

ANDHRA PRADESH TOWN-PLANNING ACT, 1920

7 of 1920

[7th September, 1920]

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ANDHRA PRADESH TOWN-PLANNING ACT, 1920

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Whereas it is expedient that the development of towns should be regulated to secure their present and future inhabitants sanitary conditions, amenity and convenience: And whereas the previous sanction of the Governor-General required by Section 79, sub-section (2) of the Government of India Act, 1915, has been obtained to the passing of this Act, It is hereby enacted as follows:

CHAPTER 1

Preliminary

1. Short title and extent :-

(1) This Act may be called the Andhra Pradesh Town Planning Act, 1920.

(2) It extends to whole of the State of Andhra Pradesh.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,--

(1) "Chairman" means the "Chairman of the Municipal Council" in municipalities.

(2) "Director" means the Director of Town-Planning appointed under this Act.

(3) "Municipality" means any local area in which the Andhra Pradesh (Municipalities Act, 1965, is in force.

(4) "Owner" includes the person for the time being receiving, or

entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purpose, the rents or property-in-connection with which the word is used.

(5) "Plot" means a continuous portion of land held in one ownership other than land used, allotted or reserved for any public or municipal purpose.

(6) "Prescribed" means prescribed by rules made under this Act.

(7) "Reconstituted Plot" means a plot which is in any way altered by the making of a town planning scheme otherwise than by the severance of land used, allotted or reserved for any public or municipal purpose.

(8) "Responsible authority" means "the authority or person, who is specified in a scheme as responsible for carrying out or enforcing the observance of all or any of the provisions of the scheme or for enforcing the execution of any works which under the scheme are to be executed by any authority, owner, or other person".

(9) "Scheme" means a town-planning scheme and includes a plan relating to a town-planning scheme;

(10) "Town-Planning" includes town-improvement.

CHAPTER 2

Town-Planning Schemes

3. Omitted :-

4. Matters that may be dealt with in scheme :-

A town-planning scheme may provide for all or any of the following matters:-

(a) the laying out or relaying out of land, either vacant or already built upon as building sites or for any of the purposes mentioned in this section;

(b) the construction, diversion, extension, alteration, improvement or closure of streets, roads and communications,

(c) the construction, alteration, removal (or) demolition of buildings, bridges and other structures;

(d) the acquisition by purchase, exchange or otherwise, of any land (or other immoveable property) within the area included in the

scheme whether required or not;

(e) the redistribution of boundaries and the reconstitution of plots belonging to owners of property comprised in the scheme;

(f) the disposal by sale, exchange, lease, or otherwise of land acquired or owned by the council;

(g) transport facilities;

(h) water-supply;

(i) lighting;

(j) drainage inclusive of sewerage and of surface draining and sewage disposal;

(k) the allotment or reservation of land for streets, roads, squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals, dispensaries, Government and municipal buildings, and public purposes of all kinds;

(1) construction of houses;

(m) the preservation of objects and buildings of archaeological or historic interest or of natural beauty or actually used for religious purposes or regarded by the public with special religious veneration;

(n) the imposition of conditions and restriction in regard to the character, number, architectural features and height of buildings allowed in specified areas, and the purposes to which buildings or specified areas may or may not be appropriated; and provision and maintenance of sufficient open space about buildings vision and maintenance of sufficient open space about buildings;

(o) the suspension, (restriction or modification) so far as may be necessary for the proper carrying out of the scheme, of any provision in the Andhra Pradesh Municipalities Act, 1965, or the Andhra Pradesh (Andhra Area) District Board Act, 1920 (ActXIV of 1920 or as the case may be, the Andhra Pradesh (Telangana Area) District Boards Act, 1955 or in any rule, by-law or regulation made under the said Acts and in force in the area included in the scheme;

(q) the advance to the owners of land or buildings comprised within the scheme, upon such terms and conditions as may be provided

by the scheme, of the whole or part of the amount required for the erection of buildings or for the carrying out of the works, alterations or improvements in accordance with the scheme;

(r) such other matters not inconsistent with the objects of this Act as may be prescribed.

