purchased about Ac.4.00 guntas of land in Sy.Nos.93, 94 and 95 of Mallapur village, Uppal Mandal, Ranga Reddy District and after obtaining construction permission/building permission from the 1st respondent-Corporation, they have constructed five blocks of apartments under Group Housing Scheme. Subsequently, the petitioners had purchased the adjoining land admeasuring about Ac.1.18 guntas in the same

survey numbers with an objective of extending the same Group Housing Scheme by constructing two other similar blocks of residential apartments. Therefore, the petitioners had submitted building application, dated 26-04-2008, to the 1st respondent seeking permission for construction of the proposed two blocks of residential apartments as an extension of the Group Housing Scheme under which five blocks were already constructed based on the permission that was granted by the 1st respondent.

4. Pursuant to the said building application, the 1st respondent had called upon the petitioner to make payment of a sum of Rs.55,00,205/- vide its letter, dated 25-01-2008, in the said aggregate demand, a component of "Layout Regularization Scheme Charges" of Rs.25,54,430/- was included. When the petitioners had received the said demand, they made a protest against levy of "Layout Regularization Scheme Charges" vide representation dated 30-12-2008, stating that "Layout Regularization Scheme Charges" would become payable only for such plots of land which were not having sanctioned layout as defined in G.O.Ms.No.902, Municipal Administration of Urban Development Department, dated 31-12-2007. Despite the said representation and protest of the petitioners, the 1st respondent has reiterated its demand vide letter dated 17/27-01-2009 and called upon the petitioners to make payment of the same within seven days, failing which the file will be closed.

5. It is further submitted that the petitioners are in immediate requirement of sanctioned plan since the cost of construction and the selling value of the built up area are undergoing drastic changes every day in view of the "great depression" and any delay in grant of construction permission would jeopardize the interest of the petitioners. Thus, the petitioners have reconciled to the situation of making payment of the protested demand also ie. the amount of Rs.25,54,430/- towards "Layout Regularization Scheme Charges" but they are advised to file the present writ petition questioning the validity of the said levy. It is wholly inapplicable to the building application of the petitioners and the type of construction which is sought to be made by the petitioners. Thus, the petitioners are constrained to seek indulgence of the Hon'ble Court.

6. I further submit that the land purchased by the petitioners in Sy. Nos.93,94 and 95, Mallapur village, Uppal Mandal, Ranga Reddy District, was never divided

into plots nor the plots were sold to third parties in the form of a layout. I further submit that the petitioners had applied for extension of Group Housing Scheme and after the construction of the residential apartments in the said scheme, the petitioners will indulge in sale of the built up area covered by the residential apartments and the question of plotting out the land and selling the land does not arise. Hence, the question of levy of charges towards layout regularization scheme, does not fit in into the present facts and circumstances and the building application that was made by the petitioners.

7. As already stated, the issue of regularization of layout arises only when agricultural land had been divided into plots which are sold out. Since the building application of the petitioner and the construction activity of the petitioner is not either based on plots or in the form of plots, the lay out regularization scheme itself does not apply to the building application of the petitioners. Thus, the payment of the 1st respondent-Corporation contained in the letter, dated 25-11-2008 insofar as it relates to the levy of "Layout Regularization Scheme Charges" of Rs.25,54,430/- is totally unauthorized and illegal. Under these circumstances, the petitioners are constrained to approach the Hon'ble Court.

8. I submit that the petitioners do not have any alternative remedy, except to approach this Honourable Court under Article 226 of the Constitution of India. The petitioners have not approached any court for the same relief, which is sought for in this writ petition.

9. It is necessary that the Hon'ble Court may be pleased to direct the respondents to release the construction permission to the petitioners subject to the fulfillment of the demand amount as contained in the letters of the respondents dated 25-11-2008 and 17/27-01-2009, pending disposal of the writ petition and subject to the result of the writ petition, and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

10. It is therefore prayed that the Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in making a levy of Rs.25,54,430/- towards "Layout Regularization Scheme Charges" in terms of its letter, dated 25-11-2008 and 17/27/01/2009, while dealing with the building application of the petitioner, dated 26-04-2008,

relating to the extension of group housing schemes in Sy. Nos.93,94 and 95, Mallapur village, Uppal Mandal, Ranga Reddy District, as arbitrary and illegal and consequently direct the respondents to refund the said amount to the petitioners with interest at 18% per annum and grant such other relief as it deems fit in the circumstances of the case.

Sworn and signed before me on this the
5th day of February, 2009 at Hyderabad.

Deponent

Advocate, Hyderabad

Verification Statement

I, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad, being the Authorized Representative of the 1st petitioner and Managing Partner of the 2nd petitioner-registered partnership firms, do hereby state that the facts mentioned in paragraphs 1 to 7 are true and correct to the best of my knowledge and belief and the facts mentioned in paragraphs 8 to 10 are true legal advice obtained from my counsel and I believe the same to be true and correct. Hence, verified to be true and correct on this the 5th day of February, 2009, at Hyderabad.

Advocate

Deponent

MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT: HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

W.P.No. of 2009

Between:-

1. M/s. Sri Sai Builders of M/s. Modi Ventures, a registered partnership firm, rep. by its Authorised Representative, Soham Modi, S/o. Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad.

2. M/s. Modi Vendutes, a registered partnership firm, rep. by its partner, Soham Modi, S/o.Satish Modi, aged about 38 years, R/o.2nd Floor, Soham Mansion, M.G.Road, Secunderabad.

..Petitioners

And

1. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Hyderabad.

2. The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office), Hyderabad.

...Respondents

The address for service of all notices and other processes on the above named petitioner is that of his counsel M/s Vedula Venkata Ramana, 62/2RT Saidabad Colony Hyderabad - 500 059.

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in making a levy of Rs.25,54,430/- towards "Layout Regularization Scheme Charges" in terms of its letter, dated 25-11-2008 and 17/27/01/2009, while dealing with the building application of the petitioner, dated 26-04-2008, relating to the extension of group housing schemes in Sy. Nos.93,94 and 95, Mallapur village, Uppal Mandal, Ranga Reddy District, as arbitrary and illegal and consequently direct the respondents to refund the said amount to the petitioners with interest at 18% per annum and grant such other relief as it deems fit in the circumstances of the case.

Hyderabad,
Dt.05-02-2009

Counsel for the Petitioners

-9- P1

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of Commissioner & Spl. Officer,
Town Planning Section, H.O.
GHMC, Tankbund, Hyderabad.

Lr. No. 0514/CSC/TP1/2008 Date. 25.11.2008.

To
Sri Sai Builders & Modi Ventures,
Sy. No. 93, 94 & 95,
Mallapur, Kapra, Hyderabad,

Sir/Madam,

Sub: GHMC – Town Planning Section – HO – Proposals for the Construction of additional blocks i.e. Block-F = Stilt + 5 upper floors, Block-G = Cellar, Stilt + 5 upper floors, (40+115=155 flats) for residetnail flats in Sy. No. 93, 94 & 95, situated at Mallapur Village, Kapra, Hyderabad *[in the premies already permitted & constructed A to E (i.e. 350 flats) blocks in an extent of 14599.62 sq. mts.]* - Fees Intimation – Regarding.

Ref:
1. Your building application dt: 26.04.2008.
2. T. O. Lr. No. 0514/CSC/TP1/2008, dt: 26.04.2008.
3. Minutes of the Building Committee held on 04.10.2008.

***

With reference to the subjected cited, it is to inform that the proposals submitted by you, for the Construction of additional blocks i.e. Block-F = Stilt + 5 upper floors, Block-G = Cellar, Stilt + 5 upper floors, (40+115=155 flats) for residetnail flats in Sy. No. 93, 94 & 95, situated at Mallapur Village, Kapra, Hyderabad *[in the premies already permitted & constructed A to E (i.e. 350 flats) blocks in an extent of 14599.62 sq. mts.]* have been examined and **you are requested to remit the following fee and charges within (10) days.**

1. Building Permit fee (Difference)	:	Rs:	2,88,125=00
2. VLT Charges	:	Rs:	1,04,050=00
3. Debris, Tree grounds, RWHC, EDF, Drainage Charges	:	Rs:	6,27,800=00
4. Development Charges	:	Rs:	19,25,800=00
5. Layout Regulation Scheme Charges	:	Rs:	25,54,430=00
Total	:	Rs:	55,00,205=00

(Rupees: Fifty five lakhs two hundred and five only.)

P.T.O.

10

Further, you are also requested to comply the following conditions.

1 To surrender land admg. 229.02 sq. mts., affected under the propsed 100'-0' wide road towards north-east corner free of cost to GHMC along with plans, photographs & undertakings.
2 --/-- No. of trees to be planted in the site area.
3 ( ) Rainwater Harvesting Structures to be constructed.
4 To follow condition stipulated in GO. Ms No. 86, MA, dt: 03.03.2006, in over all and clause 20, i.e. notarized affidavit, handing over to GHMC, the Ground / First or Second Floor before releasing the permission.
5 To comply the requirement prescribed under 7.2 (i), (iii), (iv), (v) and (vii) of GO. Ms. No. 86 MA, dt: 03.03.2006.
6 On submission of Water Feasibility Certificate from HMWS & SB.
7 On submission of undertakings as per GO Ms No. 541, MA, dt: 15.11.2000.
8 On submission of contractors All Risk Policy for a period of (3) years.
9 To submit Builder license.

Further action for release of approvals will be taken after receipt of the above, if the fee and charges and undertakings are not submitted within the stipulated time, your application will be returned / refused with out any further intimation.

Yours faithfully,

for **Commissioner & Special Officer,**
Greater Hyderabad Municipal Corporation.

29/11/08

MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.
✆ : 66335551 (4 Lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

To,
The Commissioner & Special officer,
Town Planning Section, H.O.
GHMC, Tankbund,
Hyderabad.

Date: 30.12.2008

Sub.: GHMC – Town Planning Section – HO – Proposals for the construction of Additional blocks i.e., Block f = Stilt + 5 upper floors, Block G = Cellar, stilt + 5 upper floors, (40+115= 155) for residential flats in Sy. No. 93, 94 & 95 situated at Mallapur Village, Kapra, Hyderabad (in the premises already permitted & constructed A to E (i.e., 350 flats) blocks in an extent of 14599.62 sq. mts) – Fees intimation – Regarding.

Ref.: Your letter no. 514/CSC/TP1/2008 dated 25.11.2008.

In your letter dated 25.11.2008 referred above, you have levied layout regulation scheme charges of Rs. 25,54,430/- Upon enquiry we have learnt that these charges have been levied as per terms of G.O. No. 902, 113 MA & 301 dated 31.12.07, 13.1.2008 & 11.4.2008, which were issued by MA&UD Department for regularization of illegal layouts.

Please note that we have applied for building permission to construct 155 flats on vacant land which is zoned for residential use. On the said land we have already constructed 350 flats as per sanction obtained from HUDA. The construction of the 5 blocks is exactly as per sanction without any deviations.

The said orders apply to unapproved illegal layouts where land has been divided into several plots and sold to intending purchasers. In our case we have not made any plots or sold it to any intending purchasers and the said orders does not apply to us.

We request you to please delete the layout regulation scheme charges of Rs. 25,54,430/- and issue a fresh letter for payment of fees and charges.

Thank You.

Yours sincerely,
For MODI VENTURES

Soham Modi
Partner.

Commissioner & Special Officer * Greater Hyderabad Municipal Corporation
09 JAN 2009

- 12 - P-3

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the, Chief City Planner,
(Town Planning Section, H.O.)
GHMC, Tankbund, Hyd.

Lr. No. 514/CSC/TP1/2008 / 217

Date. 17.01.2009
24/01/09

To
M/s. Sri Sai Builders & Modiventure,
Pr. No. 5-4-187/3 & 4,
IInd Sohan Mension,
M. G. Road, Sec'bad-003.

Sir,

Sub : GHMC – TPS – H.O. – Proposed Construction of Stilt + 5 upper floors for Residential in Sy. No. 93, 94 & 95, Mallapur, Kapra – Non Payment of BPE – Regarding.

Ref: 1. Your Building Application dt: 26.04.2008.
2. This Office Lr. No. 514/CSC/TP1/2008-3600, dt: 12.12.2008.

***

With reference to this office letter 2nd cited, you are requested to pay for Rs. 55,00,205/- (Rupees fifty five lakhs two hundred and five only) towards the fee / charges to accord building permission for proposed construction of Stilt + 5 upper floors for residential purpose in Sy. No. 93, 94 & 95, Mallapur, Kapra and also requested to comply other requirements as mentioned.

But so far you have not paid the above fee / charges and also not complied the other requirements as sought and communicated vide reference 2nd cited.

Hence, you are once again directed to pay for Rs. 55,00,205/- (Rupees fifty five lakhs two hundred and five only) towards the fees / charges and also comply the other requirements as mentioned within (7) days failing which deemed to be file closed without further any correspondence.

Yours faithfully,

for CHIEF CITY PLANNER,
GHMC.

17/1/09

24/2/09

-13- P4

Rs 10/.- (Rs .Ten Only)

MUNICIPAL CORPORATION OF HYDERABAD

BUILDING APPLICATION FORM

Name of circle /division :

No: 13140

Dated: .....

Form of notice under section 428 and 433 of the Hyderabad municipal corporation act, 1955 (Act II of 1956)to erect a building or execution of any work.

From

Name of the owner sri/smt. SRI SAI BUILDERS AND MODI VENTURES

Lessee of the site /plot/building 5-4-187/3&4, II Floor Sohan Mansion, M.G. Road, Secunderabad-500 003.

To,

The commissioner,
Municipal corporation of Hyderabad
Hyderabad – A P.

Sir,

I/we Sri Sai Builders and Modi Ventures (Name / Names in full) Owner / lessee of the Land/ building the particulars of which are given below here by give you notice that I / we intend to erect /Re-erect / Add to alter to /Alter executive, Building work (s) in accordance with provisions of Hyderabad Municipal corporation Act 1955 printed overleaf and the rules and bye –laws made their under, according to plans submitted herewith .

Details pertaining the Land / Building :

Location

a) Plot no : –
b) Sectioned layout no :
c) Survey no : 93(P), 94(P) and 95(P)
d) Premises no : –
e) Street /road : Shakti Sai Nagar
f) Locality (ward & block no) : Mallapur village, Uppal Mandal, R.R. Dist.
g) Circle /division : Kapra circle

The purpose for which it is intended to be used :

I/we intended to use the building for :- residence /office /godown / restaurant /hotel / dhramshala / school / theatre / shop/ factory stable / garage etc.

The road /street / lane on which the site , about is public /private property and has been formed / graved metalled /asphalt /cement concrete and is connected /not connected to open drains /underground sewer .

The constructed of the building supervised by :

Name of the licensed supervisor /architect engineer, M. Dattatreya Rao, O. BALA VENKATESWARLU B. ARCH ARCHITECT CA/92/16409 Address

M. DATTATREYA RAO STRUCTURAL ENGINEER M.C.H. L. No: 134.

KULKARNI CONSULTANTS Structural Engineers Project Consultants & Architects 216, Kubera Towers, Narayanguda, Hyderabad-500 029. Ph: 23223891

Licenced or registered

I /we, attach the following plans in quadruplicate:-

a) Blue print/ammonia process print plan of the land /on which the building is to be constructed/ Reconstructed /altered or added to (complying with the requirement in annexure 'I' to the rules)
b) Blue print /ammonia process print plan of the building /buildings (complying with the requirements In annexure 'II' to the rules)
c) Blue print /ammonia process print of the specif cation of the work (complying with the requirements In annexure 'III' to the rules) and
d) Blue print /ammonia process print of the intended line of the drainage (complying with the requirements In annexure 'IV to the rules).

