

## **ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) ACT, 1975**

**1 of 1975**

**[27th January, 1975]**

### CONTENTS

#### **CHAPTER 1 :- Preliminary**

1. Short title, extent and commencement
2. Definitions

#### **CHAPTER 2 :- Urban Development Authorities and their Objects**

3. Constitution of Urban Development Authority
- 3A. Constitution of a Special Area Development Authority
4. Appointment of Secretary, Chief Accounts Officer, Town Planner and Engineer
- 4A. Governments power to regulate the methods of recruitment, conditions of service etc. of Officers appointed under Sec. 4
- 4B. Constitution of Urban Development Authorities Service for the State for any class of officers and employees of the Authorities
5. Object and powers of the Authority

#### **CHAPTER 3 :- Master Plan and Zonal Development Plans**

6. Civic survey of, and Master Plan for development area
7. Zonal development plans
8. Procedure to be followed in preparation and approval of plans
9. Submission of plans to Government for approval
10. Date of operation of plan
11. Certain plans already prepared and sanctioned deemed to have been prepared and sanctioned under this Act
12. Modifications to plan

#### **CHAPTER 4 :- Development of Lands**

13. Declaration of development areas and development of land in those and other areas
14. Application for permission
15. Use of the land and buildings in contravention of plans
16. Act not to apply for certain development works
17. Plans to stand modified in certain cases

#### **CHAPTER 5 :- Acquisition and Disposal of land**

- 18. Compulsory acquisition of land
- 18A. Acquisition of land by private negotiations
- 19. Disposal of land by the Authority or the local authority concerned
- 20. Government vacant land
- 20A. Sale of Government lands by public auction and their administration
- 21. Powers of Authority to develop land in non-development area

## **CHAPTER 6 :- Finance Account and Audit**

- 22. Fund of the Authority
- 23. Budget of the Authority
- 24. Accounts and audit
- 25. Annual Report
- 26. Pension and Provident Funds

## **CHAPTER 7 :- Levy Assessment and Recovery of Development Charges**

- 27. Levy of the development charges
- 28. Rates of development
- 29. Assessment and recovery of development charges
- 30. Constitution of tribunal and officers and servants of the tribunal
- 31. Appeal and revision

## **CHAPTER 8 :- Relations between the Government, the Authority and the Local Authorities etc.**

- 32. Powers of the Authority in cases of defaults
- 33. Powers of the Authority to require local authority to assume responsibility for amenities in certain cases
- 34. Control by Government
- 35. Returns and information
- 36. Power of Government to transfer the Powers of the Councils, Panchayats, Zilla Parishads, etc. to the Authority
- 37. Replacement of members of the Authority in certain cases
- 38. Power of Government to appoint a Special Officer

## **CHAPTER 9 :- Art Commission**

- 39. Constitution of Art Commission for the State

## **CHAPTER 10 :- Inspection and Penalties**

- 40. Power of entry
- 41. Penalties
- 42. Order of demolition of building
- 43. Power to stop unauthorised development
- 44. Offences by companies
- 45. Fines when realised to be paid to Authority or local authority concerned

46. Composition of offences
47. Members and officers to be public servants
48. Jurisdiction of Courts
49. Sanction of prosecution
50. Magistrates power to impose enhanced penalties

## **CHAPTER 11 :- Miscellaneous**

51. Service of notices etc.
52. Public notice how to be made known
53. Notices, etc. to fix reasonable time
54. Authentication of orders and documents of the Authority
55. Protection of action taken in good faith
56. Power to delegate
57. Effect of other laws
58. Power to make rules
59. Powers to make regulations
60. Dissolution of the Authority

## **ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) ACT, 1975**

**1 of 1975**

**[27th January, 1975]**

An Act to provide for the development of urban areas in the State of Andhra Pradesh according to plan and for matters ancillary thereto. Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-fifth Year of the Republic of India as follows

### CHAPTER 1 Preliminary

#### **1. Short title, extent and commencement :-**

- (1) This Act may be called the Andhra Pradesh Urban Areas (Development) Act, 1975.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

#### **2. Definitions :-**

In this Act, unless the context otherwise requires--

- (a) 'amenity' includes road, water supply, street lighting, drainage, sewerage, public works, tourists spots, open spaces, parks and play fields, and such other convenience as the Government may, by

notification, specify to be an amenity for the purposes of this Act;

(b) 'Authority' means an Urban Development Authority constituted under sub-section (1) of Section 3 or a Special Area Development Authority constituted under sub-section (1) of Section 3-A for a development area under this Act;

(c) 'building' includes--

(i) a house, out-house, stable, latrine, godown, shed, hut wall (other than a boundary wall) and any other structure whether of masonry, bricks, mud, wood, metal or any other material whatsoever;

(ii) a structure on wheels or simply resting on the ground without foundation; and

(iii) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods; and

(iv) the garden, grounds, carriages and stables, if any, appurtenant to any building;

(d) 'building operations' include re-building operations, structural alterations of, or additions to buildings and other operations normally undertaken in connection with the construction of building;

(e) 'development' with its grammatical variations means the carrying out of all or any of the works contemplated in a master plan or zonal development plan referred to in this Act, and the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in any building or land and includes re-development:

Provided that for the purposes of this Act, the following operations or uses of land shall not be deemed to involve development of the land that is to say--

(i) the carrying out of any temporary works for the maintenance, improvement or other alteration of any building, being works which do not materially affect the external appearance of the building;

(ii) the carrying out by a local authority of any temporary works required for the maintenance or improvement of a road, or works carried out on land within the boundaries of the road;

(iii) the carrying out by a local authority or statutory undertaking of any temporary works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(iv) the use of any building or other land within the curtilage purpose incidental to the enjoyment of the dwelling house as such; and

(v) the use of any land for the purpose of agriculture, gardening or forestry (including afforestation) and the use for any purpose specified in this clause of any building occupied together with the land so used;

(f) 'development area' means any urban area or group of urban areas declared to be a development area under sub-section (1) of Section 13;

(g) 'engineering operations' include the formation or laying out of means of access to a road or the laying out means of water-supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

(h) 'Government' means the State Government of Andhra Pradesh;

(i) 'land' includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(j) 'means of access' includes any means of access, whether private or public, for vehicle or for pedestrians and includes a road;

(k) 'notification' means a notification published in the Andhra Pradesh Gazette;

(l) 'Prescribed' means prescribed by rules made by the Government under this Act;

(m) 'regulation' means a regulation made under this Act by an Urban Development Authority constituted under sub-section (1) of Section 3 or a Special Area Development Authority constituted under sub-section (1) of Section 3-A for the concerned development area;

(n) 'erect' in relation to any building includes--

- (i) any material alteration or enlargement of any building;
  - (ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
  - (iii) the conversion into more than one place for human habitation of a building originally constructed as one such place;
  - (iv) the conversion of two or more places of human habitation into a greater number of such places;
  - (v) such alterations of a building as to affect its drainage or sanitary arrangements, or to materially affect its security;
  - (vi) the addition of any rooms, buildings houses or other structures to any building; and
  - (vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening into such street or land;
- (o) 'urban area' means--
- (i) the area comprised within the jurisdiction of the Municipal Corporation of Hyderabad or of any Municipality constituted under the Andhra Pradesh Municipalities Act, 1965 and also any such area in the vicinity as the Government may, having regard to the extent of, and the scope for, the urbanisation of that area or other relevant considerations, specify in this behalf, by notification; and
  - (ii) such other area as the Government may, by notification, declare to be an urban area, which in the opinion of the Government, is likely to be urbanised;
- (p) 'Zone' means any one of the divisions into which the development area may be divided for the purposes of development under this Act.