5. Reconstituted plots :-

(1) The size and shape of every reconstituted plot shall be so determined as to render it, so far as may be, suitable for building purposes.

6. Omitted :-

CHAPTER 3

Making, Variation and Revocation of Schemes and their effect

7. Appointment of Director of Town-Planning :-

(1) The State Government may appoint a person to be Director of Town-Planning for the State and may assign to him from time to time such salary and establishment as they think fit.

(2) The cost of such officer and his establishment shall be paid out of the revenues of the State Government.

(3) Municipal Councils shall consult the Director on such matters relating to town-planning, and in such manner as may be prescribed. If any difference arises between the Director and a council on any matter so prescribed, it shall be referred to the State Government whose decision shall be final.

8. Obligation on newly constituted councils to make schemes not later than four years" :-

(1) Every Municipal Council shall not later than four years from the date of the constitution of such Council, prepare publish and submit for the sanction of the State Government a general town-planning scheme in respect of all land within the municipality and in its vicinity unless the State Government orders otherwise.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, after making such enquiry as they may deem necessary by notification in the Official Gazette, direct any Municipal Council to prepare, publish and submit for their sanction before an appointed date a general town-planning scheme under this section for an area specified in such notification.

(3) A general town-planning scheme shall determine the lines on which the improvement and development of the area within the municipality and in its vicinity shall proceed and shall provide for such of the matters referred to in Section 4 and to such extent as may be prescribed.

9. Declaration of intention to make or adopt scheme :-

(1) A Municipal Council may, by resolution, decide to prepare a scheme in respect of any land, within the municipal area, or in its vicinity outside such area, or to adopt with or without modifications a draft scheme proposed by all or any of the owners of any such land. The Chairman shall then have a plan prepared showing the land proposed to be included in the scheme, the surrounding lands and any existing streets.

(3) The decision of the State Government as to whether any lands in the vicinity of a municipal area shall be final.

10. Resolution to make or adopt scheme :-

The resolution under Section 9 shall be published by notification in the prescribed manner by the chairman; and such notification shall state that a copy of the plan is kept for the inspection of the public at all reasonable hours at the municipal office.

11. Publication of draft scheme :-

(1) If the resolution is to make a scheme, the Municipal Council shall, within twelve months from the date of the notification under Section 10, or within such further period, not exceeding twelve months, as the State Government may allow, and after consulting, in the prescribed manner, the owners of lands and buildings in the area affected, prepare, and publish a draft scheme.

(2) If the resolution is to adopt a draft scheme proposed by owners, the Council shall, without delay publish such scheme.

12. Power of State Government to require council to make scheme :-

Notwithstanding anything contained in Sections 9 to 11, the State Government may, in respect of any municipality, after making such inquiry as they may deem necessary, by notification in the Official Gazette, require the Council, before a fixed date, to prepare, publish and submit for their sanction a draft scheme as respects any land in regard to which a town-planning scheme may be made.

13. Contents of draft scheme :-

(3) A draft scheme may provide that any person who commits or knowingly permits a breach of any specified provision of the scheme, or who neglects or fails to comply with any such provision, shall, on conviction, be punishable under Section 44-B.

14. Sanctioning of scheme by State Government :-

(1) If within sixty days from the date of the publication of a draft scheme any person affected by such scheme communicates in writing any objection or suggestion relating thereto, the council shall consider such objection or suggestion and may modify the scheme as it thinks fit.

(2) The scheme as passed or adopted by the council together with all written objections and suggestions shall thereupon be submitted to the State Government for sanction and the fact of such submission shall be published in the prescribed manner.

(5) The sanction of the State Government to a scheme under subsection (3) shall be published by notification in the Official Gazette and such notification shall state at what place and time the scheme will be open to the inspection of the public,

15. Variation or revocation of schemes :-

16. Limitation of compensation payable to person affected by variation or revocation of scheme :-

If at any time after the day on which a scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the municipal council in so far as, by reason of the variation or revocation of such scheme, such expenditure has ceased to be in any way beneficial to him.