14

The plan has been prepared by name of the licensed surveyor/ supervisor architect /engineer.

Address: O. BALA VENKATESWARLU B. Arch. ARCH. M. DATTATREYA RAO STRUCTURAL ENGINEER M.C.H. L. No: 134.

Licence or registered no: CA/92/15409

CERTIFICATE

I /We declare that I am /we are the absolute owner/owners /lessee of the land on which I/we intended to erect the building and am/are enclosing copies of relevant document of ownership /lease Certified by a magistrate /notary public/a gazetted officer authorized by the commissioner in the behalf.

I/we have gone through the building regulation continued in the Hyderabad municipal corporation Act 1955 printed overleaf and the rules and bye –laws made there under and have satisfied by my self / Ourselves the site and building plans are in accordance with provisions contained therein.

Yours faithfully

For MODI VENTURES

Partner

Signature of the owner /owners'

Lessee or authorized agent /agents

MODI VENTURES
Rep by the Managing partner

Son of : Shri. SOHAM MODI

Wife of : S/o. Shri. SATISH MODI

Daughter of :

Full postal address : 5-4-187/3&4, II Floor Soham Mansion, M.G.R. Secunderabad - 500003

ANNEXURE 'A'

Municipal Press

Form of Declaration - cum - Undertaking to be furnished while seeking Permission for construction of Building

I Sri / Smt. / Kum. SRI SAI BUILDERS AND MODI VENTURES

have applied for permission to construct a Building (with / without & dwelling unit) with a plinth area of 6215.86 / 7431.41 Sq. Mts. /sq.yds. S.No./ ~~Municipal No.~~ 93(P), 94(P) and 95(P)

at Mallapur (village or Locality) in Kapra circle

Urban Agglomeration : I am aware of the provisions 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 (a) of section of the said Act even after the construction of the proposed building 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 the excess vacant land if 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

For MODI VENTURES

Partner

Place : **Hyderabad**

Signature of the Applicant

Dated:

Signed before me

Signature of the Gazetted Officer
With Seal

CH. YADAIAH B.Com.,LL.B
Addl. Standing Counsel for Central Govt.
Subordinate Courts
Hyderabad / Secunderabad

No.

Dated :

In compliance to the Government Memorandum No. 1946-k2/76-1 dated 14-4-1976 the above declaration as in Annexure 'A' along with copy of the sanctioned plan is forwarded for Information

Commissioner

-16- P5

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,
Town Planning Section, (HO), GHMC,
Tank Bund Road, Hyderabad.

Lr. No.0514/CSC/TP 1/2008. Dated : 26-4-2008.

To,
Sri / Smt. Srisai Builders & Modi ventures
Hno.5-4-187/3&4 IInd Floor
Soham Mansion. M.G.Road
Secunderabad
Pin 500003
Phone No. 66335551

Sir / Madam,

Sub :- GHMC – T.P. Section – H.O. – Proposed Construction of Group housing scheme in Sno. 93,94,&95 Mallapur (V) Kapra circle

Ref :- Your Building Application dated: _____

* * *

With reference to your Building Application Cited, it is to inform that the plans submitted by you are under examination. Hence, you are directed not to proceed with any type of Construction at site till you obtain permission from GHMC, if any construction is made, it will be treated as un-authorised construction and action will be initiated as per rules.

Yours faithfully,

26/4/08

for Chief City Planner,
GHMC.

Received by:

(Signature)

Name & Address: M. Malla Reddy
Modi properties
Hno.-5-4-187/3&4 IInd Floor
Soham Mansion M.G.Road
Sec-bad. 500003
66335551

- 17 -

హైదరాబాద్ మహానగర పాలక సంస్థ
GREATER HYDERABAD MUNICIPAL CORPORATION
HYDERABAD
పౌరసేవా కేంద్రము
CITIZENS' SERVICE CENTER CALL CENTRE 1100 Website : www.ghmc.gov.in

Receipt No. రసీదు నెం.	01/	Counter	01
Date తేది	26-APR-08	Shift / Center Code	MCH HEAD OFFICE

Payee Details చెల్లింపుదారు వివరాలు
Name & Address పేరు & చిరునామా
SRI SAI BUILDERS & MODI VENTUR
Plot No./ 5-4-187/3&4

Reference No./File No.
0000514/CSC/TP1/2008

Purpose of Payment చెల్లింపు కారణం
BUILDING PERMIT FEES, MORE THAN 300 SQ.MTS & GROUP HOUSIN(TOWARDS TOWN PLANNING-RESIDENTIAL

PAY MODE		Chq/D.D. Chln Date	Bank Name	Branch Name	Amount Rs. Ps.
DD	140246	25-APR-08	HDFC BANK LTD	S.D ROAD(SEC)	12650
				Total Amount Paid	12650

Amt. in Words Rs.:
Twelve Thousand Six Hundred Fifty Only

Signature 26/4/08

-18 Pb

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

M.A&U.D (M) Dept – A.P. Regulation of Unapproved and Illegal Layout Rules 2007 - Certain amendments - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G. O. Ms. No. 113 Dated: 31 - 01-2008.
Read the following

G.O.Ms.No.902 M.A. & U.D. Dept Dated 31-12-2007

<><><>

ORDER:

Whereas the Government in order to bring all the unplanned areas into the fold of planned development, has issued the Rules in G.O. read above for Regulation of Un approved and Illegal Layouts.

2. And whereas, while the said rules were under implementation, several representations have been received by the Government from various quarters including NGOs, Mayors and Chairpersons of Municipal Corporations and Municipalities, Plot owners / Resident Welfare associations requesting reduction of penalisation charges, payment of penalization charges in installments and extension of time for submission of applications etc.

3. And whereas, Government after careful consideration of the matter, have decided to issue amendments to the A.P.Regulation of Un approved and Illegal Layouts Rules, 2007.

4. Now, therefore in exercise of powers conferred under Section 58 of the AP Urban Areas (Development) Act, 1975, Section 585 of the HMC Act, 1975, Section 44 (2) (v) of the AP Town Planning Act, 1920, and Section 326 (1) of the AP Municipalities Act, 1965, the Government hereby issue the following Amendments to the A.P.Regulation of Un approved and Illegal Layouts Rules, 2007 issued vide G.O. read above.

AMENDMENTS

1. In Rule 6, for the words, "60 days" the following shall be substituted namely: ***"90 days"***

2. Rule 8 (i) (a) shall be substituted with the following, namely::

" Basic penalization charges on pro-rata basis, which are inclusive of betterment charges, development charges and layout scrutiny charges, penalty and other charges, at the following rates.:

TABLE I
BASIC PENALISATION CHARGES

Plot Area in Sq,mts	Basic Pro-rata Penalisation Charges in Rs per Sq.mt
Less than 100	200
101 to 300	300
301 to 500	400
Above 500	500

The actual penalization charges will be the percentage of basic penalization charges as mentioned above and shall be calculated based on the land value prevailing as on 1.1.2008 as given below:

TABLE- II
PENALISATION CHARGES WITH REFERENCE TO LAND VALUE

Market Value of the land as on 01-01-08 (sub-registrar value) in Rs per sq.yard	Penalisation Charges (% of basic penalization charges)
Above 25000	100% of Basic Penalisation Charges
20001 to 25000	90% -do-
15001 to 20000	80% -do-
10001 to 15000	70% -do-
8001 to 10000	60% -do-
5001 to 8000	50% -do-
3001 to 5000	45% -do-
2001 to 3000	40% -do-
1001 to 2000	35% -do-
501 to 1000	30% -do-
Upto 500	25% -do-

3. The Rule 8 (ii) shall be substituted with the following;
"The above charges may be remitted in full at the time of submission of application form or 50 % of the said amount shall be paid along with the application form and balance 50% shall be paid within 6 months from the date of submission of application"

4. The Rule 10(b) shall be substituted with the following;
"10% openspace contribution charges to be insisted or reserve equivalent land within their site by readjusting the plots. Where such openspace is not provided in such unapproved layout sites, pro-rata openspace charges shall be paid as given below:

   (i) in case of existing buildings in unapproved layouts the openspace charges shall be collected based on the land value prevailing as on the date of registration of such plot.

   (ii) in case of open plots, option is given to the plot owner to pay the same at the time of regulation of plot as per the market value prevailing as on 1.1.2008 OR at the time of applying for building permission as per the rate prevailing as on the date of application for building permission.

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

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner and Director, Printing , Stationery and Stores Purchase A.P. Hyderabad (in duplicate, with a request to publish the G.O. in the Extraordinary Gazette of A.P. dated 31-01-08, and furnish 1000 copies to Government)
The Director of Town and Country Planning, A.P. Hyderabad.
The Commissioner and Director of Municipal Administration, A.P. Hyderabad.
The Commissioners of all Municipal Corporations/ Municipalities in the State, through CDMA.
The Vice chairman of all Urban Development Authorities in the State
All Departments of Secretariat
All Heads of Department.
The Director General Fire Services.
The Chairperson, AP Transco.
The Managing Director, H.M.W.S&S.B, Hyderabad.
The Engineer in Chief (Public Health) Hyderabad.
The Commissioner & Inspector General of Registration & Stamps.
The Managing Director, AP Housing Board.
The District Collectors of all Districts.

20

Copy to:
The Special Secretary to Chief Minister.
The P.S. to Minister(M.A).
The P.S. to Principal Secretary to Government (MA&UD Dept)
The P.S. to Secretary to Government (M.A&U.D. Dept)
S.F/S.C.

//FORWRDED BY ORDER//

SECTION OFFICER

-21-

10. G.O.Ms. No.902 Dated: 31-12-2007 as amended vide G.O.Ms. No.113 Dated: 31-1-2008

P7

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

21

M.A& U.D(M)Dept - A.P.Regulation of Unapproved and Illegal Layout Rules 2007- Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms. No.902 Dated : 31 - 12-2007.

* * *

ORDER:

The Government of Andhra Pradesh with a view to promoting planned development of urban areas in the State are encouraging development through approved layouts and development of integrated townships through both public and private initiative. However, Government has observed that there are many unapproved and illegal layouts which are not only in violation of the Statutory Development Plan/Master Plan and Layout Rules but also deficient in layout norms and development standards and lacking in basic civic infrastructure facilities like proper roads, street lights and drainage. On account of the above, frequent complaints are being received from the public. Such substandard and unapproved sub-divisions of land into building plots is not only defeating the very objective of planned development but also affecting the planned extension of services and amenities by the local bodies. Government have in the past brought out a scheme of regularization of such unapproved layouts but they met with limited success since it was a voluntary scheme with onus on plot owners to come forward for regularization and there were no deterrent provisions against the owners who did not come forward for regularization. Therefore in order to bring all these unplanned areas into the fold of planned development and to provide basic facilities in these areas so as to promote an overall and integrated area and city level development and a better quality of life for the citizens, Government hereby issue the Rules for Regulation of Unapproved and Illegal Layouts.

2. Accordingly, the following notification shall be published in the Extraordinary Gazette of Andhra Pradesh dated: 31-12-2007

NOTIFICATION

In exercise of powers vested in Section 58 of the AP Urban Areas (Development) Act, 1975 , Section 585 of the HMC Act, 1955, Section 44 (2) (v) of the AP Town Planning Act, 1920, and Section 326 (1) of the AP Municipalities Act, 1965, the Governmentof Andhra Pradesh hereby issue the following Rules, viz.:

1. These Rules may be called "The Andhra Pradesh Regulation of unapproved and illegal layout Rules, 2007" and they shall come into force from the date of publication in A.P Gazette.
2. Applicability:
   - (i) These Rules shall be applicable to all Urban Development Authorities, Municipal Corporations, Municipalities and Gram Panchayats falling in the Master Plan limits in the State of Andhra Pradesh.
   - (ii) These Rules and conditions herein shall be applicable to all existing unapproved sub-division of plots, existing unapproved layouts or ventures promoted by land owners/ private developers/ firms/ companies/ property developers/Societies where the plots have been sold by registered sale deed before the date of notification of these rules.
   - (iii) These Rules are only intended for regulating the unplanned development and shall be applicable to all unapproved layout areas which have clearance from the competent authorities under the Urban Land Ceiling and Regulation Act 1976, AP Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 wherever required and which have not been entered in the Prohibitory Register of lands maintained by the Revenue Department. The Regulation measure would not absolve the plots or layout from the application of Land ceiling Laws, land disputes or claims over title, boundary disputes, etc. in respect of assigned lands, prior clearance from the District Collector shall be obtained.
   - (iv) In the event of only some plot holders coming forward for regulation in an unapproved layout, the layout pattern as approved by the competent authority shall be applicable to the entire layout area. The local authority shall be responsible for enforcing such approved layout pattern.

3. Definitions:

(i) "unapproved/illegal layout" means sub-division of land into plots with or without developed roads, open spaces and amenities and without the approval of the competent authority.

(ii) "Competent Authority" means

a) the Vice Chairman of the Urban Development Authority in case of areas falling in UDA area;

b) The Commissioner of Municipal Corporation in case of areas falling in Municipal Corporations and not covered by Urban Development Authorities;

c) Municipal Commissioner in case of Municipalities and Nagar Panchayats not within the jurisdiction of Urban Development Authorities.

d) The Gram Panchayats in respect of Gram Panchayat areas covered by Master Plan and falling outside Municipal limits and UDA areas.

(iii) "Minimum standards of layout development" means the standards of facilities and amenities as prescribed by the competent authority in approving such unapproved layouts

(iv) "Minimum standards of layout norms" means the standards of layout norms and pattern as prescribed by the competent authority in approving such unapproved layouts

(v) "Plot holder" means a person on whose name the plot is registered with a registered sale deed prior to the notification of these rules

Terms and expressions which are not defined in these Rules shall have the same meaning as in the respective Rules / Regulations / Bye-laws of the respective local authorities and as defined in the National Building Code or relevant Acts as the case may be, unless the context otherwise requires.

4.Cut-off date for considering regulation of unapproved layouts:

Only those unapproved layouts and sub-division of plots with registered sale deed/title deed existing prior to the date of notification of these rules, shall be considered for regulation under these rules. As proof and evidence, the plot holder/Land owner/ Association/ Society/Colony developer is required to furnish copies of the sale deed/title deed. Agreement of sale or General Power of Attorney shall not be considered as evidence.

5. RESTRICTIONS ON APPROVAL IN VICINITY OF CERTAIN AREAS:

(a) No layout/development activity shall be allowed in the bed of water bodies like river, or nala, and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta and in shikam lands.

(b) The above water bodies and courses shall be maintained as recreational/Green buffer zone, and no layout development activity other than recreational use shall be carried out within:

(i) 30 m from the boundary of river course/ Lakes of area of 10 Ha and above;

(ii) 9 m from the boundary of lakes of area less than 10 Ha/ kuntas/shikam lands;

(iii) 9 m from the boundaries of Canal, Vagu, etc.

(iv) 2 m from the defined boundary of Nala

(c) Unless and otherwise stated, the area and the Full Tank Level (FTL) of a lake/kunta shall be reckoned as per the master Plan/Revenue Records/Irrigation records.

(d) Unless and otherwise specified in the Master Plan/Zonal Development Plan.