## CHAPTER 2

### Urban Development Authorities and their Objects

### **3. Constitution of Urban Development Authority :-**

- (1) As soon as may be after an urban area or a group of urban areas is declared to be a development area, under sub-section (1) of Section 13, the Government shall, by notification, constitute for the said development area, an Urban Development Authority with

effect from such date as may be specified therein.

(2) Every Authority so constituted shall be a body corporate by the name of the development area for which it is constituted having perpetual succession and a common seal with power to acquire, hold and dispose of property, both moveable, immoveable and to contract; and shall by the said name sue and be sued.

(3) The authority shall consist of the following members, namely:

(a) a Chairman, to be appointed by the Government;

(b) a Vice-Chairman, to be appointed by the Government, who shall be a whole-time chief executive officer of the Authority;

(c) three members from among the Members of the State Legislature representing the development area, to be nominated by the Government;

(d) two Councillors of the Municipal Corporation of Hyderabad or of the municipality, as the case may be, comprised within the development area, to be nominated by the Government;

(e) one officer, representing the Municipal Corporation of Hyderabad or the Municipal Administration Department of the Government, to be nominated by the Government;

(f) one officer of the Town Planning Department of the Government, to be nominated by the Government;

(g) one officer of the Finance Department of the Government, to be nominated by the Government;

(h) five other members, to be nominated by the Government.

(4) The Chairman shall be entitled to receive from the funds of the Authority such salary, allowances and perquisites, if any, and governed by such terms and conditions, as may be determined by the Government, from time to time.

(4A) The Vice-Chairman shall be a whole-time paid member of the Authority and shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and governed by such conditions of service, as may be determined by regulations made in this behalf. The Vice-Chairman shall hold office for such term as the Government may fix.

(5) The Chairman and every member of the Authority, other than

ex-officio member, shall hold office during the pleasure of the Government.

(6) Any member, other than the Chairman, the Vice-Chairman and official members specified in clauses (e), (f) and (g) of sub-section (3), may be paid from the funds of the Authority, such allowances, if any, as may be prescribed.

(7) A member may resign his office by writing under his hand addressed to the Government, but shall continue in office until his resignation is accepted by the Government.

(8) Any member appointed or nominated to fill a casual vacancy shall hold office for the remainder of the term of the member in whose place he is appointed or nominated.

(9) No act or proceedings of the Authority shall be invalid by reason only of the existence of any vacancy in or defect in the constitution of, the Authority.

(10) The powers and functions of the Chairman and the Vice-Chairman shall be such as may be prescribed.

### **3A. Constitution of a Special Area Development Authority :-**

(1) The Government may constitute a Special Area Development Authority for any area in the State of Andhra Pradesh as a special case whether such an area is classified as an urban area or otherwise, in the interest of specific development objectives that may be conducive to the overall planned development of the State.

(2) Save as otherwise specified under this Act, the area comprised within the jurisdiction of a Special Area Development Authority shall be deemed to be a Development Area notified under Section 13 of this Act.

(3) The Government may, by, notification constitute a Special Area Development Authority for any part of a Development Area for which an Urban Development Authority was already constituted provided that the area so comprised within the jurisdiction of the Special Area Development Authority shall be deemed to have been excluded from the jurisdiction of the said Urban Development Authority under Section 13 (2)(a) of this Act.

(4) Notwithstanding anything contained in this Act, or in any law for the time being in force, where any corporation or company is



formed by the Government for the development of any particular area, the Government may, by, notification declare such company or corporation to be also a Special Area Development Authority and the said area as a Development Area under this Act.

**4. Appointment of Secretary, Chief Accounts Officer, Town Planner and Engineer :-**

(1) For any authority, the Government may sanction a post of Secretary, a post of Chief Accounts Officer, a post of Town Planner and a post of Engineer who shall exercise such powers and perform such functions as may be prescribed or as may be determined by regulations made by the authority in this behalf or delegated to them by the authority or the Chairman.

(2) Before sanctioning any post under sub-section (1), the Government shall consult the authority concerned.

(3) All the appointment to posts sanctioned under sub-section (1) shall be made by the Government.

(4) All the officers appointed under sub-section (3) shall, save as otherwise provided in the rules relating to the discipline and conduct of those officers be deemed, for all purposes, as officers of the Authority and shall, in the exercise of the powers and discharge of the duties under this Act, be subject to such control and direction of the vice-Chairman as may be prescribed.

(5) The Government shall pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances pension and contribution, if any, towards the provident fund or pension-cum-provident fund of every officer appointed by the Government under sub-section (3).

**4A. Governments power to regulate the methods of recruitment, conditions of service etc. of Officers appointed under Sec. 4 :-**

(1) The Government shall have power--

(a) to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and disciplinary conduct of the officer appointed under Section 4.

(b) to recover from the authority concerned the whole of the salary and allowances paid to any such officer and such contribution

towards his leave allowances, pension or provident- cum-pension fund of such officer paid by the Government under sub-section (5) of Section 4.

(2) The Government may at any time withdraw any officer appointed under Section 4 and appoint another in his place.

**4B. Constitution of Urban Development Authorities Service for the State for any class of officers and employees of the Authorities :-**

(1) Notwithstanding anything in this Act, or the rules made thereunder, the Government may, after consulting all the authorities by notification constitute any class of officers or employees of the Authorities into a Urban Development Authorities Service for the State.

(2) Upon the issue of a notification under sub-section (1) of the Act Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline, and conduct of the officers and employees of the Urban Development Authorities, service thereby constituted and such rules may vest jurisdiction in relation to such service in the Government or in such other Authority or Authorities as may be prescribed therein.

**5. Object and powers of the Authority :-**

(1) The objects of the Authority shall be to promote and secure the development of all or any of the areas comprised in the development area concerned according to plan and for that purpose, the authority shall have the power to acquire, by way of purchase or otherwise, hold, manage, plan, develop and mortgage or otherwise dispose of land and other property, to carry out by or on its behalf building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewerage and control of pollution, other services and amenities and generally to do any thing necessary or expedient for purposes incidental thereof.

(2) The Authority may, for the purpose of efficient performance of its functions, constitute as many committees as it thinks fit, in such manner as may be prescribed, and provide by regulations made in this behalf for rules of procedure at the meeting of the Committees and allowances to members thereto.

**6. Civic survey of, and Master Plan for development area :-**

(1) The Authority shall, as soon as may be, carry out a civic survey of and prepare a Master Plan for the development area concerned.

(2) The Master Plan shall--

(a) define the various zones into which the development area may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (either after carrying out development thereon or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

(3) The Master Plan may provide for any other matter which is necessary for the proper development of the development area.

**7. Zonal development plans :-**

(1) Simultaneously with the preparation of Master Plan or as soon as may be thereafter the Authority shall proceed with the preparation of zonal development plan for each of the zones into which the development area may be divided.