17. Permission to be taken for construction etc., after publication of draft scheme :-

After the publication of a notification under Section 10, or Section 12, no person shall erect, or proceed with, any building or work on, or enter into or carry out a contract in respect of, land within the area included in the scheme, unless he has applied for, and obtained permission, in cases where a scheme has not been sanctioned, from the Municipal Council, and in other cases, from a responsible authority;

Provided that, if the Council or the responsible authority omits for three months from the date of receipt of such application, to communicate to the applicant any orders thereon, it shall be deemed to have granted the permission.

18. Obligation on owners to comply with scheme after sanction :-

From the date of notification of the State Government sanctioning a scheme under Section 14, all owners of lands and buildings in the area affected by the scheme who propose to construct or reconstruct or in any way alter or add to buildings shall conform in every particular with the requirements of such scheme; and no building shall be constructed or reconstructed in any area in which building is expressly forbidden in the scheme or which is reserved in the scheme for any purpose incompatible with building.

18A. Power to levy development charges :-

(2) Notwithstanding any thing contained in sub-section (1), no development charges shall be levied on the institution of use or change of use of land or building vested in or under the control or possession of the Central or the State Government or of any local authority.

18B. Classification of land or building :-

For the purpose of assessing the development charges, the use of land or building shall be classified under the following categories :-

- (i) Industrial;
- (ii) Commercial;
- (iii) Residential;
- (iv) Agricultural or conservation and recreational; and

(2) In classifying the use of land or building under any of the categories mentioned in sub-section (1), the predominant purpose for which such land or building is used shall be the main basis for such classification.

19. Power of responsible authority to enforce scheme :-

(2) The responsible authority shall serve a copy of the provisional order made under sub-section (1) on the owner, together with a notice requiring him to show-cause within a reasonable time to be specified in such notice, why the order should not be confirmed.

(3) If the owner fails to show-cause to the satisfaction of the responsible authority, the responsible authority may confirm the order granting such further period as it may deem fit, to execute the work and such order shall be communicated to and be binding on the owner and may be enforced. The expenses of enforcement may be recovered in the prescribed manner. An appeal shall lie to the State Government against the order of the responsible authority and their decision shall be final.

CHAPTER 4

Compensation for injurious affection and Contribution for betterment

20. Right to compensation :-

Any person whose property is injuriously affected by any refusal to grant the permission applied for under Section 17 or by the making of a town-planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date of publication of a notification by the State Government sanctioning the scheme under Section 14, be entitled to obtain compensation in respect thereof from the municipal council.

21. No right to compensation for building, etc. subsequent to first notification :-

A person shall not be entitled to obtain compensation under Section 20 on account of any building erected on, or contract made, or other thing done, with respect to, land included in scheme, after the date of the publication of the notification under Section 10 or Section 12:

Provided that this provision shall not apply to any building erected, contract made or other thing done in accordance with a permission granted under Section 17.

22. Exclusion or limitation of compensation in certain cases :-

(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme, no compensation shall be paid in respect thereof, if or in so far as the provisions are such as would have been enforceable without compensation under any law, rule or bye-law at the time in force.

(2) Property shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme, which impose any

conditions or restrictions in regard to any of the matters specified in Section 4, clause (m) or clause (n).

(3) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other Act, he shall not be entitled to compensation in respect of that matter or thing under both the Acts, nor shall he be entitled to any larger compensation under this Act, than he would be entitled to under the other Act.

22A. Application for sanction for withdrawal or modification of the scheme :-

(1) The municipal council may, within three months from the date of an award of compensation in respect of property injuriously affected, make an application to the State Government to sanction the withdrawal or modification of all or any of the provisions of the scheme which gave rise to the claim for compensation and give notice of such application to the owner of such property.

(2) If the State Government accord such sanction the award of compensation shall stand cancelled, and the municipal council shall pay the costs, if any, awarded by the arbitrator in connection with the claim for compensation.

(3) Nothing contained in this section shall affect the right of the owner to make a fresh claim for compensation in respect of the modified scheme sanctioned by the State Government under sub-section (2).