(i) In case of (b) (i) above, in addition to development of recreational/green belt along the foreshores, a ring road or promenade of minimum 12m width may be developed, wherever feasible.

(ii) The above greenery/landscaping and development shall conform to the guidelines and provisions of the National Building Code of India,2005.

(e) For layout development activity within the restricted zone near the airport or within 500 m distance from the boundary of Defence areas/ Military establishments, necessary clearance from the concerned Airport Authority/ Defence Authority shall be obtained.

(f) In case of sites in the vicinity of oil/gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.

(g) For areas covered under GOMs 111 M.A & U.D Dept., dated 8-3-1996 (protection of Catchment area of Osmansagar and Himayatsagar lakes), apart from the provisions of statutory Master Plan of HUDA/ HADA, the restrictions on layout and development activity imposed in the said Government orders would be applicable.

(h) No approval shall be considered in sites which are earmarked for Industrial Use Zone/Recreational Use Zone/Water Body in notified Master Plans/Zonal Development Plans.

(i) Open Spaces earmarked in any approved layout shall not be considered for regulation under these Rules.

6. Compulsory Application for Regulation

It shall be compulsory for all plot owners in unapproved layouts to file an application in the prescribed format for regulation of the plot/layout before the Competent Authority to apply for regulation for plots having registered sale deed executed prior to date of notification of these rules within *90 days* from the date of notification of these rules duly enclosing the following documents:

I. Copy of registered sale deed/title deed executed prior to the date of notification of these rules duly attested by a gazetted officer.

II. Location Plan

III. Detailed Layout Plan drawn to scale showing plotted area, open area, area under roads and the plot/ plots applied for regulation.

IV (a) Urban land Ceiling Clearance Certificate in case the extent of land exceeds the ceiling limit or

(b) An affidavit in case the extent of land is less than the ceiling limit or

(c) ULC Regularisation order from Government issued under GOMs 455 and 456 Revenue dt. 29-7-2002

V. Indemnity Bond in the format prescribed

VI. NOC from Defense Authority/Airport Authority of India (wherever applicable)

VII. Any other document as required by the Competent authority Application for regulation of unapproved layout and subdivision of plots can also be made by a society/association/colony developer representing the plot owners in unapproved layout. in such cases the said association/colony developer representing the plot owners in unapproved layout, shall be wholly and severally responsible for undertaking the deficiencies in such unapproved layouts, undertaking to comply with the conditions and pay the requisite fees and charges as prescribed in these rules to the competent authority. The society/association/colony developer representing the plot owners in unapproved layout shall select any of the three members among themselves called "Resource persons" who would be responsible for all dealings on behalf of the society/association/colony developer representing the plot owners in an unapproved layout.

7. In cases where an application is received in a site that is contrary to the land use stipulated in the statutory plan, the competent authority shall have the power of approving the case except those specified in Rule 5 above by levying the necessary conversion charges.

8. Payment of Penalisation charges

(i) The applicant shall pay the fees and charges as detailed below:

a. Basic penalization charges on pro-rata basis, which are inclusive of betterment charges, development charges and layout scrutiny charges, penalty and other charges, at the following rates.:

TABLE-I
BASIC PENALISATION CHARGES

Plot Area in Sq.mts.	Basic Pro-rata Penalisation Charges in Rs per Sq.mts.
Less than 100	200
101 to 300	300
301 to 500	400
Above 500	500

The actual penalization charges will be the percentage of basic penalization charges as mentioned above and shall be calculated based on the land value prevailing as on 1.1.2008 as given below:

TABLE- II
PENALISATION CHARGES WITH REFERENCE TO LAND VALUE

Market Value of the land as on 01-01-08 (sub-registrar value) in Rs per sq.yard	Penalisation Charges (% of basic penalization charges)	
Above 25000	100% of Basic Penalisation Charges	
20001 to 25000	90%	-do-
15001 to 20000	80%	-do-
10001 to 15000	70%	-do-
8001 to 10000	60%	-do-
5001 to 8000	50%	-do-
3001 to 5000	45%	-do-
2001 to 3000	40%	-do-
1001 to 2000	35%	-do-
501 to 1000	30%	-do-
Upto 500	25%	-do-

b) Pro-rata open space charges as prescribed in Rule 10 (b) of the Rules.

c) Conversion charges as prescribed in Rule 7 of the Rules.

(ii) The above charges may be remitted in full at the time of submission of application form or 50 % of the said amount shall be paid along with the application form and balance 50% shall be paid within 6 months from the date of submission of application

9. Scrutiny by the Competent Authority:

(i) After receipt of an application for regulation of layout in Annexure-I with necessary documents and plans, the Competent Authority in respect of areas falling in the limits of Urban Development Authority shall scrutinize application as per these Rules, carry out necessary inspections and in case the application is found in accordance with these Rules and after the owner hands over the open spaces if any to the concerned Municipality/Municpal Corporation/local body, the Competent Authority communicate it's approval to the applicant as early as possible but not beyond six months from the last date of receipt of Applications fixed.

(ii) In case of applications which are found to be not in accordance with these Rules, orders shall be issued rejecting such applications as early as possible but not beyond six months from the last date of receipt of Applications fixed.

(iii) In case of Municipalities/Municipal Corporations falling outside UDA area, or in case of Gram Panchayats covered in Master Plan limits of non-UDA areas, the Competent Authority after scrutiny with respect to Master Plan and as per these Rules and after carrying out necessary site inspection shall submit remarks to the Director of Town and Country Planning for technical approval or the official authorized by the Director of Town & Country Planning in this behalf. After receipt of technical approval, the Competent Authority shall communicate it's approval or rejection to the applicant as early as possible but not beyond six months from the last date fixed for receipt of Applications.

(iv) In case of application for individual plot which is not affected by any Change of Land Use or Master Plan roads, such cases may be processed and disposed at level of Competent Authority only.

(v) The Competent Authority may engage the services of licensed technical personnel, namely architects and graduate engineers, for scrutiny of the applications and for field inspections. Mere receipt of application or any delay in communication of final orders in the matter will not imply the approval of the application.

25

10.Norms to be insisted for regulation of unapproved layouts:

The Competent authority shall ensure the following minimum norms of layout for such layouts:

a) The road width shall be minimum 9 m. In case of weaker section layouts or plots less than 100 sq m, the road width may be 6 m.

(b) *10 % Open space contribution charges to be insisted or reserve equivalent land within their site by readjusting the plots. Where such open space is not provided in such unapproved layout sites, pro-rata open space charges shall be paid as given below.*

(a) In case of existing buildings in unapproved layouts the openspace charges shall be paid based on the land value prevailing as on the date of registration of such plot.

(b) In case of open plots, option is given to the plot owner to pay the same at the time of regulation of plot s per the market value prevailing as on1.1.2008 OR at the time of applying for building permision as per the rate prevailing as on the date of application for building construction.

(c) Shall ensure overall connectivity and integration with surrounding infrastructure and road pattern

(d) Where an unapproved layout site is affected in the Statutory Master Plan road network, the competent authority shall retain the alignment in the said layout and if not feasible, he is authorized to suitably modify the alignment within the layout site but in no case the alignment is to be dropped.

(e) The layout pattern as far as possible shall be retained ipso facto and only in exceptional cases like need for connectivity, integration with surrounding network, etc. modifications may be considered by the Competent authority.

(f) Private water bodies if any shall be preserved in the layout. Such water bodies may be considered as part of open spaces as required under (b) above, subject to taking up protection and improvement of foreshores of such water bodies

11.Minimum Standards of layout facilities and development to be undertaken:

a) All roads to be developed and black-topped

b) Drainage works including rain water harvesting facilities

c) Water supply and sewerage facilities

d) Street Lighting

e) Fencing of open spaces

12. Individual plot regulation:

Where an individual comes forward for regulation of a single plot, the Competent authority may consider the same subject to the condition in Rule 2 (iv) and Rule 5 to 8 regarding payment of fees, penalty and charges including the open space charge and betterment charges payable on pro rata basis.

13. Failure to come forward for regulation of unapproved layouts/plots:

Where an application is not filed for regulation of unapproved layout/plot, the following consequences have to be faced by the plot owners:

(a) Such unapproved layouts/plots would be treated as continuing offence and exemplary penalty as per law would be levied.

(b) No regular water supply connections and services like drainage and sewerage would be extended.

(c) Such unapproved layouts shall be recorded in the Prohibitory Register of the Registration Department and no sale /disposal or transactions shall be allowed in such sites.

(d) No building approvals shall be considered by the building sanctioning authority in such unapproved layouts/plots

(e) Other enforcement action including demolition of the building if any on such plot/plots shall be initiated.

14.Amount levied kept in separate account:

The amount collected by the Competent Authority under these Rules shall be kept and maintained under the control of the Competent authority in a separate escrow account and utilized only for improvement of amenities in the area.

The competent authority shall review the development works undertaken by the UDA/ local authority relating to such

unapproved layouts on a quarterly basis and shall have the power to issue necessary instructions and directions in this regard.

15.Appeal:

(1) Any applicant aggrieved by an order passed by the Competent Authority under Rule 9, may prefer an appeal to the Appellate Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in Rule 6 of these rules.

(2) All the appeals shall be disposed off within six months.

16.The Government may issue guidelines to operationalise these Rules as deemed fit.

17.All existing Rules, Regulations, Bye laws and orders that are in conflict or inconsistent with these rules shall stand modified to the extent of the provisions of these rules.

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

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

The Commissioner and Director, Printing , Stationery and Stores Purchase A.P. Hyderabad (in duplicate, with a request to publish the Notification in the Extraordinary Gazette of A.P. dated 31-12-2007, and furnish 1000 copies to Government)
The Director of Town and Country Planning, A.P. Hyderanbad.
The Commissioner and Director of Municipal Administration, A.P.Hyderabd.
The Commissioners of all Municipal Corporations/ Municipalities in the State, through CDMA.
The Vice chairman of all Urban Development Authorities in the State
All Departments of Secretariat
All Heads of Department.
The Director General Fire Services.
The Chairperson, AP Transco.
The Managing Director, H.M.W.S&S.B, Hyderabad.
The Engineer in Chief (Public Health) Hyderabad.
The Commissioner & Inspector General of Registration & Stamps.
The Managing Director, AP Housing Board.
The District Collectors of all Districts.

Copy to:
The Special Secretary to Chief Minister.
The P.S. to Minister(M.A).
The P.S. to Principal Secretary to Government (MA&UD Dept)
The P.S.to Secretary to Government (M.A&U.D.Dept)

S.F/S.C.

27 - 1 P-8

PROCEEDINGS OF THE MUNICIPAL COMMISSIONER, KAPRA MUNICIPALITY, R.R.DIST.

Present: Smt. Ramadevi Narayana Reddy, B.Tech

Proc.No.BA/G2/150/2005-06 **Date: 29-09-2005**

Sub:- KAPRA MUNICIPALITY - Town Planning Section – Building Permission for the construction of Group Housing Scheme Apartment in Sy. No 93(P),94(P) and 95(P), of Mallapur(v) – Proceedings - Issued - Regarding.

Ref:- HUDA Technical Approval vide Lr.No. 1481/P4/Plg/HUDA/2005, dt.22/08/2005 of the Vice-Chairman, HUDA addressed to this office.

* * * * * *

ORDER:

Sanction is hereby accorded for the construction of Stilt + 5 Upper Floors construction of Group Housing Scheme Apartment upto 1st slab level as per the plans enclosed under the provisions of Andhra Pradesh Municipalities Act, 1965 and Andhra Pradesh Urban Areas (Development) Act, 1975, subject to the conditions as mentioned below.

This permission is sanctioned and released in confirmative with the plans technically approved by the Vice-Chairman, HUDA vide Lr.No. 1481/P4/Plg/HUDA/2005, dt.22/08/2005 for Stilt + 5 Upper floors of Group Housing Scheme Apartment

1. The applicant should submit compliance report to HUDA and municipality soon after completion of first roof slab and then all the roofs are laid so as to enable to permit, the applicant to proceed further by inspection of site by the concerned officials.
2. This permission does not bar the application of the provisions of Urban land Ceiling & Regulation Act 1976.
3. This permission is valid for a period of (3) years from the date of issue of these proceedings if the work is commenced within the one year from the date of issue.
4. The water supply, drainage and sewerage disposal system to be provided/ facilitated to the proposed building should be at the satisfaction of Municipality and shall ensure the following.

   i. The location of water supply source and sewerage disposal source are located at appropriate distance within the site preferably at 100 feet distance so as to avoid contamination.

   (ii) The depth of the bore and size shall be limited to the minimum depth and size of existing nearby bore well. Water shall be disinfected by adding hypo-solution to maintain 0.3 to 0.4 p.m. of residual chlorine in the sump/over head tank.

   (iii) Where main municipal drains exist in vicinity of site, insist on connecting the treated sewerage to main existing drain by laying a sewer pipe of diameter ranging from 200mm to 300mm.

   (iv) In case where such municipal drain exists, insist on connecting the treated sewerage over flow to a natural drain or nala with a sewer pipe of diameter 150 mm.

(v) Before allowing the over flow mentioned in (iii) &. (iv) Above, ensure the sewerage of the proposed building is invariable let into a common septic tank constructed on as per ISI standards and specifications (ISI) Code NO.2470 of 1985 (Annexure - 1) and constructed with a fixed contact bed, duly covered and ventilated for primary treatment, no effluent/drainage over flows on the road of public place.

(vi) To prevent chokage of sewers/drains the last inspection chamber within the site/premises shall be provided with safety pads/gates.

(vii) The party should clean the septic tank periodically by themselves, and cart away the sludge, etc., to an un-objectionable place.

(viii) All the above will be supervised and inspected by the municipal officials concerned for compliance during the construction stage.

(ix) Since eventually the public sewerage and water supply system are expected to be systematically added/extended by the Hyderabad Metropolitan Water Supply & Sewerage Board to the out laying areas of Hyderabad, the proposed building owners shall pay proportionate pro-rate charges to Hyderabad Metropolitan Water Supply & Sewerage Board for the above facilities as and when demanded by the Hyderabad Metropolitan Water Supply & Sewerage Board.

5. The applicant should obey the conditions and pay the pro-rate charges, which may be imposed, for regularization of the layout in terms of G.O.M.S. No.367 M.A, dated 12-7-1988.

6. The party has to construct the building/complex strictly as per the plans technically approved by HUDA and sanctioned by municipality. No deviations, misuse or violations of set backs, common parking floor/stilt floor parking/violations and other balcony projections will not be allowed.

7. The Builder/Developer should commence the work after submission of Clearance Certificate from Director General, A.P., and Fire Service Department.

8. The applicant should follow all fire safety requirements in accordance with the "National Building code 1983".

9. The applicant should plant sufficient no. of trees and maintains them in the periphery of the site and along the abutting roads, as avenue plantation to the extent of the site at a distance of 4.0m. between each tree.

10. The builder shall obtain fit for Occupancy Certificate from the Kapra Municipality, only after:-

    (i) The proposed building is completed in accordance with the technically approved building plans and sanctioned by the municipality.

    (ii) After complying all the conditions from Sl. No. (6) to (10) as stated above.

    (iii) After complying the conditions with regard to water supply and sewerage disposal systems as mentioned in condition no. 5(i) to

(iv) After issuing "fit-for occupancy certificate" by the municipality as required under G.O.Ms. No. 248 M.A, dated 23-05-1996.