(2) A zonal development plan may,-

(a) contain a site plan and land use plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zones for such purposes as roads, housing, schools, recreation, hospitals, industry, business, markets, public works and utilities, public buildings, public and private open spaces and other categories of public and private uses;

(b) specify the standards of population density and building density;

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and

(d) in particular, contain provisions regarding all or any of the following matters, namely--

- (i) the division of any site into plots for the erection of buildings;
- (ii) the allotment or reservation of lands for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
- (iii) the development of any area, into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
- (iv) the erection of buildings of any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;
- (v) the alignment of buildings on any site;
- (vi) the architectural features of the elevation or frontage of any building to be erected on any site;
- (vii) the number of residential buildings which may be erected on any plot or site;
- (viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;
- (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or building designed for particular purposes in the locality;
- (x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (xi) the restrictions regarding the use of any sites for purposes other than erection of buildings; and
- (xii) any other matter which is necessary for the proper development of the zone or any other area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

## **8. Procedure to be followed in preparation and approval of plans :-**

(1) In this section and in Sections 9, 10, 12 and 15 the word 'plan'

means the Master Plan or the Zonal Development Plan for a zone or both, as the case may be.

(2) Before finally submitting any plan to the Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection publishing a notice in such form and manner as may be prescribed, inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(3) The Authority shall also give reasonable opportunity to every local authority within whose local limits any land included in the plan is situated to make any representation with respect to the plan.

(4) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Government for their approval.

(5) The form and content of a plan and the procedure to be followed and all other matters connected with the preparation, submission and approval of such plan shall be governed by such provisions, if any, as may be prescribed in this behalf.

#### **9. Submission of plans to Government for approval :-**

(1) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the government for approval and the Government may either approve the plan without modifications or with such modifications as they may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

(2) The Government may direct the Authority to furnish such information as they may require for the purpose of approving any plan submitted to them under this section.

#### **10. Date of operation of plan :-**

Immediately after a plan has been approved by the Government, the Authority shall publish in such manner as may be determined by regulations, a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected during the specified hours and upon the date of the first publication of the aforesaid notice, the plan shall come into operation.

**11. Certain plans already prepared and sanctioned deemed to have been prepared and sanctioned under this Act :-**

(1) Any general town planning scheme under the Andhra Pradesh (Andhra Area), Town Planning Act, 1920, any development plan under the Hyderabad Municipal Corporations Act, 1955 or any Master Plan under the A.P. Municipalities Act, 1965, already prepared and published by the local authority concerned and sanctioned by the Government before the commencement of this Act with respect to any area now forming part or whole of a development area under this Act, shall be deemed to be a Master Plan so prepared and published by the Authority and sanctioned by the Government subject to such alterations and modifications as may be considered necessary, under this Act.

(2) Any detailed town-planning scheme under the Andhra Pradesh (Andhra Area) Town Planning Act, 1920, any Improvement Scheme under the Hyderabad Municipal Corporations Act, 1955, or any Town Development Plan under the Andhra Pradesh Municipalities Act, 1965 already prepared and published by the local authority concerned and sanctioned by the Government before the commencement of this Act with respect to any area now forming part of a development area under this Act, shall be deemed to be a zonal development plan, so prepared and published by the Authority and sanctioned by the Government, subject to such alterations and modifications as may be considered necessary under this Act.

(3) In respect of plans of the nature specified in sub-section (1) or sub-section (2) which are at different stages of preparation or publication or pending sanction of the Government at the commencement of this Act, such plans shall be deemed to have been prepared, or published or submitted to Government as the case may be, under this Act, subject to such alterations and modifications as may be considered necessary under this Act.

**12. Modifications to plan :-**

(1) The Authority may make such modifications to the plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land uses or the standards of population density.

(2) The Government may suo motu or on a reference from the

Authority make any modifications to the plan, whether such modifications are of the nature specified in sub-section (1) or otherwise.

(3) Before making any modifications to the plan, the Authority or, as the case may be, the Government shall publish a notice in such form and manner as may be prescribed inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the Government.

(4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as the Authority or the Government may fix.

(5) When the Authority makes any modifications to the plan under sub-section (1), it shall report to the Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.

(6) If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the Government whose decision thereon shall be final.

(7) Any reference in any other Chapter, except this Chapter, to the Master Plan or the Zonal Development Plan shall be construed as a reference to the Master Plan or the Zonal Development Plan as modified under the provisions of this section.

#### CHAPTER 4

#### Development of Lands

### **13. Declaration of development areas and development of land in those and other areas :-**

(1) As soon as may be after the commencement of this Act, where Government consider it necessary to do so for purposes of proper development of any urban area or group of urban areas in this State they may, by notification, declare such urban area or group

of urban areas to be a development area for the purposes of this Act.

(2) The Government may, by notification and in accordance with such rules as may be made in this behalf--

(a) exclude from a development area any area comprised therein; or

(b) include in a development area any other area.

(3) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(4) After the commencement of this Act, no development of land within the development area shall be undertaken or carried out by any person or body including any department of the Government, unless permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act.

(5) After the coming into operation of any of the plans in any area within the development area, no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.

(6) Notwithstanding anything in any other law or the provisions contained in sub-sections (4) and (5), development of any land undertaken in accordance with any law by any person or body including any department of the Government or any local authority before the commencement of this Act, may be completed without compliance with the requirements of those sub-sections:

Provided that such development of land shall be completed within one year from the date of commencement of this Act; unless the Authority for good and sufficient reason, extends the said period of one year for such further period as it deems fit.

(7) After the commencement of this Act, no development of land shall be undertaken or carried out by any person or body including any department of the Government in such area adjoining to or in the vicinity of the development area, as may be notified by the Government unless approval of or sanction for such development has been obtained in writing from the local authority concerned, in accordance with the provisions of relevant law relating thereto,



including the law relating to town planning for the time being in force and the rules and regulations made thereunder:

Provided that the local authority concerned may, in consultation with the Authority, frame or suitably amend its regulations in their application to such area adjoining to or in the vicinity of the development area.

(8)

(a) Where any part of the area adjoining to or in the vicinity of the development area, as notified under sub-section (7), is in the process of rapid development or is likely to develop in the near future, the local authority concerned shall, either on the direction of the Government or on the advice of the Authority, prepare in consultation with the Authority, Town Planning Scheme under the law relating to Town Planning, for the time being in force, and publish the schemes as required under that law and submit them to the Government for sanction.

(b) Any development in the area covered by such Town Planning schemes shall be in accordance with the provisions of the schemes as sanctioned by the Government.

(c) Where in regard to the matters specified in sub-section (7) and of this sub-section there is a difference of opinion between the local authority concerned and the Authority, the matter shall be referred to the Government, whose decision thereon shall be final.

(9) In this section, and in Sections 14, 16 and 41 the expression 'Department of the Government' means any department, organisation or public undertaking of the State Government or of the Central Government.

#### **14. Application for permission :-**

(1) Every person or body including a Department of the Government desiring to obtain the permission referred to in Section 13 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be determined by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed:

Provided that no such fee shall be necessary in the case of an application made by a Department of the Government, or any local authority.

(3) On receipt of an application for permission under sub-section (1), the Authority, after making such enquiry as it considers necessary, in relation to any matter specified in Clause (d) of sub-section (2) of Section 7, or in relation to any other matter, shall by order in writing either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission.