(4) No award of compensation in respect of property injuriously affected shall be enforceable within three months from the date thereof, or, if notice has been given under sub-section (1), pending the orders of the State Government on the application made under the same sub-section.

23. Power to levy betterment contribution :-

Where by the making of any town-planning scheme the value of any property has increased or is likely to increase, the municipal council, if it makes a claim for the purpose within the time (if any) limited by the scheme not being less than three months after the date of publication of a notification of the State Government sanctioning a scheme under Section 14, shall be entitled to recover from the owner of such property an annual betterment contribution

for such term of years and at such uniform percentage of the increase in value not exceeding ten per centum as may be fixed in the scheme:

Provided that the aggregate amount of the contributions so recovered shall not exceed one-half of the maximum increase in value during the aforesaid term of years as ascertained under the next following section

24. Betterment contribution how calculated :-

The betterment contribution shall be levied according to the following principles :-

(a) In respect of each property on which the contribution may be levied under Section 23. Its market value at the date of the publication of the notification under Section 10 or Section 12, shall be estimated without reference to the improvements contemplated in the scheme.

(b) In each of the financial years following that in which the scheme takes effect under Section 14, sub-section (6), the market value of each such property on the first day of April of that year shall be estimated by the Chairman.

(c) If, in any financial year, the market value estimated under clause (b) does not exceed that estimated under clause (a), no betterment contribution shall be levied for that year.

25. Assessment and collection of betterment contribution :-

(1) The betterment contribution shall be a first charge on the property on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon, and shall be paid in half-yearly instalments of one-half of the amount fixed for the year.

26. Option of objecting owner to require council to acquire his property :-

(1) If the owner of any property, separately registered in the municipal assessment books and assessed to a betterment contribution in any particular year, objects to the amount of such contribution on the ground that the market value estimated under clause (b) of Section 24 is excessive, he shall state the market value which, he contends, is correct, and may, within thirty days of the date on which the determination of his objection or appeal

becomes final by written notice, require the municipal council to acquire the property together with any buildings or other works that may exist thereon.

(2) The council shall thereupon either acquire the property or accept the market value as stated by the owner and revise its assessment of the betterment contribution in accordance therewith.

CHAPTER 5

The Arbitrator

27. State Government to appoint arbitrator :-

28. Powers and duties of arbitrator :-

(1) The arbitrator shall give notice of his proceedings and conduct them in the prescribed manner and communicate his decision to the parties concerned.

(2) An arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose aforesaid.

29. Appeal :-

(1) Any party aggrieved by any decision of the arbitrator under clause (c) or clause (d) of sub-section (1) of Section 27 may within three months from the date of the communication of such decision appeal to the District Judge concerned.

(2) The decision of the arbitrator under clause (c) or clause (d) of sub-section (1) of Section 27 and, when an appeal has been preferred under sub-section (1) the decision on such appeal shall be read as part of the scheme sanctioned under Section 14 and shall be final and binding on all persons.

CHAPTER 6

Finance

30. Municipal town-planning fund :-

(1) The receipts of a Municipal Council under this Act or any town-

planning scheme made thereunder shall form a separate town-planning fund and all expenditure under this Act or any town-planning scheme thereunder shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of the State Government, be expended for purposes not provided for by this Act.

(2) The monies required, in the first instance, to establish, such fund, and any deficiency from time to time occurring in such fund by reason of the expenditure over receipts shall, subject to such rules as the State Government, may frame in this behalf, be supplied out of the general municipal fund or out of monies borrowed in pursuance of this Act.

(3) Separate account shall be maintained by each Municipal Council for its town-planning fund.

31. Power to borrow :-

A Municipal Council, taking action under this Act, shall be deemed to be a local authority as defined in the Local Authority Loans Act, 1914, for the purpose of borrowing money under the provisions of that Act, and the making and execution of a town-planning scheme shall be deemed to be a work which such local authority is legally authorized to carry out.