11. The builder/developer should display a board at a prominent place at the site, which shall show the plan and specify the conditions mentioned in this proceedings, so as to facilitate the public in the matter.
12. The applicant is responsible for structural safety and the safety requirement in accordance with the National Building Code of 1993.
13. The applicant shall develop the Rainwater Harvesting structures is the site under reference as per the brochure enclosed.
14. The applicant should erect temporary scheme to avoid spilling of materials outside the plot during construction to stop environmental pollution, to ensure safety and security of the pedestrians and neighbors.
15. The applicant should make provisions for erection of transformer and garbage house within the premises.
16. The applicant, builder, developer should not keep their construction materials / debris on public roads.
17. The applicant should ensure to submit a compliance report to HUDA soon after completion of first roof slab and then all the roofs are laid so as to enable to permit him to proceed further after inspection of site.
18. The stilt floor should be exclusive used for parking of vehicles without any partition walls and rolling shutters and the same should not be converted or misused for any other purpose at any time in future.
19. The copy of the sanctioned plan should be displayed at the construction site for the purpose of public view and for official inspections.
20. The construction should be made strictly in accordance with the sanctioned plan and if any modifications are necessary prior approval should be obtained from HUDA and municipality.
21. The applicant/ builder shall obtain a clearance from the A.P Fire Services department for proposed apartment complex as required under the provisions of A.P Fire Services Act 1994.
22. The applicant/builder/Contractor shall obtain a risks insurance policy certificate for the construction period as required under the provisions of G.O.Ms.No.541 M.A, dated 17-11-2000.
23. Incase site Engineer/Structural Engineer/Architect is changed by the owner/builder during the course of construction or the Architect structural Engineer dis-associate themselves with the on going project and the same shall be reported to the Kapra Municipality by the owner/builder within (7) days by registered post or in person along with consent letters of newly engaged site Engineer/structural Engineer/ Architect.
24. Top priority to be given for **WATER HARVESTING STRUCTURE** **and** works to be undertaken as per plan approved.
25. The applicant shall form the 100' wide proposed ZDP road on the ground.
26. The applicant shall form the 100'-0" wide road in place of railway line as shown in the plan.
27. The internal roads shall be developed with B.T. and the open spaces/to t-lot shall be developed with greenery and land scape.

28. The applicant shall construct compound wall to all open spaces – To t-lot as per HUDA specifications.

29 The applicant shall provide (4) STPs as shown in the plan as per the specifications.

30 The applicant shall develop the site as per circulation pattern as first stage of development to HUDA.

29/9/05

for COMMISSIONER
KAPRA MUNICIPALITY.

29/9

To

M/s. Sri Sai Builders,
Rep. by Sri N. Kiran Kumar,
5-4-187/3 &4, 3rd Floor,
Soham mansion,
M.G.Road, Secunderabad.

-31- P-9

HYDERABAD URBAN DEVELOPMENT AUTHORITY
1-8-323, Paigah Palace, Rasoolpura,
Secunderabad - 500 003. Tel: 91-40-27905371

PLANNING DEPARTMENT (Dev.Control)

Lr.No: 1481 /P4/Plg/HUDA/2004 5 Date: 22-8-2005

To
The Commissioner,
Kapra Municipality,

RANGA REDDY DISTRICT.

Sir,

Sub:- HUDA – Plg. – DC Unit – Technical approval of Building Plans for Group Housing Scheme Apartments in Plot Nos Sy.No. 93(P), 94(P) and 95(P) of Mallapur Village, Uppal Mandal, R.R.Dist. - Reg.

Ref:- 1. Application of SRI M/S. Sai Builders Dated: 14-2-2005

*****

1. Vide reference 1st cited, SRI M/S. Sai Builders applied for technical approval of Building Plan for in ~~Plot No.~~ Group Housing Scheme Apartments Sy.Nos. 93(P), 94(P) and 95(P) of Mallapur (v), Uppal Mandal, R.R.District.

2. Vide reference _ cited, the building plans were forwarded by you office for technical of HUDA.

3. The above proposals have been examined with reference to the notified Master Plan/Zonal Development Plan provisions and the stipulated building regulations.

I. Technical approval No. 1481/P4/H/2005
Dated: 22-08-2005

II. Name of the owner/Applicant and Address: SRI M/S. Sai Builders
Rep.by Sri N.Kiran Kumar
5-4-187/3&4, 3rd floor, Soham Mansion,
M.G.Road, Sec'bad-500 003.

Ch.No.9598, dt.9-8-2005 - Rs.11,55,921-00

III.	Details of charges collected:		CHALLAN NO	DATE	AMOUNT
(a)	Development Charges	::	9598	9-8-2005	6,84,661-00
(b)	Consolidated Charges /Compound fees/ C.F./S.D. fees	::	-	-	-
(c)	Advertisement Charges	::	-	-	5,000-00
	Other Charges:				
	Balance Processing charges (1/10 processing charges)	::	-	-	1,41,898-00
(e)	10% open space charges	::	-	-	-
(f)	Proportionate charges for layout area	::	-	-	3,24,362-00
(g)	NOC fee under appeal clause	::			

Nature of construction :: Group Housing Scheme Apartments (with 350 dewelling ~~xxx~~ units only)

4. The apartment building plans are hereby technically approved under section -14 of the A.P Urban Area (Development) Act, 1975 and forwarded to you for necessary sanction and release and ensuring compliance of the following conditions, while party undertakes the above proposed building for GHS Apartments use viz;

a) The building plans shall be sanctioned by the Local Authority in conformity with the technically approved plans by HUDA.

b) The Local Authority shall scrupulously follow the instructions of the Govt., Vide Govt. Memo No 1933/II/97-1 M.A., dated 18-6-97 i.e. ensure the ownership and ceiling clearance aspect of the site under reference are in order before sanctioning and releasing the technically approved building plans;

c) The building plans technically approved by HUDA is valid for a period of (3) years from the date of issue of this letter if the work is commenced with in the one year from the date of issue.

d) With regard to water supply, drainage and sewerage disposal system to be provided/facilitated to the proposed building, the Commissioner/Municipal Engineer/ Executive Authority shall ensure the following.

i) The location of water supply source & sewerage disposal source are located at appropriate distance within the site preferably at 100 feet distance so as to avoid contamination.

ii) - The depth of the bore and size shall be limited to the minimum depth and size of existing nearby bore-well. Water shall be disinfected by adding hypo-solution to maintain 0.3 to 0.4 p.m of residual chlorine in the sump / overhead tanks.

iii) Where main Municipal / Panchayat drains exist in vicinity of site, insist on connecting the treated sewerage to main existing drain by laying a sewer pipe of diameter ranging from 200mm to 300mm.

iv) In case where such municipal Panchayat drain exist, insist on connecting the treated sewerage overflow to a natural drain or nala with a sewer pipe of dia deter 150mm.

v) Before allowing the overflow mentioned in (iii) & (iv) above ensure the sewerage of the proposed building is invariably 1st into a common septic tank constructed on as per ISI standard specification (ISI) code No. 2470 of 1985 (Annexure –I) and constructed with a fixed contact bed, duly covered and ventilated for primary treatment. The local authority shall ensure that no effluent / drainage over flows on the road or public place.

vi) To prevent chokage of sewers/ drains, the last inspection chamber within the site/ premises shall be provided with safety pads/ gates.

vii) The party should clean that septic tank periodically by themselves, and cart away the sludge, etc., to an unobjectionable place;

viii) All the above shall be supervised and inspected by the municipal Engineer/ Executive authority concerned for compliance during the construction stage.

ix) Since eventually the public sewerage and water supply systems are expected to be systematically added/ extended by the Hyderabad Metropolitan Water Supply & Sewerage Board to the outlaying areas of Hyderabad, the proposed building owners shall pay proportionate pro-rata charges to Hyderabad. Metropolitan Water Supply & Sewerage board for the above facilities as and when demanded by the Hyderabad Water Supply & Sewerage Board.

e) The Municipal commissioner/ Executive authority should ensure the party undertakes to abide by the conditions and pays the pro-rata charges, which may be imposed, for regularization the layout in terms of G.O.Ms. No.367 M.A., Dated 12-7-1988.

f) The Municipal commissioner/ Executive Authority should ensure that the minimum width of approach road as indicated in the tech. approved plans and area affected in the road widening is taken over from the applicant free of cost by municipality / Panchayat. The said road is developed and maintained as Black topped road with proper center etc.

g) The Municipal Commissioner/ Executive authority should ensure that the proposed building / complex is constructed strictly as per the technically approved building plans mandatory inspection shall be made at foundation stage, plinth level and first floor and subsequent floor level as required under G.O.Ms.No. 423 M.A. Dated 31.07.1998. No deviation, misuse or violations of minimum setbacks, common parking floor/ stilt floor marking/ violation and other balcony projections shall not be allowed.

h) The municipal commissioner / Executive Authority shall ensure that all fire Safety Requirements are complied in accordance with the National Building Code, 1983.

i) The Municipal Commissioner/ Executive Authority shall ensure that the party plants trees and maintain them in the periphery of his site and along the abutting roads, as avenue plantation to the extent of his site at a distance of 4 meters between each tree.

j) The Municipal commissioner/ Executive Authority shall allow the proposed building complex to be occupied used or otherwise let out etc., only after;

   i) The proposed building is completed in accordance with the technically approved building plans;

   ii) After ensuring all the above conditions at (a) to (i) are complied.

   iii) After ensuring the conditions with regard to water supply and sewerage disposal system as mentioned in (d) above are complied to the satisfaction of the Municipal Commissioner/ Executive Authority.

   iv) After issuing a "Fit for Occupancy" certificate by the Municipal Commissioner/ Executive Authority as required under Government order No.248 M.A., dt. 23.05.1996

k) The Municipality shall ensure that the developer display a board at a prominent place at the site which shall show the plan and specify the conditions mentioned in this office letter, so as to facilitate public in the matter.

l) That the applicant is responsible for structural safety and the safety requirement in accordance with the of national Building code of 1993.

m) The applicant shall develop Rain Water harvesting structures in the site under reference as per brochure enclosed.

n) That the applicant should erect temporary scheme to avoid spilling of materials outside the plot during construction to stop environmental pollution to ensure safety and security of the pedestrians and neighbors.

o) That the applicant shall made provisions for errection of Transformer and Garbage house with in the premises.

p) That the applicant / builder / constructor / developer shall not keep their construction materials / debris on public road.

q) That the applicant should ensure to submit a compliance report to HUDA soon after completion of first floor roof level and then all the roofs are laid so as to enable to permit him to proceed further by inspection of site by

r) That the stilts/Cellar should be exclusively used for parking of vehicles without any partition walls and Rolling shutters and the same should not be converted or the undertaking dated

35

s) It is also hereby ordered that the copy of approved plan as released by HUDA and local authority would be displayed at the construction site for public view.

t) That the construction should be made strictly in accordance with this sanctioned plan. If any modifications are necessary prior approval should be obtained.

u) That the applicant shall obtain clearance from A.P Fire Services Dept., for the proposed complex under the provisions of A.P Fire Services Act 1994.

v) This permission does not bar any public agency including HUDA/HADA/CDA to acquire the lands for public purpose as per law.

w) The applicant shall form the 100' wide proposed ZDP road on the ground.

x) The applicant shall form the 100'-0" wide road in place of railway line as shown in the plan.

y) The internal roads shall be developed with B.T. and the open spaces/tot-lot shall be developed with greenary and land scape.

Z) The applicant shall construct compound wall to all open spaces - Tot-lot as per HUDA specifications.

Z2) The applicant shall provide 4 STPs as shown in the plan as per the specifications.

Z3) The applicant shall develop the site as per circulation pattern as first stage of development to HUDA.

Yours faithfully

Sd/-

for Vice Chairman

ENCL: Plans

Copy to: the A P O (MJ), HUDA .. to ensure that the applicant adheres to the conditions of release of the permission and submit written compliance report on all the conditions concerned to the HUDA in the prescribed period.

//t.c.f.b.o.//

23/8/2005

Divl. Admn. Officer(Plg.)

23/8/05

O/c

RANGA REDDI : DISTRICT

HIGH COURT : HYDERABAD

W. P.NO. 2068 OF 2009

MATERIAL PAPERS

M/S. VEDULA VENKATARAMANA (1141)
PERI PRABHAKAR
COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND A.P.

W.P. No.2068 of 2009

Between:

M/s. Sri Sai Builders of M/s Modi Ventures
Rep. by Soham Modi ... Petitioners
And

The Commissioner,
GHMC & Another ... Respondents

COUNTER AFFIDAVIT FILED BY RESPONDENT NO.1 & 2

I, S. DEVENDAR REDDY S/o. S. RANGA REDDY aged about 57 years, Occ: Chief City Planner, (Town Planning Section) GHMC Head Office, Hyderabad, do hereby solemnly affirm on oath and submits as follows:

1. I am the Respondent No.2 herein as such well acquainted with the facts of the case and also deposing on behalf of other Respondents.

2. It is submitted that I have gone through the affidavit filed in support of the writ petition. it is true to the extent that the Petitioner herein obtained Building Permission from GHMC (HO) for proposed construction of additional Group Housing "F" & "G" Type in different locations with existing & permitted buildings approved by HUDA denoted as "A" ," B", "C", "D" & "E" types. The HUDA while granting Technical Approval for A to E types of Building collected an amount towards charges in different accounts as under:

1. Development Charges	Rs. 6,84,661.00
2. Advertisement Charges	Rs. 0,05,000.00
3. Balance processing Charges	Rs. 1,41,898.00
4. NOC fee under appeal clause	Rs. 3,24,362.00

3. It is submitted that since the Greater Hyderabad Municipal Corporation was formed and the powers to grant of Permission vested with the GHMC, hence after Technical approval of type 'A' to 'E' buildings the proposal was sent to GHMC Kapra Circle by HMDA vide letter No. 148/P4/plg./HUDA/2005 for release the approved plan after collection of required fee & charges as required as per schedule rates of GHMC and as applicable as per rules. Thereafter the Circle No. 1, Kapra GHMC had released Building Plans duly collecting required charges vide proceeding No. BA/G2/150-04 Dated: 29.09.2005, Subject to

CHIEF CITY PLANNER
Greater Hyderabad Municipal Corporation

certain conditions specified in the Proceeding as imposed by HUDA in their draft of technical approval. The permission was granted for the proposed blocks 'A' to 'E' over an extent of land 16,185.83 Sq. m, forming part of Survey No. 93 (P), 94(P) & 95 (P) of Mallapur Village, Uppal Mandal R. R. District, Hyderabad. The Petitioners constructed 'A' to 'E' blocks and obtained Occupancy Certificate from Kapra Circle GHMC as under:

1. For A block on 03.11.2008.
2. For B block on 23.09.2008.
3. For C block on 08.06.2007.
4. For D block on 03.11.2008.
5. For E block on 26.12.2008.

4. It is submitted that again in the year 2008, the Petitioner herein approached to the GHMC (HO) on 26.04.2008 with the similar proposal for construction of 'F' & 'G' types of building vide CSC No. 0514/CSC/TP1/008. The F & G type of building were proposed over an extent of 6211.46 Sq. m, consisting of Stilt + 5 floors in "F" block and Cellar + Stilt + 5 floors in "G" block, to accommodate (155) Residential Flats.

