

**Andhra Pradesh Buildings (Lease, Rent And Eviction)
Control (Amendment) Act, 2005**

17 of 2005

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PREAMBLE

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH BUILDINGS
(LEASE, RENT AND EVICTION) CONTROL ACT, 1960

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty sixth Year of the Republic of India as follows

1. Short title and commencement :-

(1) This Act may be called the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion of new sections Act 15 1960 :-

In the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (hereinafter referred to as the principal Act), after section 10 the following new sections shall be added, namely :

10-A "Right to recover immediate possession of premises to accrue to members of the armed forces etc.

(1) Where the landlord.-

(a) is a released or retired person from any armed forces and the premises let out by him, spouse or his dependent son or daughter are required for his own use; or

(b) is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the use of the family of such member, such person, his spouse or his dependent son or daughter, as the case may be, may within one year from the date of his release or retirement from such armed forces or, as the case may be the date of death of such member, or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering the immediate possession of such premises.

(2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter are required for his own use after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter to make an application under that sub-section in respect of only one of the premises chosen by him.

Explanation : For the purpose of this section, "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force Act No. 9 as defined under the Andhra Pradesh Members of Police Force of 1985 (Regulation of Transfers) Act, 1985.

10-B Right to recover immediate possession to accrue to employee of State or Central Government.

(1) Where the landlord is a retired employee of the State or Central Government, and the premises let out by him, his spouse or his dependent son or daughter are required for his own use, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering immediate possession of such premises.

(2) Where the landlord is an employee of the State or Central Government and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter are required by him for his own use after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.

(3) Where the landlord, his spouse or his dependent son or daughter referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter, as the case may be, to make an application under that sub-section in respect of only one of the premises chosen by him.

10-C Right to recover immediate possession of premises to accrue to a widow.

(1) Where the landlord is,

(a) a widow and the premises let out by her, or by her husband;

(b) a handicapped person and the premises let out by him;

(c) a person who is of the age of sixty-five years or more and the premises let out by him, or her;

is required for use by him or her or for his or her family or for any one ordinarily living with him or her as the case may be for use he

or she may apply to the Court for recovery of immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of any one residential and one non-residential premises each chosen by him.

Explanation-I :- For the purposes of this section, "handicapped person" shall mean a person who is as if being an assessee entitled for the time being to the benefits of deduction under section 80-U of the Income-tax Act, 1961(Central Act 48 of 1961).

Explanation - II :-The right to recover possession under this section shall be exercisable only once in respect of each for residential and for non-residential use."

3. Act not apply to certain buildings :-

For section 32 of the principal Act, the following shall be substituted namely :

32. Substitution of section Board 32.--

The provisions of this Act shall not apply,-

(a) to any building belonging to the State Government or the Central Government, or Contonment or any local authority;

(b) to any building constructed or substantially renovated, either before or after the commencement of this Act for a period of fifteen years from the date of completion of such construction or substantial renovation.

Explanation-I :- A building may be said to be substantially renovated if not less than seventy five per cent of the premises is

built new in accordance with the criteria prescribed for determining the extent of renovation;

Explanation-II:- Date of completion of construction shall be the date of completion as intimated to the concerned authority or of assessment of property tax, whichever is earlier, and where the premises have been constructed in stages the date on which the initial building was completed and an intimation thereof was sent to the concerned authority or was assessed to property tax, whichever is earlier.

(c) to any building the rent of which as on the date of commencement of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005, exceeds rupees three thousand and five hundred per month in the areas covered by the Municipal Corporations in the State and rupees two thousand per month in other areas."