32. Omitted :-

CHAPTER 7

Land Acquisition

33. Modification of land Acquisition Act :-

Immovable property required for the purposes of a town-planning scheme shall be deemed to be land needed for a public purpose, within the meaning of the Land Acquisition Act, 1894, and may be acquired--

(a) under the said Act, or

(b) under the said Act as modified in the manner hereinafter provided in this chapter.

34. Notification under Section 14 to have effect as declaration under Section 6, Land Acquisition Act :-

In cases falling under clause (b) of Section 33 a notification under Section 14 shall notwithstanding anything contained in the Land Acquisition Act, 1894, operate in respect of any land for the

purposes of the scheme as a declaration under Section 6 of the said Act, and no further declaration shall be necessary, but it shall not be incumbent on the State Government, or officer authorized in that behalf, to take immediate steps for the acquisition of such land. Provided that if the land is not acquired within three years from the date of the notification, it shall cease to have effect as a declaration under Section 6 of the Land Acquisition Act, 1894.

35. Sections 15, 23 and 24 of Land Acquisition Act superseded :-

(1) The provisions of Sections. 15, 23 and 24 of the Land Acquisition Act, 1894, shall have no application in cases falling under clause (b) of Section 33.

(4) In cases falling under clause (b) of Section 33, if the market value of any land or building is specially high by reason of the use thereof in a manner which could be restrained by any court or is contrary to law or public policy or is detrimental to the health of the inmates of the building or to the public health, the amount of the increased value due to such user shall be disregarded in determining the amount of compensation.

CHAPTER 8

Miscellaneous

36. Power of councils to make agreements :-

A Municipal Council shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town-planning scheme subject to the power of the State Government to modify or disallow such agreement, and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the scheme comes into force.

Provided that if the agreement be modified by the State Government, either party shall have the option of avoiding it if he so elects within the prescribed period.

37. Town-planning committee :-

Subject to such rules as the State Government may make in this behalf, a Municipal Council may appoint a special town-planning committee composed either wholly of members of the Municipal Council, or partly of such members and partly of others; and may delegate to such committee power to dispose of in relation to a particular scheme to town-planning in general matters of a

specified nature which, under the provisions of this Act, are reserved for the decision of the Council:

Provided that no person, other than a member of the council, shall be appointed to such committee unless such appointment is supported by not less than one-half of the sanctioned strength of the Council;

Provided also that the number of persons who are appointed to any committee who are not members of the Council shall not exceed one-third of the number of members of such committee.

38. Joint town-planning committee :-

(1) Subject to such rules as the State Government may make on this behalf, a municipal council may and if so required by the State Government shall, join with one or more than one other local authority in constituting a joint town-planning committee for making of a joint town-planning scheme or for any purpose connected with town-planning in which they are jointly interested or for which they are jointly responsible.

(4) Rules made under sub-section (1) or (3) may be varied or revoked provided all the local authorities concerned assent to such variation or revocation.

(5) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the State Government whose decision shall be final.

(6) If the State Government take action under sub-section (1) they may issue such directions as they may think necessary or desirable in respect of all or any of the matters referred to in sub-section (3).

(7) When a joint town-planning committee has been constituted, such committee shall exercise the powers and perform the duties of the Municipal Council and its Chairman the powers and duties of a Chairman under this Act.

(8) Any joint town-planning scheme made by joint committee may provide for the execution of the scheme or any part thereof jointly by all or two or more of the local authorities concerned or specify the parts of the scheme to be executed at the expense of the several local authorities in their respective areas and the said specified parts of the scheme shall after the publication of the notification under Section 14 have effect in the areas to which they

relate as separate schemes.

39. Omitted :-

40. Omitted :-

41. Power of State Government to arbitrate in disputes between local authorities :-

Any dispute between any two local authorities in regard to any matters arising under any of the provisions of this Act shall, in case of their failure to settle it amicably between themselves, be referred for adjudication to the State Government whose decision shall be final.