5. It is further submitted that in this case earlier, HUDA has granted the technical approval vide letter No.1481/P4/HUDA/2005 dt.22.08.2005 for construction of group housing consisting of 'A' to 'E' Blocks with Stilt + 5 upper floors, based on which erstwhile Kapra Municipal Commissioner has issued the proceedings vide No.BA/G2/150/2005-06 dt.29.09.2005 to an extent of 16185.83 Sq.mts. The additional site area is not covered in the approved plans. Therefore, the layout penalization charges is to be collected under LRS along with proratta open space contribution charges as per G.O.Ms.No.902 MA, dt.31.12.2007 and G.O.Ms.No.113 MA, dt.31.01.2008.

6. Now the applicants together i.e. Sri Sai Builders and Modi Ventures have submitted proposals for construction of additional blocks 'F' & 'G' consisting of Cellar, Stilt + 5 upper floors, Stilt + 5 upper floors to an extent of area 21040.48 Sq.mts. in file No.514/CSC/TP1/2008 (155 flats). Accordingly, the GHMC has accorded sanctioned vide permit No.26/1 dt.1.4.2009 on collection of necessary charges as applicable as per the procedure from the petitioner towards following items.

CHIEF CITY PLANNER
Greater Hyderabad Municipal Corporation

1. Building Permit Fee	: Rs.2,88,125.00
2. VLT	: Rs.1,04,050.00
3. Debris Tree Ground RWH, EDF, and Drainage charges	: Rs. 6, 27,800.00
4. Development Charges	: Rs.19,25,800.00
5. Layout Regularization Scheme	: Rs.25,54,430.00
	Total : Rs.55,00,205.00

7. It is submitted that the Petitioner remitted the entire amount along with the LRS amount of Rs.25,54,430.00, objecting the applicability of Charges towards Layout Regularization Scheme on the plea that "Layout Regularization Scheme" would become payable only for such plots of land which were not having sanctioned layout as defined in G.O. Ms. No.902 MA & UDD dated:31.12.2007.

8. It is further submitted that the entire land parcel of the Petitioner was originally a cultivation land for agriculture purpose and the status of the land notified as conservation by HUDA as per land use, subsequently converted to Residential use.

9. It is submitted that it is also to be noted that the petitioner herein approached to the GHMC for permission to 'F' & 'G' blocks holding (6) Different Registered Sale Deeds of (6) individual pieces of land for the land parcel, in support of their ownership as per which (6) different pieces of land were put to gather to establish the ownership claim over the land. Earlier the erstwhile HUDA approved sanctioned over an extent 14,599.62 Sq. m wherein the land under proposal of 'F' & 'G' blocks was not included as such Ac. 1.18 guntas(7018 Sq. yards or 5,870 Sq. m) of land was purchased subsequently as evident in File No.0514/CSC/TP1/2008, seeking permission for Block "F" & "G" from GHMC and as admitted by the Petitioners in there affidavit under this writ petition as such the petitioners herein, themselves have admitted that after completion of the construction of (5) blocks i.e. 'A' to 'E', subsequently they purchased adjoining land about Ac.1-18 guntas **(7018 Sq. yards or 5,870 Sq. m)** in the same survey number with an objective of extending the same Group Housing Scheme for construction of similar blocks as 'E' & 'F'. The GHMC collected LRS fee amounting to Rs.25, 54,430/- for the land to the extent of 6413 Sq. yards or 5362 Sq. m only.

CHIEF CITY PLANNER
Greater Hyderabad Municipal Corporation

10. It is further submitted that the Ac.1.18 guntas of land was not covered by any approved Layout or Sanctioned Sub-Division as required u/s 388 of HMC Act 1955, from GHMC or from the Competent Authority for which the Petitioners were not entitle to obtain any permission over such land, unless and until any competent authority grant any approval for such sub-division for the land which is not covered by any permission, under normal course. Since the LRS was in force and the scheme was running in the year 2008, the strategy of collection of LRS charges was adopted only to save the time factor and thus the petitioners were facilitated by levying LRS fee of Rs. 25,54,430/- towards Regularization of the land in question along with other required charges & Fee, so as to accord permission as sought for. If the GHMC would have urged to get the LRS approved first, thereafter the building permission would be considered, then there was no other go for the Petitioners, except to comply the legal objection of the GHMC and the Petitioners would have no scope to Re-Claim the LRS charges now, as such GHMC collected the LRS charges only to avoid delay in granting the permission as sought for, there is no fault on the part of GHMC to collect such fee during the processing of the permission file for proposed 'F' & 'G' blocks. It was mandatory for GHMC to collect the LRS charges in such case, and at the same time it is obligatory to the applicant to comply the legal demands of the competent authority, as such the GHMC is competent to levy such charges by virtue of its statutory powers as per the provisions u/s 585 of HMC Act, 1955, and in terms of G.O. Ms. No.902 dated:31.12.2007, irrespective of the land divided into Plots or as a whole single plot of any size in conformation to the terms of G.O. Ms. No.902 dated:31.12.2007, as amended vide G.O. Ms. No.113 dated:31.01.2008, as such no person is entitle to commence any sort of construction without holding any valid permission in writing from the Competent Authority in general. As per G.O. Ms No.288 M.A. & UDD dated: 03.04.2008, the Layout rule for grant of permission specified as under.

> ***6. Layout Development Scheme: Layout provisions shall primarily apply to interstitial pockets of lands and redevelopment scheme, plot sub-divisions, and those areas not covered in land pooling schemes.***

1. **Land Pooling or Township Development Scheme.**
2. **Layout Development Scheme**
3. **Group Housing Scheme/Cluster Housing**
4. **Individual plots sub-division/amalgamation.**

CHIEF CITY PLANNER
Greater Hyderabad Municipal Corporation

11. It is submitted that the land in question neither covered under Land pooling Scheme nor any of the other specified schemes. The petitioner have already enjoyed the fruits of the permission by constructing 'F' & 'G' blocks and obtained the Occupancy Certificate from GHMC and now claiming refund of LRS amount with 18% interest PA, as such the petitioners are not entitle to avail any relief as sought for, under the circumstances stated above. The petitioners have no moral or legal right to claim the LRS amount. Hence the plea of the Petitioner is not liable to be considered in any manner and thus the writ petition is liable to be rejected in the interest of natural justice.

Therefore it is prayed that this Hon'ble Court may be pleased to dismiss the Writ Petition with exemplary costs, and orders may be passed accordingly in the interest of justice.

Sworn and signed before me
On this 6th day of January 2016.

Advocate

DEPONENT
CHIEF CITY PLANNER
Greater Hyderabad Municipal Corporation

VERIFICATION

I, S. DEVENDAR REDDY, S/o. S. RANGA REDDY aged about 51 years, Occ: Deputy Commissioner, Kapra Circle, GHMC, the averments mentioned in the Counter Affidavit are true and correct to the best of my knowledge and belief and the prayer portion is verified on the legal advice given by the counsel on this 6th day of January, 2016, at Hyderabad. Hence verified.

ADVOCATE

DEPONENT
CHIEF CITY PLANNER
Greater Hyderabad Municipal Corporation

RANGA REDDY DIST

HIGH COURT OF TELANGANA & A.P.

W.P. No.2068 of 2009

Recd copy for 6/1/16

COUNTER AFFIDAVIT FILED BY RESPONDENT NO.1 & 2

Filed on: 06.01.2016

Filed by:

PASHAM KRISHNA REDDY (7317)
S.C. for GHMC, Cir. Nos.1,2,3&4.

Counsel for Respondents.

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND NINE
:PRESENT:

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.M.P NO: 2617 of 2009

IN

W.P.NO: 2068 of 2009

Between:

1 M/s. Sri Sai Builders of M/s. Modi Ventures, a registered Partnership firm, rep. by its Authorised Representative,
Soham Modi S/o. Satish Modi, aged 38 yrs R/o. 2nd Floor, Soham Mansion, M.G. Road, Secunderabad.
2 M/s. Modi Ventures, a registered Partnership firm, rep. by its Partner, Soham Modi S/o. Satish Modi, aged 38 yrs R/o. 2nd Floor, Soham Mansion, M.G. Road, Secunderabad.

... PETITIONERS

(Petitioner in WP.No : 2068 of 2009
on the file of High Court)

AND

1 The Greater Hyderabad Municipal Corporation rep. by its Commissioner, Hyderabad.
2 The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office) Hyderabad.

...RESPONDENTS

(Respondents in -do-)

Counsel for the Petitioner: SRI V . VENKATARAMANA

Counsel for the Respondents: SRI R.RAMACHANDRA REDDY,

SC FOR GHMC

Petition under Section 151 of CPC praying praying that in the circumstances stated in the affidavit filed in support thereof, the High Court may be pleased to release the construction permission to the petitioners subject to the fulfillment of the demand amount as contained in the letters of the respondents dt. 25-11-2008 and 17/27-1-2009 pending WP.NO.2068 of 2009 on the file of the High Court.

The Court while directing issue of notice to the Respondents herein to show cause as to why this application should not be compiled with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER: "There shall be interim direction as prayed for. Notice. "

ASSISTANT REGISTRAR

To

1 The Commissioner, Greater Hyderabad Municipal Corporation , Hyderabad.
2 The Chief City and Town Planner, Greater Hyderabad Municipal Corporation (Town Planning Section, Head Office) Hyderabad.

(1 & 2 RPAD)

3. One CC to Sri V. Venkataramana, Advocate (OPUC)

4. One spare copy.

RV

HIGH COURT

NVRJ

MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.
✆ : 66335551 (4 Lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

Date: 30.12.2008

To,
The Commissioner & Special officer,
Town Planning Section. H.O.
GHMC. Tankbund.
Hyderabad.

Sub.: GHMC – Town Planning Section – HO – Proposals for the construction of Additional blocks i.e., Block f = Stilt + 5 upper floors, Block G = Cellar, stilt + 5 upper floors. (40+115= 155) for residential flats in Sy. No. 93, 94 & 95 situated at Mallapur Village. Kapra. Hyderabad (in the premises already permitted & constructed A to E (i.e., 350 flats) blocks in an extent of 14599.62 sq. mts) – Fees intimation – Regarding.

Ref.: Your letter no. 514/CSC/TP1/2008 dated 25.11.2008.

In your letter dated 25.11.2008 referred above, you have levied layout regulation scheme charges of Rs. 25,54,430/- Upon enquiry we have learnt that these charges have been levied as per terms of G.O. No. 902, 113 MA & 301 dated 31.12.07, 13.1.2008 & 11.4.2008. which were issued by MA&UD Department for regularization of illegal layouts.

Please note that we have applied for building permission to construct 155 flats on vacant land which is zoned for residential use. On the said land we have already constructed 350 flats as per sanction obtained from HUDA. The construction of the 5 blocks is exactly as per sanction without any deviations.

The said orders apply to unapproved illegal layouts where land has been divided into several plots and sold to intending purchasers. In our case we have not made any plots or sold it to any intending purchasers and the said orders does not apply to us.

We request you to please delete the layout regulation scheme charges of Rs. 25,54,430/- and issue a fresh letter for payment of fees and charges.

Thank You,

Yours sincerely,
For MODI VENTURES

Soham Modi
Partner.

Commissioner & Special Officer
Greater Hyderabad Municipal Corporation
09 JAN 2009

MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.
✆ : 66335551 (4 Lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

Date: 30.12.2008

To,
The Commissioner & Special officer,
Town Planning Section, H.O.
GHMC, Tankbund,
Hyderabad.

Sub.: GHMC – Town Planning Section – HO – Proposals for the construction of Additional blocks i.e., Block f = Stilt + 5 upper floors, Block G = Cellar, stilt + 5 upper floors. (40+115= 155) for residential flats in Sy. No. 93, 94 & 95 situated at Mallapur Village, Kapra, Hyderabad (in the premises already permitted & constructed A to E (i.e., 350 flats) blocks in an extent of 14599.62 sq. mts) – Fees intimation – Regarding.

Ref.: Your letter no. 514/CSC/TP1/2008 dated 25.11.2008.

In your letter dated 25.11.2008 referred above, you have levied layout regulation scheme charges of Rs. 25,54,430/- Upon enquiry we have learnt that these charges have been levied as per terms of G.O. No. 902, 113 MA & 301 dated 31.12.07, 13.1.2008 & 11.4.2008, which were issued by MA&UD Department for regularization of illegal layouts.

Please note that we have applied for building permission to construct 155 flats on vacant land which is zoned for residential use. On the said land we have already constructed 350 flats as per sanction obtained from HUDA. The construction of the 5 blocks is exactly as per sanction without any deviations.

The said orders apply to unapproved illegal layouts where land has been divided into several plots and sold to intending purchasers. In our case we have not made any plots or sold it to any intending purchasers and the said orders does not apply to us.

We request you to please delete the layout regulation scheme charges of Rs. 25,54,430/- and issue a fresh letter for payment of fees and charges.

Thank You,

Yours sincerely,
For MODI VENTURES

Soham Modi
Partner.

Commissioner & Special Officer
Greater Hyderabad Municipal Corporation
09 JAN 2009

MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.
✆ : 66335551 (4 Lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

To,
The Commissioner & Special officer,
Town Planning Section. H.O.
GHMC. Tankbund,
Hyderabad.

Date: 30.12.2008

Sub.: GHMC – Town Planning Section – HO – Proposals for the construction of Additional blocks i.e., Block f = Stilt + 5 upper floors, Block G = Cellar, stilt + 5 upper floors, (40+115= 155) for residential flats in Sy. No. 93, 94 & 95 situated at Mallapur Village, Kapra, Hyderabad (in the premises already permitted & constructed A to E (i.e., 350 flats) blocks in an extent of 14599.62 sq. mts) – Fees intimation – Regarding.

Ref.: Your letter no. 514/CSC/TP1/2008 dated 25.11.2008.

In your letter dated 25.11.2008 referred above, you have levied layout regulation scheme charges of Rs. 25,54,430/- Upon enquiry we have learnt that these charges have been levied as per terms of G.O. No. 902, 113 MA & 301 dated 31.12.07, 13.1.2008 & 11.4.2008, which were issued by MA&UD Department for regularization of illegal layouts.

Please note that we have applied for building permission to construct 155 flats on vacant land which is zoned for residential use. On the said land we have already constructed 350 flats as per sanction obtained from HUDA. The construction of the 5 blocks is exactly as per sanction without any deviations.

The said orders apply to unapproved illegal layouts where land has been divided into several plots and sold to intending purchasers. In our case we have not made any plots or sold it to any intending purchasers and the said orders does not apply to us.

We request you to please delete the layout regulation scheme charges of Rs. 25,54,430/- and issue a fresh letter for payment of fees and charges.

Thank You,

Yours sincerely,
For MODI VENTURES

Soham Modi
Partner.

Commissioner & Special Officer
Greater Hyderabad Municipal Corporation
09 JAN 2009

- 12 - P-3

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the, Chief City Planner,
(Town Planning Section, H.O.)
GHMC, Tankbund, Hyd.

Lr. No. 514/CSC/TP1/2008 / 217

Date. 17.01.2009

To
M/s. Sri Sai Builders & Modiventure,
Pr. No. 5-4-187/3 & 4,
IInd Sohan Mension,
M. G. Road, Sec'bad-003.

Sir,

Sub : GHMC – TPS – H.O. – Proposed Construction of Stilt + 5 upper floors for Residential in Sy. No. 93, 94 & 95, Mallapur, Kapra – Non Payment of BPE – Regarding.