(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner determined by regulations.

(5) If, within ninety days after the receipt of any application made under this section for permission, or of any information or further information required under rules or regulations, the Authority has neither granted nor refused its permission such permission shall be deemed to have been granted; and the applicant may proceed to carry out the development but not so as to contravene any of the provisions of this Act or any rules or regulations made under this Act.

(6) The Authority shall keep a register of applications for permission under this section in such form as may be determined by regulations.

(7) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with, as may be determined by regulations and shall be available for inspection by any member of the public during specified hours on payment of such fee, not exceeding five, as may be determined by regulations.

(8) Where permission is refused under this Section the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission.

## **15. Use of the land and buildings in contravention of plans**

:-

After the coming into operation of any of the plans in a zone, no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be determined by regulations made in this behalf, any land or building for the purpose for which, and to the extent to which, it is being used on the date on which such plan comes into force.

**16. Act not to apply for certain development works :-**

Nothing in this Act shall apply to--

- (a) the carrying out of works for the maintenance, improvement or other alterations of any building being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (b) the carrying out by any local authority or by any department of the Government, of any works for the purposes of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
- (c) the excavations (including wells) made in the ordinary course of agricultural operations; and
- (d) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

**17. Plans to stand modified in certain cases :-**

(1) Where any land situated in any development area is required by the Master Plan or Zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, if at the expiration of ten years from the date of operation of the plan under Section 10, or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment, the land is not compulsorily acquired, the owner of the land may serve on the Government a notice requiring his interest in the land to be so acquired.

(2) If the Government fail to acquire the land within a period of six months from the date of receipt of the notice, the Master Plan or Zonal Development Plan, as the case may be, shall have effect after the expiration of the said six months, as if the land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

**18. Compulsory acquisition of land :-**

(1) If, in the opinion of the Government, any land is required for the purpose of development or for any other purpose under this Act, the Government may acquire such land under the provisions of the Land Acquisition Act, 1894.

(2) Where any land has been acquired by the Government they may, after they have taken possession of the land, transfer the land to the Authority or any local authority for the purpose for which the land has been acquired on payment by the Authority or the local authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the acquisition.

**18A. Acquisition of land by private negotiations :-**

Where the authority proposes to acquire any land otherwise than under the provisions of the Land Acquisition Act, 1894, it shall obtain the previous approval of the District Collector, therefor. While according his approval, the District Collector shall determine the value at which the land is to be acquired and every such acquisition shall be subject to the previous sanction of the Government as may be prescribed.

**19. Disposal of land by the Authority or the local authority concerned :-**

(1) Subject to any directions given by the Government under this Act, the authority or, as the case may be, the local authority concerned may dispose of--

(a) any land acquired by the Government and transferred to it, without undertaking or carrying out any development thereon; or

(b) any such land after taking or carrying out such development as it thinks fit; to such persons in such manner and subject to such terms and conditions as it considers expedient for securing the development of the area concerned according to plan.

(2) The powers of the Authority, or as the case may be, of the local authority concerned with respect to the disposal of land under subsection (1) shall be so exercised as to secure so far as practicable, that persons who are living or carrying on business or other

activities on the land shall, if they desire to obtain accommodation on land belonging to the Authority or the local authority concerned and are willing to comply with any requirements of the Authority or the local authority concerned as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

Provided that where the Authority or the local authority concerned proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its development and use as the Authority or the local authority concerned may think fit to impose.

(3) Nothing in this Act, shall be construed as enabling the Authority or the local authority concerned to dispose of land by way of gift, mortgage or charge, but subject to the aforesaid, any reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

## **20. Government vacant land :-**

(1) The Government, may by notification and upon such terms and conditions as may be agreed upon between the Government and the Authority, place at the disposal of the Authority all or any vacant lands belonging to or under the control of the Government situated in the development area (hereinafter referred to as "Government vacant land") for the purpose of development in accordance with the provisions of this Act.

(2) No development of any Government vacant land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the Authority under sub-section (1).

(3) After any such Government vacant land has been developed by or under the control and supervision of the Authority, it shall be dealt with by the Authority in accordance with rules made and directions given by the Government in this behalf.

(4) If any Government vacant land placed at the disposal of the

Authority under sub-section (1) is required at any time thereafter by the Government, the Authority shall, by notification, replace it at the disposal of the Government upon such terms and conditions as may be agreed upon between the Government and the Authority;

**20A. Sale of Government lands by public auction and their administration :-**

(1) Notwithstanding anything in Section 20, the Government may effect the sale of their vacant lands by public auction on such terms and conditions as may be prescribed.

Provided that no such land shall be sold to or purchased by or on behalf of a Co-operative Society.

(2) The owners of the land purchased under sub-section (1) shall

(a) form into a Co-operative Society; and

(b) submit a declaration to the Authority in such form and in such manner and containing such particulars as may be prescribed.

(3) The administration of every property of the owners of land specified in sub-section (1) shall be governed by such directions as may be given by the Government or the Authority from time to time and by the bye-laws framed by the co-operative society and as amended from time to time and a true copy of the bye-laws and the amendments thereto, if any shall, as soon as they are made be filed with the Authority and be annexed to the declarations made under sub-section (2):

Provided that no such bye-laws or amendments thereto shall take effect until copies thereof are duly filed by with the Authority.

(4) The bye-laws shall conform to the directions given by the Authority from time to time and may provide for the following matters, namely:-

(a) the manner in which the association of the owners of vacant land is to be formed, the election of a Board of Managers from among the owners, the number of persons constituting the board, the number of members of such board to retire annually, the powers and duties of the board, honorarium, if any, of the members of the board, the method of removal from the office of members of the board, the powers of the board to engage the

services of a manager and delegation of powers and duties to such manager.

(b) manner of calling meetings of the owners of vacant lands and the quorum for such meetings.

(c) election of a President and for presiding over the meetings of the Board and of the association in the absence of the President;

(d) elections of a Secretary who shall keep minutes book wherein resolutions shall be recorded;

(e) election of a treasurer who shall keep the financial records and books of accounts;

(f) maintenance, repair and replacement of the common areas and facilities and payment thereof;

(g) manner of collecting from the owners their share of the common expenses; and

(h) any other matter considered to be necessary for the administration of the property.

**21. Powers of Authority to develop land in non-development area :-**

Notwithstanding anything in sub-section (3) of Section 13, the Authority or, as the case may be, the local authority may, if it is of opinion that it is expedient to do so, undertake or carry out any development of any land which has been transferred to it or placed at its disposal under Section 18 or Section 20 even if such land is situated in any area which is not a development area.

**CHAPTER 6**

Finance Account and Audit

**22. Fund of the Authority :-**

(1) The Authority shall have and maintain its own fund to which shall be credited--

(a) all money received by the Authority from the state and Central Governments, by way of grants, loans, advances or otherwise;

(b) all moneys borrowed by the Authority from sources, other than Government, by way of loan or debentures;

(c) all fees and charges received by the Authority under this Act;

(d) all moneys received by the Authority from the disposal of lands, buildings and other properties, moveable, and immoveable; and

(e) all moneys received by the Authority by way of rents and profits or in any manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the authority in the administration of this Act and for no other purposes.