42. Power of control of State Government :-

(2) If the State Government are satisfied after giving the Municipal Council or the responsible authority as the case may be an opportunity of explanation, that a Municipal Council or a responsible authority has failed to enforce effectively the observance of a scheme which has been finally sanctioned, or any provisions thereof, or to execute any works which under the scheme or this Act the Council or the responsible authority is required to execute, the State Government] may order the Council or the responsible authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively or for executing any works which, under the scheme or this Act, the council or the responsible authority is required to execute.

(3) For the purposes of this section the State Government shall have the same powers of calling for records, of causing inspection to be made, and of enforcing their orders or appointing persons to enforce them as they have under Sections 64 and 67 of the Andhra Pradesh Municipalities Act, 1965.

43. Power of entry etc. :-

For the purpose of the making or execution of any town-planning scheme, the municipal authorities or the responsible authority or persons appointed by the State Government under Section 42, sub-section (3), their subordinates and contractors shall have the same power to enter upon, survey and set up marks on property and to do all acts necessary for such purposes, subject to the same conditions and restrictions as, they have for other municipal purposes under Part VII of the Andhra Pradesh Municipalities Act, 1965" and persons interfering with the exercise of such powers by

the municipal authorities or the responsible authority or persons appointed by the State Government, their officers, servants, or contractors, shall be liable to the same penalties.

44. Power of State Government to make rules :-

(1) The State Government may make rules consistent with this Act either generally or for any particular area, to carry out all the purposes of this Act and such rules may be incorporated in any scheme by a reference thereto in the scheme, subject to any modifications that may be set out in the scheme.

(3) In making any rule, the State Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

44A. Previous publication of the rules :-

The power to make rules under Sections 38, 44 and 54 shall be subject to the condition of previous publication.

44B. Penalty for breach of the provisions of the scheme :-

(1) Whereas scheme sanctioned under this Act has provided that any person who commits or knowingly permits a breach of any specified provision of the scheme or who neglects or fails to comply with any such provision shall be punishable under this section, the responsible authority shall send to any person who commits or who knowingly permits a breach of any provision of the scheme or who neglects or fails to comply with any such provision, a notice calling on him to discontinue the breach or cause it to be discontinued or to comply with such provision of the scheme.

CHAPTER 9

Town Planning Trusts

45. Creation of town-planning trusts :-

(1) When the State Government after consulting the Municipal Council, decide that the interests of town-planning in any particular area will be best served by entrusting it to a special board, they may, by notification in the Official Gazette, constitute such board to be called The (name of town or other area) Town-Planning Trust' hereinafter referred to as the trust' and thereupon the duty of carrying out the provisions of this Act in such local area shall, subject to the conditions and limitations hereinafter contained, be vested in the trust.

(2) The trust shall be a body corporate and have perpetual succession and a common seal and shall by the aforesaid name sue and be sued.

46. Constitution of trusts :-

(2) The trust may also include representatives of railway, tramway or other transport companies, chambers of co-operative societies and similar bodies or associations, either elected or nominated by them.

(3) The State Government shall fix the strength of the trust, the number of trustees to be elected under clause (b) of sub-section (1), the local authorities by whom they shall be elected, the number of trustees to be appointed by the State Government under clause (c) of sub-section (1) and the number of trustees to be elected or nominated under sub-section (2) and the bodies or associations by whom they shall be elected or nominated: Provided that the number of trustees appointed by the State Government shall not exceed one third or the sanctioned strength.

47. Chairman may be given salary :-

The Chairman of the trust may receive such salary or remuneration as may be sanctioned by the State Government. No other trustee shall receive any salary or other remuneration from the funds of the trust.

48. Removal of trustees :-

49. Disabilities of trustees removed under Section 48 :-

(1) A trustee removed under clause (a) or clause (c) of sub-section (1) of Section 48, or under sub-section (2) of that section, shall not be eligible for further election or nomination for a period of three years from the date of his removal.

(2) A trustee removed under clause (b) of sub-section (1) of Section 48 shall not be so eligible until he has obtained his discharge or has paid his creditors in full, as the case may be.

(3) A trustee removed under any other provision of Section 48 shall not be so eligible until he is declared to be no longer ineligible, and he may be so declared by an order of the State Government.

