
ANDHRA PRADESH HOUSING BOARD (ALLOTMENT OF PLOTS) RULES, 1977

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ANDHRA PRADESH HOUSING BOARD (ALLOTMENT OF PLOTS) RULES, 1977

In exercise of the powers conferred by Section 70 of the Andhra Pradesh Housing Board Act 1956, (Act XLVI of 1956), the Governor of Andhra Pradesh hereby makes the Andhra Pradesh Housing Board (Allotment of Plots) Rules, the same having been previously published at Pages 213 to 241 of the Rules Supplement to part I of the Andhra Pradesh Gazette, dated the 11th November, 1976, as required by Sub section (1) of Section 70 of the said Act.

1. . :-

(1) These rules may be called the Andhra Pradesh Housing Board,

(Allotment of plots) Rules, 1977.

(2) They shall apply to land acquisition and development schemes taken up by Andhra Pradesh Housing Board.

(3) They shall come into force on the date of their publication in Andhra Pradesh Gazette.

2. . :-

(1) In these rules unless the context otherwise requires.

(a) "Act" means the Andhra Pradesh Housing Board Act, 1956 (Act XVI of 1956):

(b) "allottee" means the person to whom a plot is allotted under these rules and includes his legal heir established by an affidavit executed by the legal heir on stamped paper (non judicial of Rs.4 50 duly verified by the Magistrate (the Deputy Collector having competent jurisdiction) or by a Civil Court Decree where the Chairman deems such decree necessary declaring him the heir of the deceased allottee against the person disputing the fact or a nominee who is a member of his family;

(c) "applicant" means a person applying to the Board for allotment of a plot under these rules;

(d) "form" means form appended to these rules;

(e) "Government" means Government of Andhra Pradesh;

(f) "hire purchase system" means a system in which a participant takes step to secure rights in a property under the scheme referred to in rule 2 by payment of hire purchase deposit in specified number of years during which he remains a lessee on terms and conditions set out for that purpose and on the expiry of the said period and after complying with other terms and conditions under these rules ceases to be a lessee and becomes an owner on payment of all dues;

(g) "hire purchase deposit" means non interest bearing advance payment made by the applicant in a lumpsum or in instalments for securing by hire purchase a plot under a scheme on terms and conditions set out for the purpose;

(h) "income" means the aggregate income regularly derived by the applicant from his occupation, trade, business or employment or

any calling or source, constituting normal means of livelihood;

(i) "plot" means a piece of developed land occupied or intended for occupation by one main building together with its necessary buildings used customarily incidental to it including the open space in the plot and having frontage upon a street or road;

(j) "scheme" means a land acquisition and developmental scheme referred to in Rule 2;

(k) "stray plot" means a plot which was once allotted but subsequently the allotment was either cancelled by the Board or surrendered by the allottee or a plot left over inadvertently while notifying the plots for allotment or a plot which has been formed on account of readjustment in the plan subsequent to the issue of notice inviting applications for allotment of plots.

(2) Words used in these rules, but not defined, shall have the same meaning as assigned to them in Andhra Pradesh Housing Board Act, 1956 (Act XLVI of 1956).

3. . :-

(1) The Board may, subject to the provisions of these rules, allot plots to persons who agree to purchase them in accordance with these rules.

(2) The disposal of the plots shall be either outright sale basis or on hire purchase system in the manner provided in these rules.

4. . :-

(1) The size of the plot shall ordinarily be:

Provided that the Board may at its discretion change the size of any plot depending upon the location of the plot and other factors.

5. . :-

(1)

(a) Whenever the Board has formed an extension or layout in pursuance of any scheme, it shall offer any or all the plots in such extension or layout for allotment to person eligible under these rules:

(b) Notwithstanding anything contained in Clause (a) the Board may allot a stray plot to a person who is eligible for allotment of plot under these rules.

(2)

(a) The Board shall, for the purpose of allotment of plots, issue a notice published in the manner specified in Clause (c), for inviting applications before a date specified therein. Due publicity shall be given in respect of plots offered for allotment.

(b) The notice shall specify:

(i) the number, location and size of the plot for High Income Group, Middle Income Group, Low Income Group and Economically Weaker Sections, as the case may be;

(ii) the amount payable as initial deposit;

(iii) the last date of submission of application for allotment of plot

(iv) the earnest money deposit payable.

(v) any other particulars which the Chairman, may consider necessary.

Provided that the last date for submission of applications by defence personnel shall be one month later than the date fixed for other applicants.

(c) The publication of notice shall be made in not less than three daily newspapers published in main languages i.e., Telugu, English and Urdu having wide circulation in the State.