(3) The Authority may keep such sum of money out of its funds as it may deem fit in deposit in any of the scheduled banks and any money in excess of the said sum shall be invested in such manner as it may think fit.

(4) The Government, may after due appropriation made by the State Legislature by law in this behalf, make such grants, advances and loans to the Authority as the Government may deem necessary for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

(5) The Authority may borrow money by way of loans or debentures or in any other manner from any source, other than the Government.

(6) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5) and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed, of all moneys so borrowed.

(7) The sinking fund or any part thereof shall be applied in or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.

(8) The Authority may accept grants, subventions, donations and gifts from the Central Government or a local authority or any individual or body whether incorporated or not, for all or any of the purposes of this Act on such terms and conditions as the Government may determine.

(9) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of the principal and the payment of interest at such rate as may be fixed by the Government.



(10) Notwithstanding anything in any law relating to local authorities, every local authority comprised within a development area or within whose local limits the area developed is situated, shall contribute to the Authority such amount as may be agreed upon between the Authority and that local authority or in default of such agreement, as may be fixed by the Government.

**23. Budget of the Authority :-**

The Authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Government such number of copies thereof as may be prescribed.

**24. Accounts and audit :-**

(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts of the Authority shall be subject to audit annually by such person as may be appointed by the Government and any expenditure incurred by that person in connection with such audit shall be payable by the Authority to the Government.

(3) The person so appointed and any other person authorised by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Accountant-General has in connection with the audit of the Government accounts.

(4) The accounts of the Authority as certified by the person so appointed or any other person authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before both Houses of the State Legislature.

**25. Annual Report :-**

The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as may be prescribed and the Government shall cause a copy of the report to be laid before both Houses of the State Legislature.

**26. Pension and Provident Funds :-**

(1) The Authority shall constitute for the benefit of its whole time paid members and of its Officers and other employees in such manner and subject to such conditions, as may be prescribed, such pension and provident fund as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Fund Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

#### CHAPTER 7

#### Levy Assessment and Recovery of Development Charges

### **27. Levy of the development charges :-**

(1) Subject to the provisions of this Act and the rules made thereunder, the Authority shall levy charges (hereinafter called the development charges) on the institution of use or change of use of land or building or development of any land or building for which permission is required under this Act in the whole area or any part of the development area within the maximum rates specified in Section 28:

Provided that the rates of development charges may be different for different parts of the development area and for different uses;

Provided further that the previous sanction of the Government has been obtained for the rates of levy.

(2) Where the Authority has determined to levy development charges for the first time or at a new rate, it shall forthwith publish a notification specifying the rates of levy of development charges.

(3) The development charges shall be leviable on any person who institutes or changes any such uses, undertakes or carries out any such development.

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

### **28. Rates of development :-**

(1)

(a) For the purposes of assessing the development charges, the use

of land and building shall be classified under the following categories:

- (i) Industrial;
- (ii) Commercial;
- (iii) Residential;
- (iv) Agricultural; and
- (v) Miscellaneous.

(b) In classifying the use of land and building under any of the categories mentioned in Clause (a), the predominant purpose for which such land and building are used shall be the main basis for such classification.

(2) The rates of development charges shall be determined on the proposed use of land or building:-

(a) in the case of development of land, at a rate to be prescribed per hectare for that area;

(b) in the case of development of building, at a rate to be prescribed per square metre of floor area for that area;

Provided that the development charges may be levied at different rates for different institutions of use as may be prescribed from time to time to which the land, or as the case may be the building, is used;

Provided further that where land appurtenant to a building is used for any purpose independent of the building, development charge may be levied separately for the building and the land.

## **29. Assessment and recovery of development charges :-**

(1) Any person who intends to carry out any development or institute or change any use of any land or building for which permission is required under this Act, whether he has applied or such permission or not, or who has commenced carrying out any such development or has carried out such development or instituted or changed any such use shall apply to the Authority within such time and in such manner as may be prescribed, for the assessment of development charges payable in respect thereof.

(2) The Authority shall on such application being made or if no such

application is made, after serving a notice in writing on the person liable to such payment and after calling for a report in this behalf from the concerned officer of the Authority determine whether or not, and if so what, development charge is leviable in respect of that development or institution of use or change of use and fix and date by which such payment shall be made; and interest at the rate of six per cent per annum upon any amount outstanding shall be payable from that date.

(3) The Authority, after taking into consideration the report aforesaid and after giving such person an opportunity to be heard, shall then assess the amount of development charges payable by such person concerned and give to such person a notice in writing of such assessment;

Provided that--

(a) where permission under this Act has not been granted for carrying out the said development, the Authority may postpone the assessment of the development charges;

(b) Where the application relates to the carrying out of any development the Authority may refuse to assess the amount of development charges payable by such person concerned unless it is satisfied that the applicant has an interest in the land or building sufficient to enable him to carry out such development or that the applicant is able to obtain such interest and that the applicant shall carry out the development within such period as the Authority may determine;

(c) Where the application relates to the institution or change of any use, the Authority may refuse to assess the amount of development charges in respect thereof unless it is satisfied that the use will be instituted within such period as it considers appropriate.

(4) The Authority shall, in regard to the development area lying within its jurisdiction collect all development charges due under this Act in respect of any development in that development area.

(5)

(a) The development charges payable in respect of any land or building shall be a first charge on such land or building, subject to the prior payment of land revenue, if any due to the Government thereon.

(b) All development charges payable in respect of any land or building by any person shall, together with interest due upon the date of realisation, be recoverable from such person or his successor-in-interest in such land or building as arrears of land revenue.

### **30. Constitution of tribunal and officers and servants of the tribunal :-**

(1) The Government may constitute as many Tribunals as may be necessary for deciding disputes relating to levy or assessment of development charges.

(2) The Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

(3) The Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

(4) Each Tribunal shall have jurisdiction over such area as the Government may, by notification, from time to time, determine.

(5) The Tribunal may, with the previous sanction of the Government, appoint such officers and servants as it considers necessary for carrying on its business, and the remuneration and other conditions of service of such officers and servants shall be such as may be prescribed.

### **31. Appeal and revision :-**

(1) Any person objecting, to an order passed by the Authority under Section 29 may within a period of two months from the date on which the order was communicated to him in the manner prescribed, appeal against such order to the Tribunal:

Provided that the Tribunal may admit an appeal preferred after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed.

(3) In disposing of an appeal, the Tribunal may after giving the appellant an opportunity of making his representation--

(a) in the case of an order or decision of assessment of development charges

(i) confirm, reduce, enhance, or annul such assessment;

(ii) set aside such assessment and direct the Authority to make a fresh assessment after such further inquiry as may be directed; or

(iii) pass such other orders as it may think fit, or

(b) in the case of any other order or decision, confirm, cancel or vary such order or decision:

Provided that at the hearing of any appeal against an order or decision of the Authority, the Authority shall have the right to be heard.

(4) Where as a result of the appeal any change becomes necessary in the order or decision appealed against, the Tribunal may authorise the Authority to amend such order or decision accordingly and on such amendment being made, any amount overpaid by the appellant shall be refunded to him without interest or the further amount of development charges, if, any, due from him shall be collected in accordance with the provisions of this Act, as the case may be.

