

O.O.No.15076/P8/Policy/Plg/H/2007

Date:26-10-2015

Sub: HMDA - Plg. Dept – Procedure for disposal of draft development permission applications where the NALA conversion certificate under Sec. 4 of Andhra Pradesh Agriculture Land Act 2006 is not submitted – Instructions – Issued - Reg.

Ref: 1. Common order of Hon'ble High court in W.P.No.26688 of 2007 by Chief Justice Dilip B.Bhosale and Justice Sri.S.V.Bhatt, dt.28-08-2015
2. The Government instructions vide Lr. No.8739/M1/2015, dt.21-07-2015
3. Note orders of the M.C., HMDA dt. 17-10-2015.

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ORDER :

With reference to the subject cited, vide reference 1st cited orders were issued by the Hon'ble High Court to insist on submission of clearance/ permission under the 2006 act as a precedent condition for releasing of layouts.

In response to the above judgment, a letter was addressed to the Principal Secretary, MA & UD Dept. vide Lr. No. 441/LC/H/2015, Dated: 04.10.2015 and the content of the letter is as follows:

- The HMDA is insisting for submission of NOC from R.D.O. concerned under the provisions of A.P. Agricultural land act, 2006.
- The proposals of Layout/Group housing/building permissions are pending in HMDA for NOC on Nala. They are requesting to release the proposals and they will produce the Nala Certificate by the final layout permissions.
- In order to simplify the process, it is further suggested that, the approved draft layout/Group Housing/Building Permissions will be marked to the RDO concerned, and copy to collector for collecting Nala Tax. Otherwise the Deputy Collector of HMDA may be notified by the Govt., for collecting the Nala Tax on behalf of Govt., following due procedure.

The reply from the Government is still awaited. In this regard it is to submit that, there are many cases pending for release of draft layout/ Group Housing/Building Permissions cases etc for submission of NOC from Revenue authority.

Keeping in view of the above, the following note orders were approved by the Metropolitan Commissioner, HMDA for disposal of pending draft development permission applications:

Draft layout/Group Housing/Building Permissions:

- To collect the notarized undertaking on Non-judicial stamp paper worth of Rs.100 duly signed by all the applicants/developers of the layout stating that they will obtain the NOC from Revenue authorities regarding conversion of land for non-agricultural purposes at time of the Final layout and the mortgaged plots shall be relinquished only after the submissions of Nala certificate.
- To collect the ID proof / residential proof (i.e., Voter ID, PAN Card, Passport, Aadhaar Card, Ration Card etc.) by introducing the computerized dairies system to keep the record of the all the above conditions.
- Also to mortgage additional 5% of plotted area in open plotted layout cases, 3% of dwelling units in Group housing Layouts case and 5% of Built-Up Area in other Building permission cases to HMDA as a security deposit.

- A copy of the approved draft layout/Group Housing/Building Permissions to be marked to the RDO concerned, and concerned District collector for collection of Nala Tax from applicant. So that the applicants shall furnish the said certificate before release of final layout/Building permission from HMDA.
- The common additional condition for Draft layouts and Layout with Housing shall be included in the proceedings viz: "The draft layout proposals/Layout with Housing proposals are released subject to condition that the applicant shall obtain the NOC from Revenue authorities (RDO concerned) regarding conversion of land for non-agricultural purposes at time of the Final layout and the mortgaged property shall be relinquished only after the submission of said certificate".
- The common additional condition for Building Permissions shall be included in the proceedings viz: "The Building Permission proposals are released subject to condition that the applicant shall submit the NOC from Revenue authorities (RDO concerned) regarding conversion of land for non-agricultural purposes along with occupancy certificate and the mortgaged property shall be relinquished only after the submission of said certificate".

All the concerned officers of Planning Department are requested to follow the above instructions. These orders shall come into force with immediate effect.


i/c. Director (Plg) - I

To
All the Officers of Planning Dept., HMDA
The Director, Planning-I, HMDA
The Director, Planning-II, HMDA

Copy to :

The Project Director, ORR, HMDA	-	for information
The Secretary, HMDA	-	for information
The P.A. to M.C., HMDA	-	for information