Ref: 1. Your Building Application dt: 26.04.2008.
2. This Office Lr. No. 514/CSC/TP1/2008-3600, dt: 12.12.2008.

***

With reference to this office letter 2nd cited, you are requested to pay for Rs. 55,00,205/- (Rupees fifty five lakhs two hundred and five only) towards the fee / charges to accord building permission for proposed construction of Stilt + 5 upper floors for residential purpose in Sy. No. 93, 94 & 95, Mallapur, Kapra and also requested to comply other requirements as mentioned.

But so far you have not paid the above fee / charges and also not complied the other requirements as sought and communicated vide reference 2nd cited.

Hence, you are once again directed to pay for Rs. 55,00,205/- (Rupees fifty five lakhs two hundred and five only) towards the fees / charges and also comply the other requirements as mentioned within (7) days failing which deemed to be file closed without further any correspondence.

Yours faithfully,

for CHIEF CITY PLANNER,
GHMC.

17/1/09

17/1/09

2/2/09

-13- P4

Rs 10/.- (Rs .Ten Only)

MUNICIPAL CORPORATION OF HYDERABAD

BUILDING APPLICATION FORM

Name of circle /division :

No: 13140

Dated: .....

Form of notice under section 428 and 433 of the Hyderabad municipal corporation act, 1955 (Act II of 1956)to erect a building or execution of any work.

From

Name of the owner sri/smt. SRI SAI BUILDERS AND MODI VENTURES

Lessee of the site /plot/building 5-4-187/3&4, II Floor Soham Mansion, M.G. Road, Secunderabad-500 003

To ,

The commissioner,
Municipal corporation of Hyderabad
Hyderabad – A P.

Sir ,

I/we : Sri Sai Builders And Modi Ventures.....(Name / Names in full) Owner / lessee of the Land/ building the particulars of which are given below here by give you notice that I / we intend to erect /Re-erect / Add to alter to /Alter executive, Building work (s) in accordance with provisions of Hyderabad Municipal corporation Act 1955 printed overleaf and the rules and bye –laws made their under, according to plans submitted herewith .

Details pertaining the Land / Building :

Location

a) Plot no :
b) Sectioned layout no :
c) Survey no : 93(P), 94(P) and 95(P)
d) Premises no :
e) Street /road : Shakti Sai Nagar
f) Locality (ward & block no) : Mallapur village, Uppal Mandal, R.R. Dist
g) Circle /division : Kapra circle

The purpose for which it is intended to be used :

I/we intended to use the building for :- residence /office /godown / restaurant /hotel / dhramshala / school / theatre / shop/ factory stable / garage etc.

The road /street / lane on which the site , about is public /private property and has been formed / paved metalled /asphalt /cement concrete and is connected /not connected to open drains /underground sewer .

The constructed of the building supervised by :

Name of the licensed supervisor /architect engineer, O. BALA VENKATESWARLU B. ARCH ARCHITECT CA/92/15409

M. Dattatreya Rao , Address

M. DATTATREYA RAO STRUCTURAL ENGINEER M.C.H. L. No: 134.

KULKARNI CONSULTANTS Structural Engineers Project Consultants & Architects 216, Kubera Towers, Narayanguda, Hyderabad-500 029. Ph: 23223891

Licenced or registered

I /we, attach the following plans in quadruplicate:-

a) Blue print/ammonia process print plan of the land /on which the building is to be constructed/ Reconstructed /altered or added to (complying with the requirement in annexure 'I' to the rules)
b) Blue print /ammonia process print plan of the building /buildings (complying with the requirements In annexure 'II' to the rules)
c) Blue print /ammonia process print of the specif cation of the work (complying with the requirements In annexure 'III' to the rules) and
d) Blue print /ammonia process print of the intended line of the drainage (complying with the requirements In annexure 'IV to the rules).

14

The plan has been prepared by name of the licensed surveyor/ supervisor architect /engineer.

Address: O. BALA VENKATESWARLU B. Arch ARCHITECT

M. DATTATREYA RAO
STRUCTURAL ENGINEER
M.C.H. L. No: 134.

Licence or registered no: CA/92/15409

CERTIFICATE

I /We declare that I am /we are the absolute owner/owners /lessee of the land on which I/we intended to erect the building and am/are enclosing copies of relevant document of ownership /lease Certified by a magistrate /notary public/a gazetted officer authorized by the commissioner in the behalf.

I/we have gone through the building regulation continued in the Hyderabad municipal corporation Act 1955 printed overleaf and the rules and bye –laws made there under and have satisfied by my self / Ourselves the site and building plans are in accordance with provisions contained therein.

Yours faithfully

For MODI VENTURES

Partner

Signature of the owner /owners'
Lessee or authorized agent /agents

MODI VENTURES
Rep by the Managing partner

Son of : Shri. SOHAM MODI
Wife of : S/o. Shri. SATISH MODI
Daughter of :
Full postal address : 5-4-187/3&4, II Floor
Soham Mansion, M.G.R.
Secunderabad - 500003

ANNEXURE 'A'

Municipal Press

Form of Declaration - cum - Undertaking to be furnished while seeking Permission for construction of Building

I Sri / Smt. / Kum. SRI SAI BUILDERS AND MODI VENTURES have applied for permission to construct a Building (with / without & dwelling unit) with a plinth area of 6215.86/7431.41 Sq. Mts. /sq.yds. S.No./ ~~Municipal No~~ 93(P), 94(P) and 95(P) at Mallapur (village or Locality) in Kapra circle Urban Agglomeration : I am aware of the provisions 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 (a) of section of the said Act even after the construction of the proposed building 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 the excess vacant land if 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

For MODI VENTURES

Partner

Place : **Hyderabad**

Signature of the Applicant

Dated:

Signed before me

Signature of the Gazetted Officer
With Seal

CH. YADAGIRI B.Com.,LL.B
Addl.Standing Counsel for Central Govt
Subordinate Courts
Hyderabad / Secunderabad

No.

Dated :

In compliance to the Government Memorandum No. 1946-k2/76-1 dated 14-4-1976 the above declaration as in Annexure 'A' along with copy of the sanctioned plan is forwarded for Information

Commissioner

- 17 -

హైదరాబాద్ మహానగర పాలక సంస్థ
GREATER HYDERABAD MUNICIPAL CORPORATION
HYDERABAD
పౌరసేవా కేంద్రము
CITIZENS' SERVICE CENTER CALL CENTRE 1100 Website : www.ghmc.gov.in

Receipt No. రసీదు నెం. 01/
Date తేది 26-APR-08
Counter 01
Shift
Center Code MCH HEAD OFFICE

Payee Details : చెల్లింపుదారు వివరములు
Name & Address పేరు & చిరునామా SRI SAI BUILDERS & MODI VENTUR
Plot No./ 5-4-187/3&4
Reference No./File No. 0000514/CSC/TP1/2008
Purpose of Payment చెల్లింపు కారణము BUILDING PERMIT FEES, MORE THAN 300 SQ.MTS & GROUP HOUSIN(TOWARDS TOWN PLANNING, RESIDENTIAL

PAY MODE		Chq/D.D. Chln Date	Bank Name	Branch Name	Amount Rs.	Ps.
DD	140246	25-APR-08	HDFC BANK LTD	S.D ROAD(SEC)	12650	
				Total Amount Paid	12650	

Amt. in Words Rs.: Twelve Thousand Six Hundred Fifty Only

Signature 26/4/08

-16- P5

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,
Town Planning Section, (HO), GHMC,
Tank Bund Road, Hyderabad.

Lr. No.0514/CSC/TP V2008. Dated : 26-4-2008.

To,
Sri / Smt. Sri Sai Builders & Modi ventures
H.No.5-4-187/3&4 IInd Floor
Soham Mansion M.G. Road
Secunderabad
Pin 500003
Phone No. 66335551

Sir / Madam,

Sub :- GHMC – T.P. Section – H.O. – Proposed Construction of Group housing scheme in S.No. 93, 94, & 95 Mallapur (V) Kapra circle

Ref :- Your Building Application dated: _____

* * *

With reference to your Building Application Cited, it is to inform that the plans submitted by you are under examination. Hence, you are directed not to proceed with any type of Construction at site till you obtain permission from GHMC, if any construction is made, it will be treated as un-authorised construction and action will be initiated as per rules.

Yours faithfully,

for Chief City Planner, 26/4/08
GHMC.

Received by:

(Signature)

Name & Address: M. Malla Reddy
Modi properties
H.No.-5-4-187/3&4 IInd floor
Soham Mansion M.G. Road
Sec-bad. 500003
66335551

-18' Pb

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

M.A&U.D (M) Dept – A.P. Regulation of Unapproved and Illegal Layout Rules 2007 - Certain amendments - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G. O. Ms. No. 113 **Dated: 31 - 01-2008.**
Read the following

G.O.Ms.No.902 M.A. & U.D. Dept Dated 31-12-2007

<><><>

ORDER:

Whereas the Government in order to bring all the unplanned areas into the fold of planned development, has issued the Rules in G.O. read above for Regulation of Un approved and Illegal Layouts.

2. And whereas, while the said rules were under implementation, several representations have been received by the Government from various quarters including NGOs, Mayors and Chairpersons of Municipal Corporations and Municipalities, Plot owners / Resident Welfare associations requesting reduction of penalisation charges, payment of penalization charges in installments and extension of time for submission of applications etc.

3. And whereas, Government after careful consideration of the matter, have decided to issue amendments to the A.P.Regulation of Un approved and Illegal Layouts Rules, 2007.

4. Now, therefore in exercise of powers conferred under Section 58 of the AP Urban Areas (Development) Act, 1975, Section 585 of the HMC Act, 1975, Section 44 (2) (v) of the AP Town Planning Act, 1920, and Section 326 (1) of the AP Municipalities Act, 1965, the Government hereby issue the following Amendments to the A.P.Regulation of Un approved and Illegal Layouts Rules, 2007 issued vide G.O. read above.

AMENDMENTS

1. In Rule 6, for the words, "60 days" the following shall be substituted namely: ***"90 days"***

2. Rule 8 (i) (a) shall be substituted with the following, namely::

" Basic penalization charges on pro-rata basis, which are inclusive of betterment charges, development charges and layout scrutiny charges, penalty and other charges, at the following rates.:

TABLE I
BASIC PENALISATION CHARGES

Plot Area in Sq,mts	Basic Pro-rata Penalisation Charges in Rs per Sq.mt
Less than 100	200
101 to 300	300
301 to 500	400
Above 500	500

The actual penalization charges will be the percentage of basic penalization charges as mentioned above and shall be calculated based on the land value prevailing as on 1.1.2008 as given below:

TABLE- II
PENALISATION CHARGES WITH REFERENCE TO LAND VALUE

Market Value of the land as on 01-01-08 (sub-registrar value) in Rs per sq.yard	Penalisation Charges (% of basic penalization charges)
Above 25000	100% of Basic Penalisation Charges
20001 to 25000	90% -do-
15001 to 20000	80% -do-
10001 to 15000	70% -do-
8001 to 10000	60% -do-
5001 to 8000	50% -do-
3001 to 5000	45% -do-
2001 to 3000	40% -do-
1001 to 2000	35% -do-
501 to 1000	30% -do-
Upto 500	25% -do-

3. The Rule 8 (ii) shall be substituted with the following;
"***The above charges may be remitted in full at the time of submission of application form or 50 % of the said amount shall be paid along with the application form and balance 50% shall be paid within 6 months from the date of submission of application"***

4. The Rule 10(b) shall be substituted with the following;
"***10% openspace contribution charges to be insisted or reserve equivalent land within their site by readjusting the plots. Where such openspace is not provided in such unapproved layout sites, pro-rata openspace charges shall be paid as given below:***

(i) ***in case of existing buildings in unapproved layouts the openspace charges shall be collected based on the land value prevailing as on the date of registration of such plot.***

(ii) ***in case of open plots, option is given to the plot owner to pay the same at the time of regulation of plot as per the market value prevailing as on 1.1.2008 OR at the time of applying for building permission as per the rate prevailing as on the date of application for building permission.***

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

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner and Director, Printing , Stationery and Stores Purchase A.P. Hyderabad (in duplicate, with a request to publish the G.O. in the Extraordinary Gazette of A.P. dated 31-01-08, and furnish 1000 copies to Government)
The Director of Town and Country Planning, A.P. Hyderabad.
The Commissioner and Director of Municipal Administration, A.P. Hyderabad.
The Commissioners of all Municipal Corporations/ Municipalities in the State, through CDMA.
The Vice chairman of all Urban Development Authorities in the State
All Departments of Secretariat
All Heads of Department.
The Director General Fire Services.
The Chairperson, AP Transco.
The Managing Director, H.M.W.S&S.B, Hyderabad.
The Engineer in Chief (Public Health) Hyderabad.
The Commissioner & Inspector General of Registration & Stamps.
The Managing Director, AP Housing Board.
The District Collectors of all Districts.

20

Copy to:
The Special Secretary to Chief Minister.
The P.S. to Minister(M.A).
The P.S. to Principal Secretary to Government (MA&UD Dept)
The P.S. to Secretary to Government (M.A&U.D. Dept)
S.F/S.C.

//FORWRDED BY ORDER//

SECTION OFFICER

10. G.O.Ms. No.902 Dated: 31-12-2007 as amended vide G.O.Ms. No.113 Dated: 31-1-2008

P 7

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

21

M.A& U.D(M)Dept - A.P.Regulation of Unapproved and Illegal Layout Rules 2007- Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms. No.902 Dated : 31 - 12-2007.

* * *

ORDER:

The Government of Andhra Pradesh with a view to promoting planned development of urban areas in the State are encouraging development through approved layouts and development of integrated townships through both public and private initiative. However, Government has observed that there are many unapproved and illegal layouts which are not only in violation of the Statutory Development Plan/Master Plan and Layout Rules but also deficient in layout norms and development standards and lacking in basic civic infrastructure facilities like proper roads, street lights and drainage. On account of the above, frequent complaints are being received from the public. Such substandard and unapproved sub-divisions of land into building plots is not only defeating the very objective of planned development but also affecting the planned extension of services and amenities by the local bodies. Government have in the past brought out a scheme of regularization of such unapproved layouts but they met with limited success since it was a voluntary scheme with onus on plot owners to come forward for regularization and there were no deterrent provisions against the owners who did not come forward for regularization. Therefore in order to bring all these unplanned areas into the fold of planned development and to provide basic facilities in these areas so as to promote an overall and integrated area and city level development and a better quality of life for the citizens, Government hereby issue the Rules for Regulation of Unapproved and Illegal Layouts.