(5) Notwithstanding that an appeal has been preferred under subsection (1), the development charges shall be paid in accordance with the order or decision of assessment against which the appeal has been preferred:

Provided that the Tribunal may, in its discretion, give such directions as it thinks fit in regard to the payment of the development charges before the disposal of the appeal if the appellant furnishes sufficient security to its satisfaction, in such form and in such manner as may be prescribed.

(6) The Tribunal may pass such interlocutory orders pending the decision on the appeal as the Tribunal may deem fit.

(7) The Tribunal may award costs in proceedings under this section to be paid either out of the fund of the Authority or by such party to the appeal as the Tribunal may deem fit.

(8) The District Court may, of its own motion or on an application, call for and examine the record of any Tribunal in respect of any proceeding under this Chapter to satisfy itself as to the regularity of

such proceeding or the correctness, legality or propriety of any decision or order passed thereon; and if, in any case it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for consideration, it may pass orders accordingly:

Provided that the District Court shall not pass any order adversely affecting any party has been given an opportunity of being heard.

(9) Any order passed by the Tribunal and the District Court under the provisions of this Chapter shall be enforced by such authority and in such manner as may be prescribed.

Explanation:-For the purposes of this section, "District Court" shall mean--

(i) in the Cities of Hyderabad and Secunderabad the City Civil Court; and

(ii) elsewhere, the principal Civil Court of original jurisdiction.

#### CHAPTER 8

Relations between the Government, the Authority and the Local Authorities etc.

### **32. Powers of the Authority in cases of defaults :-**

(1) If the Authority, after holding a local enquiry or upon report from any of its officers on other information in its possession is satisfied that any amenity in relation to any land in development area has not been provided in relation to that land which in the opinion of the authority is to be provided, or that any development of the land for which permission, approval or sanction has been obtained under this Act has not been carried out, it may, after affording a reasonable opportunity to show-cause, serve upon the owner of the land or upon the person providing, or responsible for providing the amenity, a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any amenity is not provided or any such development is not carried out within the time specified in the notice, the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section, the Authority shall afford reasonable opportunity to the owner of the land or to the person providing, or responsible for providing, the

amenity to show-cause why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenities or carrying out the development together with interest at such rate as Government may by order fix from the date when a demand for the expenses is made until payment, may be recovered by the Authority from the owner or the person providing, or responsible for providing, the amenity as arrears of land revenue.

**33. Powers of the Authority to require local authority to assume responsibility for amenities in certain cases :-**

Where any area has been developed by the authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the Government in consultation with the local authority on a reference of the matter to the Government by the Authority.

**34. Control by Government :-**

(1) The Authority shall carry out such directions as may be issued to it, from time to time, by the Government for the efficient administration of this Act.

(2) If, in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Government, the decision of the Government thereon shall be final.

(3) The Government may, at any time either on its own motion or on application made to them in this behalf, call for the records of any case disposed of, or order passed by the Authority for the purpose of satisfying themselves as to the legality or propriety or correctness of any order passed or direction issued and may pass such order or issue such direction in relation thereto as they think fit:

Provided that the Government shall not pass an order adversely affecting any person without affording such person an opportunity



of being heard.

(4) The Government may depute any officer to inspect or examine the office of the Authority, service, work or thing and to report thereon and any officer so deputed may for the purposes of such inspection or examination exercise the following powers--

(a) to call for any extract from any proceedings of the Authority or other committee constituted under this Act, record, correspondence, plan or other documents;

(b) to call for any return, estimates, statement of accounts or statistics;

(c) to call for any report;

**35. Returns and information :-**

(1) The Authority shall furnish to the Government such reports, returns, records and other information as the Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Government or any officer authorised by the Government in this behalf, may call for reports, returns, records and other information from the Authority or local authority in regard to the implementation of the Master Plan.

(3) Any person authorised by the Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether provisions of the Master Plan or Zonal Development Plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.

(4) No such entry shall be made except between the hours of 6 a.m. and without giving reasonable notice to the occupier, or if there be no occupier, to the land or building.

**36. Power of Government to transfer the Powers of the Councils, Panchayats, Zilla Parishads, etc. to the Authority :-**

(1) Notwithstanding anything in any other law or regulation in force, where the Government consider expedient for the effective functioning of the Authority, they may, by notification, suspend any of the powers of local authority relating to the control on

development and use of land and buildings under the Hyderabad Municipal Corporations Act, 1955; the Andhra Pradesh Municipalities Act, 1965, the Andhra Pradesh Gram Panchayats Act, 1964, the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 and transfer such powers to the Authority.

(2) Where such powers are transferred to the Authority, the Authority shall be deemed to be the local authority concerned; the Chairman of the Authority shall be deemed to be the Standing Committee of the Municipal Corporation or the Chairman of the Municipality or the Sarpanch of the Gram Panchayat or President of the Panchayat Samithi or Chairman of the Zilla Parishad as the case may be and the Vice-Chairman of the Authority shall be deemed to be the Executive Authority and the Authority shall strictly exercise the powers transferred to it under sub-section (1) within the area under the territorial jurisdiction of the local authority concerned.

(3) Where the jurisdiction of the Authority includes the areas in which the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 is in force the Authority shall be the Municipal Council or the Town Planning Trust as the case may be to enforce the provisions of the said Act, and the Authority and its Chairman shall be deemed to be the Municipality and its Chairman or the Town Planning Trust and the Chairman of the Town Planning Trust, as the case may be and the provisions of the said Act shall stand modified accordingly.

### **37. Replacement of members of the Authority in certain cases :-**

If, in the opinion of the Government, the Chairman or Vice-Chairman of the Authority wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders issued thereunder or abuses his position, or the powers vested in him, or any member including the Chairman is found guilty of any misconduct in exercising or purporting to exercise the right conferred or performing or purporting to perform the functions imposed by or under this Act, the Government may by notification, and with effect from a date to be specified therein replace such Chairman, Vice-Chairman or any other member: and accordingly with effect from the said date the Chairman, Vice-Chairman or any member shall forthwith be deemed to have vacated his office as such:

Provided that the Government shall, when they propose to take action under section give the person concerned an opportunity of

making presentation on the action proposed and the notification issued shall contain a statement of the reasons for the action taken.

**38. Power of Government to appoint a Special Officer :-**

(1) Notwithstanding anything contained in this Act, where, for any reason, there is delay in the constitution or re-constitution of the Authority in accordance with the provisions of this Act, the Government may, by notification appoint a Special Officer to manage the affairs of the Authority under the Act, for a period which shall not exceed one year from the date of such appointment:

Provided that the Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods, so however the period of appointment of the Special Officer shall not, in the aggregate exceed two years.

(2) Upon the publication of a notification under sub-section (1)- -

(i) all the powers and functions of the Authority of its Chairman and vice-Chairman shall, during the period specified in the notification under sub-section (1), be exercised and performed by the Special Officer; and

(ii) all property vested in the Authority shall, during the period specified the notification vest in the Government.

(3) The Government may reconstitute the Authority in the manner provided in this Act, before the expiry of the period notified under this section, and the Special Officer shall cease to manage the affairs of the Authority on such reconstitution.

**CHAPTER 9**

**Art Commission**

**39. Constitution of Art Commission for the State :-**

(1) The Government may, by notification, constitute an Art Commission for the State, to be called "the Andhra Pradesh Urban Art Commission" which shall consist of a Chairman and such other members, representing among others, visual arts or architecture, Indian History or Archaeology and the environmental sciences, as they may appoint.

