

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

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

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

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

Dated:30th July 1998.

Read the following:-

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

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O R D E R

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

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

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

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

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

CONTD.2.

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

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

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

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

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

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

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

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

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

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

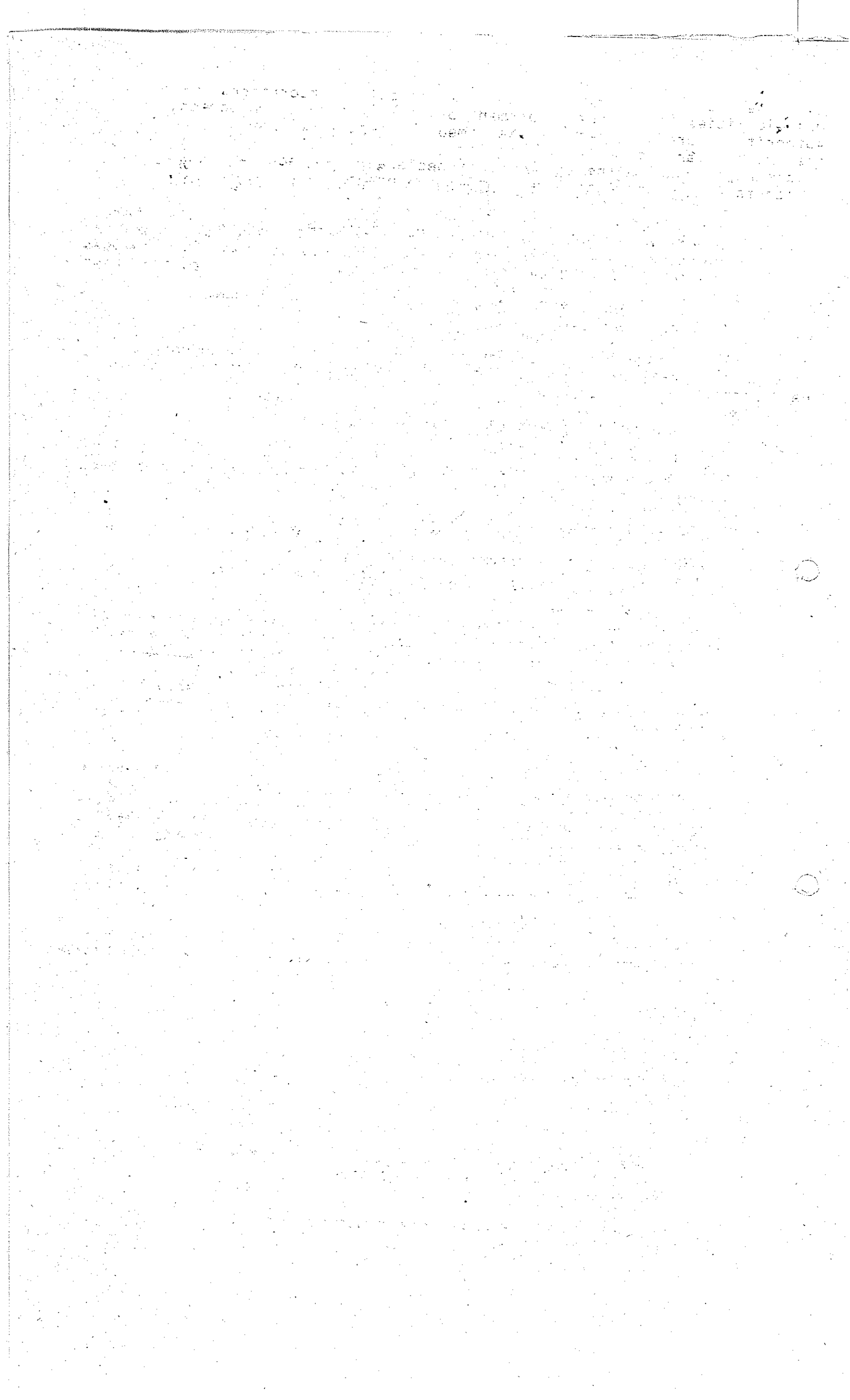
Huts constructed on plots upto 200 sq.mtrs. can be got regularised without payment of any penalty. If there are huts on plots above 200 sq.mtrs. they can be got regularised by paying a flat rate of Rs.750/-

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

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

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

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



FORM-A

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

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

Further I enclose the following:

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

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

A. INDIVIDUAL RESIDENTIAL / INSTITUTIONAL BUILDINGS

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

1. FAR Deviations:

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

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

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

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

B. RESIDENTIAL FLAT/APARTMENT:

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

Contd..

FORM-B
APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION

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

I/We, further enclose the following documents:

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

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

(b) In case of individual residential flat/apartment

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

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

III. Urban Land Ceiling (Wherever applicable):

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

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

IV. Copy of upto date Property Tax Receipt.

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

VI. Undertakings: a) Indemnity Bond

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

c) Declaration regarding Urban Land Ceiling.

d) Certificate Licenced Technical Personnel in case of item 1(a).

DATE _____

SIGNATURE _____

Name of the Declarant / Owner(s) _____

Address for correspondence _____

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

RECEIPT

(to be given by local authority)

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

Receiving Officer

INDEMNITY BOND

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

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

IN FAVOUR OF

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

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

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

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

Hence this Indemnity Bond.

WITNESSES:

1.

1 st PARTY

2.

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

PUBLIC NOTARY

UNDERTAKING

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

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

IN FAVOUR OF

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

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

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

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

WITNESSES

1)

FIRST PARTY

2)

SECOND PARTY

DECLARATION-CUM-UNDERTAKING

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

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

DECLARANT

WITNESSES:

1)

2)

PLACE:

DATE:

CERTIFICATE OF LICENCED SURVEYOR/ARCHITECTS ENGINEER

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

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

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

Licence No.

Signature & Name

Date:

Licensed Architect/

Postal Address:

Engineer/Surveyor

(Stamp)