2. Accordingly, the following notification shall be published in the Extraordinary Gazette of Andhra Pradesh dated: 31-12-2007

NOTIFICATION

In exercise of powers vested in Section 58 of the AP Urban Areas (Development) Act, 1975 , Section 585 of the HMC Act, 1955, Section 44 (2) (v) of the AP Town Planning Act, 1920, and Section 326 (1) of the AP Municipalities Act, 1965, the Governmentof Andhra Pradesh hereby issue the following Rules, viz.:

1. These Rules may be called "The Andhra Pradesh Regulation of unapproved and illegal layout Rules, 2007" and they shall come into force from the date of publication in A.P Gazette.
2. Applicability:
   - (i) These Rules shall be applicable to all Urban Development Authorities, Municipal Corporations, Municipalities and Gram Panchayats falling in the Master Plan limits in the State of Andhra Pradesh.
   - (ii) These Rules and conditions herein shall be applicable to all existing unapproved sub-division of plots, existing unapproved layouts or ventures promoted by land owners/ private developers/ firms/ companies/ property developers /Societies where the plots have been sold by registered sale deed before the date of notification of these rules.
   - (iii) These Rules are only intended for regulating the unplanned development and shall be applicable to all unapproved layout areas which have clearance from the competent authorities under the Urban Land Ceiling and Regulation Act 1976, AP Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 wherever required and which have not been entered in the Prohibitory Register of lands maintained by the Revenue Department. The Regulation measure would not absolve the plots or layout from the application of Land ceiling Laws, land disputes or claims over title, boundary disputes, etc. In respect of assigned lands, prior clearance from the District Collector shall be obtained.
   - (iv) In the event of only some plot holders coming forward for regulation in an unapproved layout, the layout pattern as approved by the competent authority shall be applicable to the entire layout area. The local authority shall be responsible for enforcing such approved layout pattern.

3. Definitions:

(i) "unapproved/Illegal layout" means sub-division of land into plots with or without developed roads, open spaces and amenities and without the approval of the competent authority.

(ii) "Competent Authority" means

a) the Vice Chairman of the Urban Development Authority in case of areas falling in UDA area;

b) The Commissioner of Municipal Corporation in case of areas falling in Municipal Corporations and not covered by Urban Development Authorities;

c) Municipal Commissioner in case of Municipalities and Nagar Panchayats not within the jurisdiction of Urban Development Authorities.

d) The Gram Panchayats in respect of Gram Panchayat areas covered by Master Plan and falling outside Municipal limits and UDA areas.

(iii) "Minimum standards of layout development" means the standards of facilities and amenities as prescribed by the competent authority in approving such unapproved layouts

(iv) "Minimum standards of layout norms" means the standards of layout norms and pattern as prescribed by the competent authority in approving such unapproved layouts

(v) "Plot holder" means a person on whose name the plot is registered with a registered sale deed prior to the notification of these rules

Terms and expressions which are not defined in these Rules shall have the same meaning as in the respective Rules / Regulations / Bye-laws of the respective local authorities and as defined in the National Building Code or relevant Acts as the case may be, unless the context otherwise requires.

4.Cut-off date for considering regulation of unapproved layouts:

Only those unapproved layouts and sub-division of plots with registered sale deed/title deed existing prior to the date of notification of these rules, shall be considered for regulation under these rules. As proof and evidence, the plot holder/Land owner/ Association/ Society/Colony developer is required to furnish copies of the sale deed/title deed. Agreement of sale or General Power of Attorney shall not be considered as evidence.

5. RESTRICTIONS ON APPROVAL IN VICINITY OF CERTAIN AREAS:

(a) No layout/development activity shall be allowed in the bed of water bodies like river, or nala, and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta and in shikam lands.

(b) The above water bodies and courses shall be maintained as recreational/Green buffer zone, and no layout development activity other than recreational use shall be carried out within:

(i) 30 m from the boundary of river course/ Lakes of area of 10 Ha and above;

(ii) 9 m from the boundary of lakes of area less than 10 Ha/ kuntas/shikam lands;

(iii) 9 m from the boundaries of Canal, Vagu, etc.

(iv) 2 m from the defined boundary of Nala

(c) Unless and otherwise stated, the area and the Full Tank Level (FTL) of a lake/kunta shall be reckoned as per the master Plan/Revenue Records/Irrigation records.

(d) Unless and otherwise specified in the Master Plan/Zonal Development Plan.

(i) In case of (b) (i) above, in addition to development of recreational/green belt along the foreshores, a ring road or promenade of minimum 12m width may be developed, wherever feasible.

(ii) The above greenery/landscaping and development shall conform to the guidelines and provisions of the National Building Code of India,2005.

(e) For layout development activity within the restricted zone near the airport or within 500 m distance from the boundary of Defence areas/ Military establishments, necessary clearance from the concerned Airport Authority/ Defence Authority shall be obtained.

(f) In case of sites in the vicinity of oil/gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.

(g) For areas covered under GOMs 111 M.A & U.D Dept., dated 8-3-1996 (protection of Catchment area of Osmansagar and Himayatsagar lakes), apart from the provisions of statutory Master Plan of HUDA/ HADA, the restrictions on layout and development activity imposed in the said Government orders would be applicable.

(h) No approval shall be considered in sites which are earmarked for Industrial Use Zone/Recreational Use Zone/Water Body in notified Master Plans/Zonal Development Plans.

(i) Open Spaces earmarked in any approved layout shall not be considered for regulation under these Rules.

6. Compulsory Application for Regulation

It shall be compulsory for all plot owners in unapproved layouts to file an application in the prescribed format for regulation of the plot/layout before the Competent Authority to apply for regulation for plots having registered sale deed executed prior to date of notification of these rules within ***90 days*** from the date of notification of these rules duly enclosing the following documents:

I. Copy of registered sale deed/title deed executed prior to the date of notification of these rules duly attested by a gazetted officer.

II. Location Plan

III. Detailed Layout Plan drawn to scale showing plotted area, open area, area under roads and the plot/ plots applied for regulation.

IV (a) Urban land Ceiling Clearance Certificate in case the extent of land exceeds the ceiling limit or

(b) An affidavit in case the extent of land is less than the ceiling limit or

(c) ULC Regularisation order from Government issued under GOMs 455 and 456 Revenue dt. 29-7-2002

V. Indemnity Bond in the format prescribed

VI. NOC from Defense Authority/Airport Authority of India (wherever applicable)

VII. Any other document as required by the Competent authority Application for regulation of unapproved layout and subdivision of plots can also be made by a society/association/colony developer representing the plot owners in unapproved layout. in such cases the said association/colony developer representing the plot owners in unapproved layout, shall be wholly and severally responsible for undertaking the deficiencies in such unapproved layouts, undertaking to comply with the conditions and pay the requisite fees and charges as prescribed in these rules to the competent authority. The society/association/colony developer representing the plot owners in unapproved layout shall select any of the three members among themselves called "Resource persons" who would be responsible for all dealings on behalf of the society/association/colony developer representing the plot owners in an unapproved layout.

7. In cases where an application is received in a site that is contrary to the land use stipulated in the statutory plan, the competent authority shall have the power of approving the case except those specified in Rule 5 above by levying the necessary conversion charges.

8. Payment of Penalisation charges

(i) The applicant shall pay the fees and charges as detailed below:

a. Basic penalization charges on pro-rata basis, which are inclusive of betterment charges, development charges and layout scrutiny charges, penalty and other charges, at the following rates.:

TABLE-I
BASIC PENALISATION CHARGES

Plot Area in Sq.mts.	Basic Pro-rata Penalisation Charges in Rs per Sq.mts.
Less than 100	200
101 to 300	300
301 to 500	400
Above 500	500

The actual penalization charges will be the percentage of basic penalization charges as mentioned above and shall be calculated based on the land value prevailing as on 1.1.2008 as given below:

TABLE- II
PENALISATION CHARGES WITH REFERENCE TO LAND VALUE

Market Value of the land as on 01-01-08 (sub-registrar value) in Rs per sq.yard	Penalisation Charges (% of basic penalization charges)	
Above 25000	100% of Basic Penalisation Charges	
20001 to 25000	90%	-do-
15001 to 20000	80%	-do-
10001 to 15000	70%	-do-
8001 to 10000	60%	-do-
5001 to 8000	50%	-do-
3001 to 5000	45%	-do-
2001 to 3000	40%	-do-
1001 to 2000	35%	-do-
501 to 1000	30%	-do-
Upto 500	25%	-do-

b) Pro-rata open space charges as prescribed in Rule 10 (b) of the Rules.

c) Conversion charges as prescribed in Rule 7 of the Rules.

(ii) The above charges may be remitted in full at the time of submission of application form or 50 % of the said amount shall be paid along with the application form and balance 50% shall be paid within 6 months from the date of submission of application

9. Scrutiny by the Competent Authority:

(i) After receipt of an application for regulation of layout in Annexure-I with necessary documents and plans, the Competent Authority in respect of areas falling in the limits of Urban Development Authority shall scrutinize application as per these Rules, carry out necessary inspections and in case the application is found in accordance with these Rules and after the owner hands over the open spaces if any to the concerned Municipality/Municpal Corporation/local body, the Competent Authority communicate it's approval to the applicant as early as possible but not beyond six months from the last date of receipt of Applications fixed.

(ii) In case of applications which are found to be not in accordance with these Rules, orders shall be issued rejecting such applications as early as possible but not beyond six months from the last date of receipt of Applications fixed.

(iii) In case of Municipalities/Municipal Corporations falling outside UDA area, or in case of Gram Panchayats covered in Master Plan limits of non-UDA areas, the Competent Authority after scrutiny with respect to Master Plan and as per these Rules and after carrying out necessary site inspection shall submit remarks to the Director of Town and Country Planning for technical approval or the official authorized by the Director of Town & Country Planning in this behalf. After receipt of technical approval, the Competent Authority shall communicate it's approval or rejection to the applicant as early as possible but not beyond six months from the last date fixed for receipt of Applications.

(iv) In case of application for individual plot which is not affected by any Change of Land Use or Master Plan roads, such cases may be processed and disposed at level of Competent Authority only.

(v) The Competent Authority may engage the services of licensed technical personnel, namely architects and graduate engineers, for scrutiny of the applications and for field inspections. Mere receipt of application or any delay in communication of final orders in the matter will not imply the approval of the application.

25

10. Norms to be insisted for regulation of unapproved layouts:

The Competent authority shall ensure the following minimum norms of layout for such layouts:

a) The road width shall be minimum 9 m. In case of weaker section layouts or plots less than 100 sq m, the road width may be 6 m.

(b) *10 % Open space contribution charges to be insisted or reserve equivalent land within their site by readjusting the plots. Where such open space is not provided in such unapproved layout sites, pro-rata open space charges shall be paid as given below.*

(a) In case of existing buildings in unapproved layouts the openspace charges shall be paid based on the land value prevailing as on the date of registration of such plot.

(b) In case of open plots, option is given to the plot owner to pay the same at the time of regulation of plot s per the market value prevailing as on1.1.2008 OR at the time of applying for building permision as per the rate prevailing as on the date of application for building construction.

(c) Shall ensure overall connectivity and integration with surrounding infrastructure and road pattern

(d) Where an unapproved layout site is affected in the Statutory Master Plan road network, the competent authority shall retain the alignment in the said layout and if not feasible, he is authorized to suitably modify the alignment within the layout site but in no case the alignment is to be dropped.

(e) The layout pattern as far as possible shall be retained ipso facto and only in exceptional cases like need for connectivity, integration with surrounding network, etc. modifications may be considered by the Competent authority.

(f) Private water bodies if any shall be preserved in the layout. Such water bodies may be considered as part of open spaces as required under (b) above, subject to taking up protection and improvement of foreshores of such water bodies

11. Minimum Standards of layout facilities and development to be undertaken:

a) All roads to be developed and black-topped

b) Drainage works including rain water harvesting facilities

c) Water supply and sewerage facilities

d) Street Lighting

e) Fencing of open spaces

12. Individual plot regulation:

Where an individual comes forward for regulation of a single plot, the Competent authority may consider the same subject to the condition in Rule 2 (iv) and Rule 5 to 8 regarding payment of fees, penalty and charges including the open space charge and betterment charges payable on pro rata basis.

13. Failure to come forward for regulation of unapproved layouts/plots:

Where an application is not filed for regulation of unapproved layout/plot, the following consequences have to be faced by the plot owners:

(a) Such unapproved layouts/plots would be treated as continuing offence and exemplary penalty as per law would be levied.

(b) No regular water supply connections and services like drainage and sewerage would be extended.

(c) Such unapproved layouts shall be recorded in the Prohibitory Register of the Registration Department and no sale /disposal or transactions shall be allowed in such sites.

(d) No building approvals shall be considered by the building sanctioning authority in such unapproved layouts/plots

(e) Other enforcement action including demolition of the building if any on such plot/plots shall be initiated.

14. Amount levied kept in separate account:

The amount collected by the Competent Authority under these Rules shall be kept and maintained under the control of the Competent authority in a separate escrow account and utilized only for improvement of amenities in the area.

The competent authority shall review the development works undertaken by the UDA/ local authority relating to such

unapproved layouts on a quarterly basis and shall have the power to issue necessary instructions and directions in this regard.

15.Appeal:

(1) Any applicant aggrieved by an order passed by the Competent Authority under Rule 9, may prefer an appeal to the Appellate Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in Rule 6 of these rules.

(2) All the appeals shall be disposed off within six months.

16.The Government may issue guidelines to operationalise these Rules as deemed fit.

17.All existing Rules, Regulations, Bye laws and orders that are in conflict or inconsistent with these rules shall stand modified to the extent of the provisions of these rules.

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

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner and Director, Printing , Stationery and Stores Purchase A.P. Hyderabad (in duplicate, with a request to publish the Notification in the Extraordinary Gazette of A.P. dated 31-12-2007, and furnish 1000 copies to Government)
The Director of Town and Country Planning, A.P. Hyderanbad.
The Commissioner and Director of Municipal Administration, A.P.Hyderabd.
The Commissioners of all Municipal Corporations/ Municipalities in the State, through CDMA.
The Vice chairman of all Urban Development Authorities in the State
All Departments of Secretariat
All Heads of Department.
The Director General Fire Services.
The Chairperson, AP Transco.
The Managing Director, H.M.W.S&S.B, Hyderabad.
The Engineer in Chief (Public Health) Hyderabad.
The Commissioner & Inspector General of Registration & Stamps.
The Managing Director, AP Housing Board.
The District Collectors of all Districts.

Copy to:
The Special Secretary to Chief Minister.
The P.S. to Minister(M.A).
The P.S. to Principal Secretary to Government (MA&UD Dept)
The P.S.to Secretary to Government (M.A&U.D.Dept)

S.F/S.C.

27 - 1 P-8

PROCEEDINGS OF THE MUNICIPAL COMMISSIONER, KAPRA MUNICIPALITY, R.R.DIST.

Present: Sri S. Ramakrishna Reddy, B.Tech

Proc.No.BA/G2/150/2005-06 **Date: 29-09-2005**

Sub:- KAPRA MUNICIPALITY - Town Planning Section – Building Permission for the construction of Group Housing Scheme Apartment in Sy. No 93(P),94(P) and 95(P), of Mallapur(V) – Proceedings - Issued - Regarding.

Ref:- HUDA Technical Approval vide Lr.No. 1481/P4/Plg/HUDA/2005, dt.22/08/2005 of the Vice-Chairman, HUDA addressed to this office.

* * * * * *

ORDER:

Sanction is hereby accorded for the construction of Stilt + 5 Upper Floors construction of Group Housing Scheme Apartment upto 1st slab level as per the plans enclosed under the provisions of Andhra Pradesh Municipalities Act, 1965 and Andhra Pradesh Urban Areas (Development) Act, 1975, subject to the conditions as mentioned below.