50. Application to trusts of this Act and either power to borrow :-

(1) When a trust has been duly constituted, the provisions of Chapters I to VIII of this Act shall, within the area entrusted to it for town-planning purposes, apply in full as though the words "trust" and "Chairman of the trust" were substituted for "Municipal Council" or "council" and "Chairman of the council" or "Chairman".

(2) A trust constituted under this chapter shall be deemed to be a local authority, as defined in the Local Authorities Loans Act, 1914 for the purpose of borrowing money under the provisions of that Act, and the making and execution of a scheme under this Act shall be deemed to be a work which a local authority is legally authorised to carry out.

50A. Payment to trust by Municipal Councils :-

The municipal council in whose area a trust operates shall pay annually to the trust such amount as may be agreed on between them or as may be fixed by the State Government.

51. Procedure if trust fails to make any payment in respect of loans :-

(1) If the trust fails to repay any loan taken in pursuance of Section 50 or any interest or costs due in respect thereof, according to the conditions of the loan, the Accountant-General, Andhra Pradesh shall make such payment; and the Chairman of the Municipal Council shall forthwith pay from the municipal fund to the said Accountant-General a sum equivalent to the sum paid by him; and the State Government may attach the income of the trust and thereupon the provisions of Section 5 of the Local Authorities Loans Act, 1914, shall with all necessary modifications, be deemed to apply.

(2) Whenever the Chairman of a Municipal Council has made any payment to the Accountant-General under sub-section (1) the State Government shall so far as possible, reimburse the Municipal Council out of the income attached under that sub-section.

52. Vesting in Municipal Council of streets laid out or altered and open spaces provided by the trust under a scheme :-

(2) When any open space for purposes of ventilation or recreation has been provided by the trust in executing any scheme, it shall, on completion, be transferred to the Municipal Council by resolution of the trust and shall thereupon vest in, and be maintained at the

expense of the Municipal Council: Provided that the Municipal Council may require the trust, before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide foot-paths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the trust and Municipal Council in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government, whose decision shall be final.

53. Ultimate dissolution of trust, and transfer of its assets and liabilities to the Municipal Council :-

(1) When the trust created for an area has executed all schemes sanctioned under this Act or so far executed them as to render its continued existence, in the opinion of the State Government unnecessary, the State Government may by notification declare that the trust shall be dissolved from such date as may be specified in this behalf in such notification; and the trust shall be deemed to be dissolved accordingly,

54. Power to State Government to make rules for trusts :-

(2) Every trust may from time to time, with the previous sanction of the State Government, make bye-laws consistent with this Act and with any rules made thereunder for carrying out the purposes of this Act.

54A. Power of State Government to issue directions :-

(1) The trust and its Chairman shall, in the discharge of its or his functions and duties under this Chapter be bounded by such directions as the State Government may give in writing to it or him, from time to time.

CHAPTER 10

Transfer of Proceedings

55. Transfer of proceedings from one authority to another :-

(1) The State Government may, by notification and from a date to be specified in such notification, transfer the proceedings commenced under this Act in respect of any land by any authority having jurisdiction to any other authority having jurisdiction over such land.

(2) Before issuing a notification under sub-section (1) the State Government shall communicate to the authorities affected the grounds on which they propose to make the transfer, fix a reasonable period for them to show cause against the proposal and consider their objections, if any,

(3) The authority to whom a transfer of proceedings is made under sub-section (1) may continue such proceedings from the stage which they had reached on the date specified in the notification.

(4) When making a transfer of proceedings under sub-section (1), the State Government may direct the authority to whom the transfer is made to reimburse the authority from whom the transfer is made the next expenditure which the last mentioned authority from whom the transfer is made the next expenditure which the last mentioned authority may, up to the date of such transfer, have incurred on such proceedings.

(5) From the date specified in the notification under sub-section (1) all rights and assets which, for the purposes of the proceedings transferred by such notification are vested in, and all obligations and liabilities which for the same purposes are enforceable against the authority from whom the transfer is made, shall vest in or be enforceable against the authority to whom the transfer is made.