

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

M.A. & U.D. (M1) Department - The Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007 - Certain amendments - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms.No.112

Dated: 31.01.2008

Read the following:

- 1. Ordinance No.15 of 2007 Dated: 15-12-2007**
- 2. G.O. Ms. No. 901 M.A & U.D (M1) Department Dated 31-12-2007.**

* * *

ORDER:

By an Ordinance No. 15 of 2007, dated 15-12-2007, the Government have amended the H.M.C. Act 1955, A.P. Municipalities Act, 1965, A.P. Municipal Corporation Act, and A.P. Urban areas (Development) Act 1975, duly authorizing the Municipal Commissioners / Vice Chairmen of all Urban Development Authorities (in case of gram panchayats falling under Urban Development Authorities) to penalize the unauthorized constructions/deviations as a one time measure. Consequently Government has issued the Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007 vide G.O. second read above.

2. 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, Resident Welfare Associations, various builders Associations and general public with regard to reduction of penal rates, extension of time, facility of payment in installments and on other issues, like seeking differential rates for old and new buildings, linking penalizations Charges with property value in a given area, etc.

3. After careful examination of the various issues raised in the representations, and In exercise of the powers conferred by Section 455AA of the Hyderabad Municipal Corporation Act, 1955, Section 218(A) of the AP Municipalities Act, 1965, Section 46 (A) of the AP Urban Areas (Development) Act, 1975, the Government hereby issue the following Amendments to the Rules issued in the G.O. second read above.

Amendments

- I. In Rule. 3,of the said rules after the words 'site plan" the following words shall be substituted, namely:

"It shall be filed within 90 days from the date of notification of these rules along with penal amount as given in Rule 5. 50% of the total penal amount shall be paid along with submission of application form and the balance 50% amount shall be paid not beyond six months from the date of application after which proceedings shall be issued. If any owner/ individual does not apply within the stipulated time, he shall be liable for enforcement action under the law and his building shall not be taken up for regulation and penalization subsequently under these rules.

- II. After Rule 5(3), the following sub rules shall be added namely:
- (4): Buildings constructed prior to 31-12-97 are eligible for reduction of 25% on penalization charges.
- (5): in case of Residential buildings falling in notified slums, only 50 % of penalization charges shall be levied.
- (6): In case of buildings converted to commercial use from other uses, double the penalization charges, at the rate prescribed for commercial use have to be paid by the applicant on the total built up area which has been converted into commercial use.
- (7): In case of constructions made within the building line of major roads of width 80 feet and above within the limits of Greater Hyderabad Municipal Corporation, Greater Vishakhapatnam Municipal Corporation, and Vijayawada Municipal Corporation and roads of width 60 feet and above in rest of the urban areas as per Master Plan/Zonal Development Plan, the regulation and penalization shall be done subject to the property owner furnishing a legally enforceable undertaking that he will surrender the land falling within the building line to local body/UDA free of cost as and when required in future for road widening or other public purposes.
- III. In Rule 8, for the words "(other than RCC structure) of single storey in sites upto 100 sq.yards" the following shall be substituted, namely:
"and RCC houses of upto two storeys (G+1) in sites upto 100 sq. meters".
- IV. Rule 9 (i) and Rule 9 (m) shall be deleted.
- V. After Rule 12, rule 12(a) shall be inserted as follows:
" The builder / developer responsible for construction made with deviations and unauthorized constructions shall be black-listed.
- VI. The Annexures – I and II shall be substituted with the following Annexures, namely :

ANNEXURE – I
(TABLE – A)
BASIC PENALISATION CHARGES (In Rupees /Square feet)

| Occupancy or Use | Up to 100 sq m | 101 to 300 sq m | 301 to 500 sq m | | 501 to 1000 sq m | | Above 1000 sq m | |
|--|----------------|-----------------|--------------------|--|--------------------|--|--------------------|---|
| | | | upto 30% deviation | above 30% deviation / total unauthorized | upto 30% deviation | above 30% deviation / total unauthorized | upto 30% deviation | Above 30% deviation/ total unauthorized |
| Individual Residential Buildings and Other non-commercial uses | 20 | 30 | 40 | 50 | 50 | 60 | 75 | 100 |
| Commercial | 40 | 60 | 80 | 100 | 100 | 125 | 150 | 200 |

**ANNEXURE – I
(TABLE – B)
PENALIZATION CHARGES WITH REFERENCE TO THE LAND VALUE**

| Market value of the land as on 01.01.2008 (Sub Register value) in Rupees per Square yard | Penalization Charges (% of basic penal amount) |
|--|--|
| Above 25,000 | 100% of 'Basic Penal Amount' as given in Table A |
| 20,001 to 25,000 | 90% do |
| 15,001 to 20,000 | 80% do |
| 10,001 to 15,000 | 70% do |
| 8,001 to 10,000 | 60% do |
| 5,001 to 8,000 | 50% do |
| 3,001 to 5,000 | 45% do |
| 2,001 to 3,000 | 40% do |
| 1,001 to 2,000 | 35% do |
| 501 to 1,000 | 30% do |
| Upto 500 Rupees per Square yard | 25% do |

**ANNEXURE – II
(TABLE – C)
BASIC PENALIZATION CHARGES FOR MULTIPLE DWELLING UNITS / FLATS / APARTMENT COMPLEXES / INDIVIDUAL BUILDING CONVERTED INTO APARTMENTS.**

| Plinth area of Flat | Basic Penalization Charges per Flat (Covered by approved Plan) | Basic Penalization Charges for Unauthorized Floors Rs. /Sft |
|---------------------|--|---|
| Upto 600Sft | Rs. 10,000 | 60 |
| 601 to 1200 Sft | Rs. 20,000 | 75 |
| 1201 to 2000 Sft | Rs. 30,000 | 90 |
| Above 2000 Sft | Rs. 40,000 | 100 |

**Annexure – II
(Table – D)
Penalization Charges with reference to the land value**

| Market value of the land as on 01.01.2008 (Sub Register value) in Rupees per Square yard | Penalization Charges to be paid (percentage of basic value) |
|--|---|
| Above Rs. 25,000 per yard | 100% of Basic Penal amount given in Table "C" |
| Rs. 15,001-Rs. 25,000 | 80% do |
| Rs. 5,001- Rs. 15,000 | 60% do |
| Upto Rs. 5,000 | 50% do |

Annexure– I (Table A), Basic penalization charges for individual residential buildings / commercial buildings. (in Rupees per square feet) in Annexure-I, (Table –B), penalization charges to be paid with reference to the land value.in (Table- B).

The above two Tables have to be read together to arrive at the penalization charges to be paid.

Annexure – II Basic penalization charges for apartments in (Table-C), and calculation of penalization charges with reference to the land value in (Table-D).

The above two Tables have to be read together to arrive at the penalization charges to be paid.

A copy of this order is available on the internet and can be accessed at the address "aponline.gov.in"

(BY ORDER AND IN THE NAME OF THE 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 : 31-01-2008, 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.

Copy to:

The Special Secretary to Chief Minister.

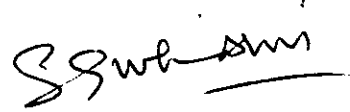
The P.S. to Minister (M.A).

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.

// FORWARDED: BY ORDER//



SECTION OFFICER