(d) Due publicity may also be given by publication of prospectus which shall be obtained at the office of the Housing Board on payment of Rs.3.00 or such cost as the Chairman may, from time to time fix where the layout plans of the plots and the terms and conditions of allotment shall be clearly indicated.

6. . :-

(1) Every applicant shall deposit or cause to be deposited an earnest money amount through a challan at the Extension Counter of the State Bank of Hyderabad situated in Gruhakalpa, Mukarramjahi Road, Hyderabad or some other place which the chairman may specify in the notice. The challan or demand draft obtained to cover the earnest money shall be enclosed to the application.

(2) The earnest money deposit shall be as follows:-

Plot for High Income Group	Rs. 1,000
Plot for Middle Income Group	Rs. 500
Plot for Low Income Group	Rs. 200
Plot for Economically Weaker Section	Rs. 100

Provided that the Board may at its discretion change the amount of earnest money deposit of any category of plots.

(3) The earnest money deposit shall be refunded to the applicant if no allotment is made in his her favour.

7. . :-

Application for allotment shall be presented in Form 1-A,1-B, 1-C or 1-D, as the case may be. The applicant shall follow the instructions contained in Form 2.

8. . :-

(1) No application shall be accepted by the Chairman unless it is received on or before the date specified in the notice and the applicant furnishes the earnest money deposit challan or demand draft as provided in the notice published under Rule 5, along with application.

(2) On receipt of the application under Sub rule 1, the Secretary shall enter each application in a register maintained for the purpose in the order in which application is accepted and shall pass a receipt to the applicant.

(3) The Secretary shall first scrutinise and list out the eligible applications from the total number of applications received before the specified date.

(4) Any application which is incomplete in any respect is liable to be rejected.

9. . :-

(a) The following principles shall be observed while making allotment of plots, by drawal of lots among the eligible applicants, under a particular scheme.

(i) In the case of plots meant for High Income Group, Middle Income Group and Low Income Group, upto 30 per cent of the plots be earmarked for out right sale, preference shall be given to the applicants who make payments in foreign currency and in which

case applicants shall enclose an undertaking along with applications to make payments in foreign currency.

(ii) In the case of plots meant for High Income Group, Middle Income Group and Low Income Group, fifteen percent of the plots be earmarked for allotment on hire purchase system to those who deposit 50 percent of the cost as initial deposit.

(iii) In the case of plots meant for High Income Group, Middle Income Group and Low Income Group, rest of the plots be earmarked for allotment of hire purchase system to those who deposit 20 percent of the cost as initial deposit. If there is no response to categories (i) and (ii) all the plots shall be converted and sold on hire purchase system to those who deposit 20 percent of the cost.

(b) The Board may, at its discretion, change the above percentages depending upon the need as such.

(c) 15 per cent of the plots offered for sale, either by hire purchase or outright sale shall be reserved for defence and Border Security force personnel and be allotted by lots in the following orders of priority.

(i) Widows or other dependents of Defence and Border Security force personnel who have been killed in action.

(ii) Disabled service Border Security force personnel who are invalidated and out of service;

(iii) Ex-Service personnel and Ex. Border Security force personnel.

(iv) Serving defence and Border Security force personnel.

(d) 18 percent of the plots offered for sale either by hire purchase or outright sale shall be reserved for allotment, by drawal of lots among Scheduled Castes and Scheduled Tribes in the ratio of 14:4. In the case of plots meant for Low Income Group and Economically Weaker Section 15 percent of the plots shall be reserved for listed Backward Classes.

(e) 10% of the plots offered for sale either by hire purchase or outright sale shall be reserved for allotment by drawal of lots among the State Government servants and such of the retired Govt. servants who have retired on or after 1-4-1976. Including employees of semi Government, Local Bodies and other Public

Institutions under the control of Government.

(f) In the case of plots meant for High Income Group and Middle Income Group, 5 of the plots offered for sale either by hire purchase or outright sale shall be reserved for M.L.A. s and M.L.C.s of Andhra Pradesh.

10. . :-

No allotment shall be made if the applicant.

(i) is not ordinarily resident in the area within the limits of the Municipal Corporation of Hyderabad or concerned Municipality where the plots are situated for not less than 5 years immediately before the last date fixed for making application;

(ii) Owns a house or plot within the limits of the Municipal Corporation of Hyderabad or concerned Municipality in his or her own name or in the name his her husband wife, as the case may be, or in the name of his minor children.

(iii)

(a) has an annual income exceeding Rs.4,200 in case of Economically Weaker Sections.

(b) has an annual income exceeding Rs.7,200 in the case of Low Income Group.

(c) has an annual income exceeding Rs.18,000 and less than Rs.7,200 in the case of Middle Income Group.

(d) has an annual income less than Rs.18,001 in case of High Income Group.