(2) It shall be the duty of the Art Commission to make recommendations to the Government as to--

(i) the restoration and conservation of urban design and of the environment in the development areas;

(ii) the planning and development of future urban design and of the environment;

(iii) the restoration and conservation of archaeological and historical sites and sites to high scenic beauty;

(iv) the grants, concessions and other modes of compensation for purchase or acquisition that should be made for the purpose by the Government or any Authority and the conditions subject to which such grants, concessions and compensation should be made; and

(v) any other matter referred to the Commission by the Government.

(3) The powers to be exercised and the functions to be performed and the procedure to be followed by the Art Commission shall be such as may be prescribed.

(4) The Government may, after considerations of the recommendations of the Art Commission and after giving an opportunity to the Authority or Authorities concerned to make any representation, issue such directions to the Authority or Authorities concerned as they may think fit, and the Authority or Authorities shall comply with every such direction of the Government.

#### CHAPTER 10

##### Inspection and Penalties

#### **40. Power of entry :-**

The authority may authorise any person to enter into or upon any land or building with or without assistance or workmen for the purpose of--

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) making such levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of the Master Plan, or Zonal Development Plan or without the permission referred to in Section 13 or in contravention of any condition subject to which such permission has been granted; or

(g) doing any other thing necessary for the efficient administration of this Act;

Provided that--

(i) no such entry shall be made except between the hours of 6 A.M and 6 P.M and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exercise of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

#### **41. Penalties :-**

(1) Any person who, whether at his own instance or at the instance of any other person or any body including a department of the Government, undertakes, or carries out development of any land in contravention of the Master Plan or Zonal Development Plan or without the permission, approval or sanction referred to in Section 13 or in contravention of any condition subject to which such permission, approval or sanction has been granted shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in contravention of the Provisions of Section 15 or in contravention of any terms and conditions determined by regulations under the proviso to that section shall be punished with fine which may extend to five thousand rupees, and in the case of a continuing offence with

further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence.

(3) Any person who obstructs the entry of a person authorised under Section 40 to enter into or upon any land or building or molests such person after such entry, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

#### **42. Order of demolition of building :-**

(1) Where any development has been commenced or is being carried on or has been completed in contravention, of the master plan or zonal development plan or without the permission, approval or sanction referred to in Section 13 in contravention of any condition subject to which such permission, approval or sanction has been granted--

(i) in relation to a development area, any officer of the Authority empowered by it in this behalf;

(ii) in relation to any other area within the local limits of a local authority, the competent authority thereof, may in addition to any prosecution that may be instituted under this Act, make an order directing that such development shall be removed by demolition, felling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period being not less than five days and not more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that person as may be specified in the order; and on his failure to comply with the order, the officer of the Authority or, as the case may be, the competent authority may remove or cause to be removed the development and the expenses of such removal shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue:

Provided that no such order shall be made unless the owner of the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

(2) If any development in an area specified in sub-section (7) of

Section 13 has been commenced or is being carried on or has been completed in contravention of the Master Plan or Zonal Development Plan or without the permission, approval or sanction referred to in Section 13 or in contravention of any condition subject to which permission, approval or sanction has been granted and the competent authority has failed to remove or cause to be removed the development within the time that may be specified in this behalf by the Director of Town Planning, the Director may, after observing such procedure as may be prescribed, direct any officer to remove or cause to be removed such development and that officer shall be bound to carry out such direction and any expenses of such removal may be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue.

(3) Any person aggrieved by an order under sub-section (1) may appeal to the Vice-Chairman of the Authority against that order within thirty days from the date thereof, and the Vice-Chairman may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order:

Provided that where the original order is passed by the Vice-Chairman himself the appeal shall lie to the Authority.

(4) Any person aggrieved by the direction of the Director under sub-section (2) may appeal to the Government within thirty days from the date thereof; and the Government may, after giving an opportunity of hearing to the person aggrieved, either allow or dismiss the appeal or may reverse or vary any part of the direction.

(5) The decision of the Vice-Chairman or the Authority or the Government and subject to any decision, on appeal the order under sub-section (1) or, as the case may be, the direction under sub-section (2), shall be final and shall not be questioned in any court of law.

(6) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force.

(7) In this section, and in Section 43, 'Competent Authority' in relation to a local authority means any authority or officer of that local authority empowered or authorised to order demolition of buildings or stoppage of building operations contained in any other law for the time being in force.

### **43. Power to stop unauthorised development :-**

(1) Where any development in any area has been commenced in contravention of the provisions of Section 13 or without the permission, approval or sanction referred to in that section or in contravention of any condition subject to which such permission, approval or sanction has been granted--

(i) in relation to development area, the Authority or any officer of the authority empowered by it in this behalf;

(ii) in relation to any other area specified in sub-section (7) of Section 13 within the local limits of a local authority, the competent authority thereof, may in addition to any prosecution that may be instituted under this Act, make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.

(2) Where such development is not discontinued in pursuance of the order under sub-section (1), the Authority or the officer of the Authority or the competent authority, as the case may be, may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) If any development in an area specified in sub-section (7) of Section 13 has been commenced in contravention of the Master Plan or Zonal development plan or without the permission, approval or sanction referred to in Section 13 or in contravention of any condition subject to which such permission, approval or sanction has been granted and the competent authority has failed to make an order under sub-section (1) or, as the case may be, a requisition under sub-section (2) within the time that may be specified in this behalf by the Director of Town Planning, the Director may, after observing such procedure as may be prescribed, direct any officer to make the order or requisition as the case may be, and that officer shall be bound to carry out such direction; and the order or direction made by him in pursuance of the direction shall be complied with accordingly.

(4) After the requisition under sub-section (2) or sub-section (3) has been complied with, the Authority or the Competent Authority



or the officer to whom the direction was issued by the Director under sub-section (3), as the case may be, may depute by a written order a police officer or employee of the Authority or local Authority concerned, to watch the place in order to ensure that the development is not continued.

(5) Any person failing to comply with an order under sub-section (1) or, as the case may be, under sub-section (3), shall be punished with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(6) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the removal of any development under Section 42 or other discontinuance of the development under this section.

(7) The provisions of this Section shall be in addition to, and not in derogation of any other provision relating to stoppage of building operations contained in any other law for the time being in force.

#### **44. Offences by companies :-**

(1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation For the purpose of this section--

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

**45. Fines when realised to be paid to Authority or local authority concerned :-**

All fines realised in connection with prosecution under this Act shall be paid to the Authority or, as the case may be, the local authority concerned.

**46. Composition of offences :-**

(1) Subject to such rules as may be prescribed any offence made punishable by or under this Act may, either before or after the institution of proceedings be compounded:-

(i) in the case of an offence referred to in sub-section (2) of Section 41, by the Director of Town Planning or any officer authorised by him in this behalf by a general or special order; and

(ii) in any other case, by the Authority, or as the case may be, the local authority concerned or any person authorised by the authority or such local authority by general or special order in this behalf.

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

**47. Members and officers to be public servants :-**

Every member and every officer and other employee of the Authority shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

**48. Jurisdiction of Courts :-**

No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

**49. Sanction of prosecution :-**

(1) No prosecution for any offence punishable under this Act other than an offence referred to in sub-section (2) shall be instituted except with the previous sanction of the Authority or any officer authorised by the Authority.