This permission is sanctioned and released in confirmative with the plans technically approved by the Vice-Chairman, HUDA vide Lr.No. 1481/P4/Plg/HUDA/2005, dt.22/08/2005 for Stilt + 5 Upper floors of Group Housing Scheme Apartment

1. The applicant should submit compliance report to HUDA and municipality soon after completion of first roof slab and then all the roofs are laid so as to enable to permit, the applicant to proceed further by inspection of site by the concerned officials.
2. This permission does not bar the application of the provisions of Urban land Ceiling & Regulation Act 1976.
3. This permission is valid for a period of (3) years from the date of issue of these proceedings if the work is commenced within the one year from the date of issue.
4. The water supply, drainage and sewerage disposal system to be provided/ facilitated to the proposed building should be at the satisfaction of Municipality and shall ensure the following.

   i. The location of water supply source and sewerage disposal source are located at appropriate distance within the site preferably at 100 feet distance so as to avoid contamination.

   (ii) The depth of the bore and size shall be limited to the minimum depth and size of existing nearby bore well. Water shall be disinfected by adding hypo-solution to maintain 0.3 to 0.4 p.m. of residual chlorine in the sump/over head tank.

   (iii) Where main municipal drains exist in vicinity of site, insist on connecting the treated sewerage to main existing drain by laying a sewer pipe of diameter ranging from 200mm to 300mm.

   (iv) In case where such municipal drain exists, insist on connecting the treated sewerage over flow to a natural drain or nala with a sewer pipe of diameter 150 mm.

(v) Before allowing the over flow mentioned in (iii) &. (iv) Above, ensure the sewerage of the proposed building is invariable let into a common septic tank constructed on as per ISI standards and specifications (ISI) Code NO.2470 of 1985 (Annexure - 1) and constructed with a fixed contact bed, duly covered and ventilated for primary treatment, no effluent/drainage over flows on the road of public place.

(vi) To prevent chokage of sewers/drains the last inspection chamber within the site/premises shall be provided with safety pads/gates.

(vii) The party should clean the septic tank periodically by themselves, and cart away the sludge, etc., to an un-objectionable place.

(viii) All the above will be supervised and inspected by the municipal officials concerned for compliance during the construction stage.

(ix) Since eventually the public sewerage and water supply system are expected to be systematically added/extended by the Hyderabad Metropolitan Water Supply & Sewerage Board to the out laying areas of Hyderabad, the proposed building owners shall pay proportionate pro-rate charges to Hyderabad Metropolitan Water Supply & Sewerage Board for the above facilities as and when demanded by the Hyderabad Metropolitan Water Supply & Sewerage Board.

5. The applicant should obey the conditions and pay the pro-rate charges, which may be imposed, for regularization of the layout in terms of G.O.M.S. No.367 M.A, dated 12-7-1988.

6. The party has to construct the building/complex strictly as per the plans technically approved by HUDA and sanctioned by municipality. No deviations, misuse or violations of set backs, common parking floor/stilt floor parking/violations and other balcony projections will not be allowed.

7. The Builder/Developer should commence the work after submission of Clearance Certificate from Director General, A.P., and Fire Service Department.

8. The applicant should follow all fire safety requirements in accordance with the "National Building code 1983".

9. The applicant should plant sufficient no. of trees and maintains them in the periphery of the site and along the abutting roads, as avenue plantation to the extent of the site at a distance of 4.0m. between each tree.

10. The builder shall obtain fit for Occupancy Certificate from the Kapra Municipality, only after:-

    (i) The proposed building is completed in accordance with the technically approved building plans and sanctioned by the municipality.

    (ii) After complying all the conditions from Sl. No. (6) to (10) as stated above.

    (iii) After complying the conditions with regard to water supply and sewerage disposal systems as mentioned in condition no. 5(i) to

(iv) After issuing "fit-for occupancy certificate" by the municipality as required under G.O.Ms. No. 248 M.A, dated 23-05-1996.

11. The builder/developer should display a board at a prominent place at the site, which shall show the plan and specify the conditions mentioned in this proceedings, so as to facilitate the public in the matter.
12. The applicant is responsible for structural safety and the safety requirement in accordance with the National Building Code of 1993.

13. The applicant shall develop the Rainwater Harvesting structures is the site under reference as per the brochure enclosed.

14. The applicant should erect temporary scheme to avoid spilling of materials outside the plot during construction to stop environmental pollution, to ensure safety and security of the pedestrians and neighbors.

15. The applicant should make provisions for erection of transformer and garbage house within the premises.

16. The applicant, builder, developer should not keep their construction materials / debris on public roads.

17. The applicant should ensure to submit a compliance report to HUDA soon after completion of first roof slab and then all the roofs are laid so as to enable to permit him to proceed further after inspection of site.

18. The stilt floor should be exclusive used for parking of vehicles without any partition walls and rolling shutters and the same should not be converted or misused for any other purpose at any time in future.

19. The copy of the sanctioned plan should be displayed at the construction site for the purpose of public view and for official inspections.

20. The construction should be made strictly in accordance with the sanctioned plan and if any modifications are necessary prior approval should be obtained from HUDA and municipality.

21. The applicant/ builder shall obtain a clearance from the A.P Fire Services department for proposed apartment complex as required under the provisions of A.P Fire Services Act 1994.

22. The applicant/builder/Contractor shall obtain a risks insurance policy certificate for the construction period as required under the provisions of G.O.Ms.No.541 M.A, dated 17-11-2000.

23. Incase site Engineer/Structural Engineer/Architect is changed by the owner/builder during the course of construction or the Architect structural Engineer dis-associate themselves with the on going project and the same shall be reported to the Kapra Municipality by the owner/builder within (7) days by registered post or in person along with consent letters of newly engaged site Engineer/structural Engineer/ Architect.

24. Top priority to be given for **WATER HARVESTING STRUCTURE and** works to be undertaken as per plan approved.

25. The applicant shall form the 100' wide proposed ZDP road on the ground.

26. The applicant shall form the 100'-0" wide road in place of railway line as shown in the plan.

27 The internal roads shall be developed with B.T. and the open spaces/to t-lot shall be developed with greenery and land scape.

28. The applicant shall construct compound wall to all open spaces – To t-lot as per HUDA specifications.

29 The applicant shall provide (4) STPs as shown in the plan as per the specifications.

30 The applicant shall develop the site as per circulation pattern as first stage of development to HUDA.

29/9/05

for COMMISSIONER
KAPRA MUNICIPALITY.

29/9

To

M/s. Sri Sai Builders,
Rep. by Sri N. Kiran Kumar,
5-4-187/3 &4, 3rd Floor,
Soham mansion,
M.G.Road, Secunderabad.

-31- P-9

HYDERABAD URBAN DEVELOPMENT AUTHORITY
1-8-323, Paigah Palace, Rasoolpura,
Secunderabad - 500 003. Tel: 91-40-27905371

PLANNING DEPARTMENT (Dev.Control)

Lr.No: 1481 /P4/Plg/HUDA/2004 Date: 22-8-2005

To
The Commissioner,
Kapra Municipality,

RANGA REDDY DISTRICT.

Sir,

Sub:- HUDA – Plg. – DC Unit – Technical approval of Building Plans for Group Housing Scheme Apartments in Plot Nos Sy.No. 93(P), 94(P) and 95(P) of Mallapur Village, Uppal Mandal, R.R.Dist. - Reg.

Ref:- 1. Application of SRI M/S. Sai Builders Dated: 14-2-2005

*****

1. Vide reference 1st cited, SRI M/S. Sai Builders applied for technical approval of Building Plan for in ~~Plotting~~ Group Housing Scheme Apartments Sy.Nos. 93(P), 94(P) and 95(P) of Mallapur (v), Uppal Mandal, R.R.District.

2. Vide reference * cited, the building plans were forwarded by you office for technical of HUDA.

3. The above proposals have been examined with reference to the notified Master Plan/Zonal Development Plan provisions and the stipulated building regulations.

I. Technical approval No. 1481/P4/H/2005
Dated: 22-08-2005

II. Name of the owner/Applicant and Address: SRI M/S. Sai Builders
Rep.by Sri N.Kiran Kumar
5-4-187/3&4, 3rd Floor, Soham Mansion,
M.G.Road, Sec'bad-500 003.

Ch.No.9598, dt.9-8-2005 - Rs.11,55,921-00

III.	Details of charges collected:		CHALLAN NO	DATE	AMOUNT
(a)	Development Charges	::	9598	9-8-2005	6,84,661-00
(b)	Consolidated Charges /Compound fees/ C.F./S.D. fees	::	-	-	-
(c)	Advertisement Charges	::	-	-	5,000-00
	Other Charges:				
	Balance Processing charges (1/10 processing charges)	::	-	-	1,41,898-00
(e)	10% open space charges	::	-	-	-
(f)	Proportionate charges for layout area	::	-	-	3,24,362-00
(g)	NOC fee under appeal clause	::			

Nature of construction :: Group Housing Scheme Apartments (with 350 dewelling ~~xxx~~ units only)

4. The apartment building plans are hereby technically approved under section –14 of the A.P Urban Area (Development) Act, 1975 and forwarded to you for necessary sanction and release and ensuring compliance of the following conditions, while party undertakes the above proposed building for GHS Apartments use viz;

a) The building plans shall be sanctioned by the Local Authority in conformity with the technically approved plans by HUDA.

b) The Local Authority shall scrupulously follow the instructions of the Govt., Vide Govt. Memo No 1933/II/97-1 M.A., dated 18-6-97 i.e. ensure the ownership and ceiling clearance aspect of the site under reference are in order before sanctioning and releasing the technically approved building plans;

c) The building plans technically approved by HUDA is valid for a period of (3) years from the date of issue of this letter if the work is commenced with in the one year from the date of issue.

d) With regard to water supply, drainage and sewerage disposal system to be provided/facilitated to the proposed building, the Commissioner/Municipal Engineer/ Executive Authority shall ensure the following.

i) The location of water supply source & sewerage disposal source are located at appropriate distance within the site preferably at 100 feet distance so as to avoid contamination.

ii) – The depth of the bore and size shall be limited to the minimum depth and size of existing nearby bore-well. Water shall be disinfected by adding hypo-solution to maintain 0.3 to 0.4 p.m of residual chlorine in the sump / overhead tanks.

iii) Where main Municipal / Panchayat drains exist in vicinity of site, insist on connecting the treated sewerage to main existing drain by laying a sewer pipe of diameter ranging from 200mm to 300mm.

iv) In case where such municipal Panchayat drain exist, insist on connecting the treated sewerage overflow to a natural drain or nala with a sewer pipe of dia deter 150mm.

v) Before allowing the overflow mentioned in (iii) & (iv) above ensure the sewerage of the proposed building is invariably 1st into a common septic tank constructed on as per ISI standard specification (ISI) code No. 2470 of 1985 (Annexure –I) and constructed with a fixed contact bed, duly covered and ventilated for primary treatment. The local authority shall ensure that no effluent / drainage over flows on the road or public place.

vi) To prevent chokage of sewers/ drains, the last inspection chamber within the site/ premises shall be provided with safety pads/ gates.

vii) The party should clean that septic tank periodically by themselves, and cart away the sludge, etc., to an unobjectionable place;

viii) All the above shall be supervised and inspected by the municipal Engineer/ Executive authority concerned for compliance during the construction stage.

ix) Since eventually the public sewerage and water supply systems are expected to be systematically added/ extended by the Hyderabad Metropolitan Water Supply & Sewerage Board to the outlaying areas of Hyderabad, the proposed building owners shall pay proportionate pro-rata charges to Hyderabad. Metropolitan Water Supply & Sewerage board for the above facilities as and when demanded by the Hyderabad Water Supply & Sewerage Board.

e) The Municipal commissioner/ Executive authority should ensure the party undertakes to abide by the conditions and pays the pro-rata charges, which may be imposed, for regularization the layout in terms of G.O.Ms. No.367 M.A., Dated 12-7-1988.

f) The Municipal commissioner/ Executive Authority should ensure that the minimum width of approach road as indicated in the tech. approved plans and area affected in the road widening is taken over from the applicant free of cost by municipality / Panchayat. The said road is developed and maintained as Black topped road with proper center etc.

g) The Municipal Commissioner/ Executive authority should ensure that the proposed building / complex is constructed strictly as per the technically approved building plans mandatory inspection shall be made at foundation stage, plinth level and first floor and subsequent floor level as required under G.O.Ms.No. 423 M.A. Dated 31.07.1998. No deviation, misuse or violations of minimum setbacks, common parking floor/ stilt floor marking/ violation and other balcony projections shall not be allowed.

h) The municipal commissioner / Executive Authority shall ensure that all fire Safety Requirements are complied in accordance with the National Building Code, 1983.

i) The Municipal Commissioner/ Executive Authority shall ensure that the party plants trees and maintain them in the periphery of his site and along the abutting roads, as avenue plantation to the extent of his site at a distance of 4 meters between each tree.

j) The Municipal commissioner/ Executive Authority shall allow the proposed building complex to be occupied used or otherwise let out etc., only after;

   i) The proposed building is completed in accordance with the technically approved building plans;

   ii) After ensuring all the above conditions at (a) to (i) are complied.

   iii) After ensuring the conditions with regard to water supply and sewerage disposal system as mentioned in (d) above are complied to the satisfaction of the Municipal Commissioner/ Executive Authority.

   iv) After issuing a "Fit for Occupancy" certificate by the Municipal Commissioner/ Executive Authority as required under Government order No.248 M.A., dt. 23.05.1996

k) The Municipality shall ensure that the developer display a board at a prominent place at the site which shall show the plan and specify the conditions mentioned in this office letter, so as to facilitate public in the matter.

l) That the applicant is responsible for structural safety and the safety requirement in accordance with the of national Building code of 1993.

m) The applicant shall develop Rain Water harvesting structures in the site under reference as per brochure enclosed.

n) That the applicant should erect temporary scheme to avoid spilling of materials outside the plot during construction to stop environmental pollution to ensure safety and security of the pedestrians and neighbors.

o) That the applicant shall made provisions for errection of Transformer and Garbage house with in the premises.

p) That the applicant / builder / constructor / developer shall not keep their construction materials / debris on public road.

q) That the applicant should ensure to submit a compliance report to HUDA soon after completion of first floor roof level and then all the roofs are laid so as to enable to permit him to proceed further by inspection of site by

r) That the stilts/Cellar should be exclusively used for parking of vehicles without any partition walls and Rolling shutters and the same should not be converted or the undertaking dated

35

s) It is also hereby ordered that the copy of approved plan as released by HUDA and local authority would be displayed at the construction site for public view.

t) That the construction should be made strictly in accordance with this sanctioned plan. If any modifications are necessary prior approval should be obtained.

u) That the applicant shall obtain clearance from A.P Fire Services Dept., for the proposed complex under the provisions of A.P Fire Services Act 1994.

v) This permission does not bar any public agency including HUDA/HADA/CDA to acquire the lands for public purpose as per law.

w) The applicant shall form the 100' wide proposed ZDP road on the ground.

x) The applicant shall form the 100'-0" wide road in place of railway line as shown in the plan.

y) The internal roads shall be developed with B.T. and the open spaces/tot-lot shall be developed with greenary and land scape.

Z) The applicant shall construct compound wall to all open spaces - Tot-lot as per HUDA specifications.

Z2) The applicant shall provide 4 STPs as shown in the plan as per the specifications.

Z3) The applicant shall develop the site as per circulation pattern as first stage of development to HUDA.

Yours faithfully

Sd/-

for Vice Chairman

ENCL: Plans

Copy to: the A P O (MJ), HUDA .. to ensure that the applicant adheres to the conditions of release of the permission and submit written compliance report on all the conditions concerned to the HUDA in the prescribed period.

//t.c.f.b.o.//

23/8/05

Divl. Admn. Officer(Plg.)

23/8/05