(iv) has not got the requisite paying capacity.

(v) Is less than eighteen years of age.

(vi) Is not in a position to build the house on the plot without loan assistance from Government.

Provided that this condition shall not be considered in case of applicant belonging to Scheduled Caste, Scheduled Tribes and other Backward Classes.

Provided further that the Chairman may, in his discretion for sufficient reasons relax any of the provisions of this rule in favour of any applicant, specially in the case of such applicant who is

domiciled in Andhra Pradesh but has gone outside the State or abroad on employment business studies or training and who bonafidely intends to reside in the area within the limits of the concerned Municipal Corporation or Municipality where the plots are situated.

11. . :-

(1) The Chairman shall, in case the number of eligible applicants is equal to less than the plots available for allotment shall allot plots by drawal of lots, at the rate of one to each applicant and re notify the rest of the plots if any.

(2)

(a) The Chairman shall make arrangements for drawal of lots among all the eligible applicants, if their number exceeds the number of plots notified. A notice of not less than 7 days specifying the date, time and venue of the drawal of lots shall be given to all eligible applicants. Any inadvertant omission to send notice or non receipt of notice by any applicant shall not vitiate due drawal of lots.

(b) Lots shall be drawn separately for Higher Income Group, Middle Income Group, Low Income Group and Economically Weaker Sections schemewise in the presence of such of the members of the Housing Board and the eligible applicants as may be present at the time of drawal of lots.

(c) Lots shall be simultaneously drawn in respect of plots and applicants and the names of the applicants who have succeeded in the lots shall be arranged indicating the plot numbers which have been drawn by lots against those applicants.

(d) After the lots are drawn as specified in Clause (c) further lots may be drawn to an extent of 33 1/2% percent of the number of plots available for allotment in respect of each category.

(e) Lots shall be drawn in respect of reserved quota first, and the applications remaining after drawal of lots, shall be added to general pool.

(f) The names of the applicants who are allotted the plots shall be published on the notice Board of the office of the Housing Board and such other place as may be specified by the Chairman.

(3) Notwithstanding anything in these rules, the Chairman may in special and deserving cases, recommend, to the Government which shall be supported by a resolution of the Board, for allotment of certain plots developed under the scheme referred to in Rule 2 in favour the occupants of the houses which were demolished for purposes of development of housing schemes in the lands acquired from them including their old houses. The decision of the Government shall be final in such matters and any allotment done based on Government orders, shall be deemed to be an allotment under these rules.

12. . :-

After the allotment is finalised the Chairman shall issue an allotment letter in Form 3-A, 3-B or 3-C informing the allottee that the plot is allotted to him on terms and conditions specified in the letter asking him to call at the office of the Housing Board or any place as may be specified therein and complete the formalities within the period specified in the letter.

13. . :-

On receipt of an allotment letter, the allottee shall within the period specified in the letter accept the allotment of the plot in Form 4 and shall comply with all the requirements as mentioned therein. In case the allottee does not communicate the acceptance of allotment within the time specified in the allotment letter it shall be deemed that he has accepted the allotment. If on a later date, he seeks cancellation or refuses to have the allotment, the earnest money deposit shall be forfeited.

14. . :-

(1)

(i) In the case of allotment by outright sale as referred to in Rule 9 (a) (i) the allottee shall pay the cost in full and also execute an agreement for sale, in Form 5, on a non judicial stamp paper prescribed for agreements, within 30 days from the date of receipt of the allotment letter.

(ii) In the case of allotment under hire purchase system as referred to in Rule 9 (a)(ii) the allottee shall pay 50 of the cost and also execute the lease cum sale agreement with the Board in Form 6 on a non judicial stamp paper prescribed for agreement within 30 days from the date of the allotment letter.

(iii) In the case of allotment on hire purchase system as referred to in Rule 9 (a) (iii), the allottee shall pay 20 of the cost and also execute lease cum sale agreement with the Board in Form 6 on a non judicial stamp paper prescribed for agreement within 30 days from the date of receipt of the allotment letter.

(2) After the required payment as specified in Sub rule (1), is made and required agreement in Form 5 or Form 6, as case may be, has also been duly executed, possession of the plot shall be given to the allottee and a letter in Form 7 shall be issued to the allottee for receiving possession of the plot.

(3) If the allottee fails to execute the required agreement in Form 5 or Form 6, as the case may be, the allotment shall be cancelled and the earnest money deposited shall be forfeited to the Board, provided that the Chairman may in his discretion grant extension of time for required payment and also for execution of the agreement normally subject to a maximum period of six months or in cases where advances applied for from the Department or their employers, subject however to the payment of penal interest at one and half times the rate of normal interest on delayed payment.

15. . :-

(1) The allottee shall not keep the plot vacant indefinitely and he she shall construct a building for which purpose the plot is allotted, within a period of two years from the date of taking possession of the plot.

(2) The allottee shall conform to the conditions stipulated while constructing, re-constructing altering or adding to a building on the plot. The allottee shall obtain the necessary licence from the Corporation of Hyderabad or the concerned Local Authority for the construction of the building and he she shall submit his her application for obtaining the licence for the construction, re construction, addition to or alteration of, a building through the Chairman, Andhra Pradesh Housing Board.

(3) If no residential building is constructed within the said period of two years from the date of taking possession of the plot, the Chairman shall have the right to cancel the allotment and to resume the plot without payment of any interest on the deposit and instalment paid or compensation for any improvement, construction, etc. made by the allottee thereon, duly forfeiting 14th of the deposits and instalments paid by the allottee towards the

cost of the plot.

Provided that the chairman may at his discretion extend the time for completion of the construction for a maximum period of 12 months in aggregate.

15A. . :-

(1) The Board shall lay down the terms and conditions for grant of loans to the allottees of plot under these rules of individual plot owners for construction of houses tenements thereon, which shall be known as "Allottee Construction System".

(2) The Board shall be competent to exempt from the application of the terms and conditions herein in general or in specific cases.

16. . :-

(1) The cost payable by an allottee shall comprise of:

(a) the cost of acquisition of land;

(b) the cost of development of the plot;

(c) interest on the cost of acquisition and development and incidental charges from the date of drawal of loan by the Board to the date fixed by the Board for handing over the building plots to the allottees.

(d) taxes, if any, payable by the Board until the plot is handed over to the allottee;

(e) the establishment and management charges at such rate as the Board may determine.

(2) The earnest money deposit paid along with the application shall be adjusted towards 50% or 20% of the plot.

(3) If the erstwhile owners of the lands acquired for the lands acquired for the scheme happen to go to Civil Court appealing against the award passed by the Land Acquisition Officer and the court passes a decree or decrees in their favour, the extra compensation that has to be paid thereon by the Housing Board shall to be made good from the allottees by revising the cost of the plot and also the amount paid due to any extraneous unavoidable circumstances in the increased rate of taxes or cost of development and provision of amenities.

(4) The final cost of the plot due to the increased cost of development charges and provision of amenities etc.; shall be determined after all the cases of acquisition proceedings pending in Civil Courts are finally settled. Such fixation of price by the Board shall be conclusive and final.

17. . :-

In the case of allotment on hire purchase system, the unpaid balance of 50% or 80% of the cost together with interest at the rate payable by the Board shall be paid to the Board in number of equal instalments spread over a period specified by the Board.

18. . :-

The Chairman, Andhra Pradesh Housing Board, shall have the right to reject the allotment of all or any of the plots applied for by an applicant without assigning any reason therefor.

19. . :-

In consonance with these regulations and in pursuance of the provision of the lease cum sale agreement in Form 5 or Form 6 all rates taxes, charges assessments and other levies of whatsoever nature shall be paid directly by the allottee with effect from the date of allotment.

20. . :-

The allottee shall not sell or otherwise dispose of the plot house unless and until he fulfils the conditions of allotment if. however, the sale of the plots is made outright to the allottee, and the allottee or owner intends selling the plot house the sale shall be offered in the first instance to the Andhra Pradesh Housing Board and in such event the Andhra Pradesh Housing Board shall have the right to buy the plot at the same price for which it was sold to the allottee and also the building upon such price as will represent the market value of the building at the time. It shall be open for the Chairman to refuse the said offer and in which case the Chairman may permit the allottee to sell or otherwise dispose of the plot house; Provided however that no such permission shall be given within five years from the date of allotment.

21. . :-

If, at any time, it is found that the information given by the applicant in his/her application etc., is found incorrect the Chairman shall have the right to cancel the allotment, resume possession of the plot and forfeit part or whole of the amount paid by the

applicant till then towards the cost of the plot or earnest money deposit.

22. . :-

(i) In the case where the Housing Board is not able to get sufficient number of applications for allotment in response to the notice the Board shall re notify the balance number of plots again and again till sufficient number of applications are received and the plots allotted according to the procedure laid down in the rules.

(ii) Similarly, the vacancies arising on account of cancellation, rejection, etc.; shall be filled up by notifying the plots as laid down in the rules.

23. . :-

On payment of the cost as finally fixed, the plot shall be transferred in the name of the allottee by duly executing a conveyance deed. The expenses on account of stamp duty, registration fee and any other incidental charges shall be borne by the allottee;

Provided that no such transfer shall be effected till the lapse of five years from the date of giving possession of the plot to the allottee.