(2) No prosecution for any offence for failure to comply with the order of the officer referred to in sub-section (3) of Section 43 and punishable under sub-section (5) of that section shall be instituted except with the previous sanction of the Director of Town Planning or any officer authorised by him in this behalf.

**50. Magistrates power to impose enhanced penalties :-**

Notwithstanding anything in Section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Court of Magistrate of the first class to pass any sentence authorised by this Act in excess of its powers under the said section.

**CHAPTER 11**

**Miscellaneous**

**51. Service of notices etc. :-**

(1) All notices, all orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served--

(a) where the person to be served is a company, if the document is addressed to the Secretary of the said company at its registered office or at its principal office or place of business and is either--

(i) sent by registered post; or

(ii) delivered at the registered office or at the principal office or place of business of the said company;

(b) where the person to be served is a partnership firm, if the document is addressed to the said partnership firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either--

(i) sent by registered post; or

(ii) delivered at the place of business;

(c) where the person to be served is a public body or a corporation or society, other body, if the document is addressed to the Secretary, Treasurer to other Head Officer of that body, corporation or society at its principal office, and is either--

(i) sent by registered post; or

(ii) delivered at the said office;

(d) in any other case, if the document is addressed to the person to be served; and

(i) is given or tendered to him;

(ii) is sent by registered post to the person; or

(iii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within any development area or given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed the owner' or the occupier' as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served--

(a) if the document so addressed is sent to be delivered in accordance with Clause (b) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed is delivered to any person on the land or building or where there is no person on the land or building to whom it can be delivered is affixed to some conspicuous part of the land or building;

(3) Where a document is served on partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the Secretary to the Authority may, by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

## **52. Public notice how to be made known :-**

Every public notice given under this Act, shall be in writing over the signature of the Secretary to the Authority or any other officer authorised by him in this behalf and shall be widely made known in

the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspaper or by any two or more of these means, and by any other means that the Secretary may think fit.

**53. Notices, etc. to fix reasonable time :-**

Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice order or other document shall specify a reasonable time for doing the same.

**54. Authentication of orders and documents of the Authority :-**

All permissions, decisions, orders, notices and other documents of the Authority be authenticated by the signature of the Secretary to the Authority or any other officer authorised by the Authority, in this behalf.

**55. Protection of action taken in good faith :-**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

**56. Power to delegate :-**

(1) the Authority may, by notification direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by such officers or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Government may by notification, direct that any power exercisable by them under this Act, except the power to make rules may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(3) The Director of Town-Planning may by notification, direct that any power exercisable by him under this Act may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

**57. Effect of other laws :-**

(1) Nothing in this Act shall affect the operation of the Andhra Pradesh Slum Improvement (Acquisition of Land) Act, 1956.

(2) Save as otherwise provided in sub-section (6) of Section 42 or sub-section (7) of Section 43 or sub-section (1) of this section, the provision of this Act and the rules and regulations made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything in any other law--

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained.

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained.

**58. Power to make rules :-**

(1) The Government, after consultation with the Authority, may by notification, make rules to carry out the purposes of this Act:

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the Government shall take into consideration any suggestions which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the powers and functions of the Chairman and the Vice-Chairman;

(b) the salaries, allowances and conditions of service of the wholetime paid members of the Authority;

(c) the control and restrictions in relation to appointment of officers and other employees;

- (d) the stages by which the development of any particular features of a zone may be carried out;
- (e) the form and content of Master Plan or Zonal Development Plan, as the case may be, and the procedure to be followed in connection with the preparation, publication, submission and approval of such plan and the form, and the manner of publication, of the notice relating to any such plan in draft;
- (f) the form and manner in which notice under sub-section (3) of Section 12 shall be published;
- (g) the local inquiries and other hearing that may be held before a plan is approved;
- (h) the fee to be paid on an application for permission under Section 14 and the factors and circumstances to be taken into consideration in determining such fee;
- (i) the manner in which Government vacant lands shall be dealt with after development;
- (j) the procedure to be followed by the Director of Town Planning under Section 42 or Section 43;
- (k) The procedure for the levy of development charges and exemption from it on any development or institution or charge of any use of any land or building;
- (l) the prescription of rates, calculation, assessment and collection of the development charges;
- (m) the procedure for referring any matter to the Government under Section 33 for settlement of terms and conditions subject to which local authority may be required to assume responsibility for amenities in any area;
- (n) the regulation of the procedure to be followed by the Tribunal and other matters relating thereto;
- (o) the sum of money that may be kept in current account;
- (p) the procedure to be followed for borrowing money by way of loans or debentures and their repayment;
- (q) the form of the budget of the Authority and the manner of preparing the same;

- (r) the form of the balance-sheet and statement of accounts;
- (s) the form of the annual report and the date on or before which it shall be submitted to the Government;
- (t) the manner of constitution of the pension and provident funds for whole-time paid members, and officers and other employees of the authority and the conditions subject to which such funds may be constituted;
- (u) the powers and functions of, and the procedure to be followed by the Art Commission;
- (v) any other matter which has to be, or may be made by rules.

(3) Every rule made under this section shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, with effect from the date notified, have effect only such modified form or stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### **59. Powers to make regulations :-**

The Authority may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for--

- (a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;
- (b) the summoning and holding of meeting of a committee constituted under sub-section (2) of Section 5, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form quorum thereat and the fees and allowances payable to the



members for attending the meetings or any other works of the Authority;

(c) the powers and duties of the Secretary, Chief Accounts Officer, Town Planner, Engineer any other officers of the Authority;

(d) Omitted

(e) the procedure for the carrying out of the functions of Authority under Chapter III;

(f) the form in which any application for permission under Sections 13 and 14 shall be made and particulars to be furnished in such application;

(g) the terms and conditions subject to which user of lands and buildings in contravention of plans may be continued;

(h) the manner of communicating the ground of refusal of permission for development;

(i) the form of the register of applications for permission and the particulars to be contained in such registers;

(j) the management of the properties of the Authority;

(k) the time and manner of payment of development charges; and

(1) any other matter which has to be, or may be determined by regulations.

(2) Until the Authority is constituted under this Act, any regulation which may be made under sub-section (1) may be made by the Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

## **60. Dissolution of the Authority :-**

(1) Where the Government are satisfied that the purposes for which an Authority is constituted under this Act, has been substantially achieved so as to render the continued existence of the Authority in the opinion of the Government unnecessary, the Government may by notification, declare that the said Authority shall be dissolved with effect on and from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date--

(a) all properties, funds and dues which are vested in or realisable by the Authority shall vest in, or be realisable by the Government;

(b) all Government vacant lands placed at the disposal of the Authority shall revert to the Government;

(c) all liabilities which are enforceable against the authority shall be enforceable against the Government; and

(d) for the purpose of carrying out any development which has not been fully carried out by the Authorities and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the Government; Repeal and SavingsAs from the date of the constitution of the Authority for the urban area comprised in the Municipal Corporation of Hyderabad--

(a) the provisions of Chapter XIII of theHyderabad Municipal Corporations Act, 1955, shall stand repealed;

(b) anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, bye- law, regulation or form made, granted or issued) under any provision of the aforesaid Act, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions.