

**HYDERABAD MUNICIPAL CORPORATION REGULATION,
MAINTENANCE AND USE OF PUBLIC AND PRIVATE CART-
STANDS, ETC. BYE-LAWS, 1973**

CONTENTS

1. Short title and commencement
2. Definitions
3. .
4. .
5. .
6. .
7. A road or road-side margin shall not ordinarily be allowed as cart-stand or landing place or halting place
8. .
9. .
10. .
11. .
12. .
13. .
14. .
15. .
16. .
17. .
18. Whoever commits a breach of any of the foregoing bye-laws shall be punishable

**HYDERABAD MUNICIPAL CORPORATION REGULATION,
MAINTENANCE AND USE OF PUBLIC AND PRIVATE CART-
STANDS, ETC. BYE-LAWS, 1973**

In exercise of the powers conferred upon it by Section 586 (5) and (48) read with Section 115 (39) of the Hyderabad Municipal Corporation Act, 1955 (Hyderabad Act II of 1956), the Municipal Corporation of Hyderabad hereby makes the following bye-laws.

1. Short title and commencement :-

(a) These bye-laws may be called "the Hyderabad Municipal Corporation Regulation, Maintenance and use of Public and Private Cart-Stands, etc. bye-laws. 1973".

(b) They shall come into force from the date of their publication in the Andhra Pradesh Gazette. (i.e. from 30-5-1974).

2. Definitions :-

(a) In these bye-laws, unless the context otherwise requires-

(i) 'Act' means the Hyderabad Municipal corporations Act, 1955 (Hyderabad Act II of 1956)

(ii) 'Council' means the General Body of the Municipal corporation of Hyderabad.

(iii) 'Person' includes Hindu undivided family, any company or Association or body of individuals whether incorporated or not:

(iv) 'Section' means section of the Act;

(b) Words used but not defined in these bye-laws shall have the meaning assigned to them in the Act.

(c) Unless there is anything repugnant in the subject or context, words in the singular number shall include the plural and vice versa.

3. . :-

No person shall be permitted to construct or open and maintain any private cart-stand, landing place and halting place within 500 metres of any human habitation.

4. . :-

(a) No person shall construct or open and maintain a new private cart-stand, or landing place or halting place or continue to keep a private cart-stand landing place or halting place unless he obtains from the commissioner a written permission in the form Annexure 'B' to these bye-laws on payment of such fee as may be fixed under sub-section (2) of Section 622 of the Act. Such permission shall be renewed every year.

(b) Mere payment of fee for the permission by the applicant shall not entitle him to open or maintain or establish a Cart-stand, or a landing place or a halting place.

(c) The commissioner may refuse to grant the permission for reasons to be recorded and communicated in writing to the applicant in the form in Annexure 'C' to these bye-laws.

(d) where the permission is refused and where no petition or representation against such refusal is preferred within one month from the date of the refusal the applicant will be entitled to a

refund of 3/4th of the fee paid by him, and the same less the Money Order Commission shall be remitted to him by Money Order after expiry of the period of one month. If the petition or the representation against such refusal has been rejected, the refund shall be made immediately.

5. . :-

(a) Any person who proposes to construct or open and maintain a private cartstand or a landing place or a halting place shall submit to the Commissioner an application in the form in Annexure 'A' to these bye-laws along with a challan in token of payment of the fee.

(b) The application shall contain the following particulars:

(i) The survey number, extent and classification of the land in which he proposes to construct, or open and maintain the cart-stand or the landing place or the halting place and shall be accompanied by a sketch indicating the position of the land with reference to the important roads and other lands in the neighbourhood and its boundary descriptions; and

(ii) any other particulars which the Commissioner may specifically require.

6. . :-

The council may construct, or open and maintain public cart-stands, landing places and halting places within the Municipal limits of Hyderabad and Secunderbad and may levy and collect fees for the use of the same.

7. A road or road-side margin shall not ordinarily be allowed as cart-stand or landing place or halting place :-

Provided, however, that, in special cases, the Commissioner in consultation with the Traffic Advisory Board, may provide a cart-stand or landing place or halting place if, in his opinion there is sufficient space available for road purposes, after making such provision.

8. . :-

Before according permission, in writing, to any person for the construction or provision and maintenance of a private cart-stand, or landing place or halting place or construction or provision and maintenance of a public cart-stand or landing place or halting place by the council the Commissioner shall consult the Traffic Advisory

Board concerned for the cities of Hyderabad and Secunderabad in the case of stands intended solely or partly for motor vehicles, and shall have due regard to its advice.

9. . :-

Where the council has constructed or provided a public cart-stand or landing place or halting place, it may prohibit the use for the same purpose by any person within half a mile thereof any public place or the sides of any public road:

Provided that nothing contained in this bye-law shall apply to any motor vehicles which is not a stage carriage within meaning of the Motor Vehicles Act, 1939.

Explanation A public place or the sides of a public road shall not be deemed to be used as a public cart-stand, or landing place or halting place, if a vehicle used for the carriage of passenger stops therein for a period not exceeding two minutes for the purpose of getting down or picking up passengers or their luggage or, if a vehicle used for the carriage of goods stops therein only for the period required for loading or unloading of goods.

10. . :-

Where the council constructs or provides a public cart-stand or landing place or halting place, it shall publish the fact in the cities of Hyderabad and Secunderbad and in the Hyderabad District Gazette, with information as to the place where it is opened or provided and the rates of fees payable for its use. a notice specifying the rates of fees fixed by the Commissioner with the approval of the council, the name of the person authorised to collect fees therein and prohibited distance shall be put up on a notice board in a conspicuous place in such public cart-stand, or landing place or halting place.

11. . :-

Fees for the use of a public cart-stand, or landing place or halting place, shall be levied at such rates as may be fixed by the Commissioner from time to time with the approval of the council.

12. . :-

If the fee leviable under these bye-laws in respect of a vehicle or animal is not paid on demand, the person authorised to collect such fee may seize and detain such portion of the appurtenances or load of such vehicle or animal as will in his opinion, suffice to defray the amount due in the absence of any such appurtenances or load or in

the event of this value being insufficient to defray the amount due he may seize and detain the vehicle or animal.

13. . :-

All property seized under bye-law,10 shall be sent within twenty four hours to Commissioner or to such person as he may have authorised to receive and sell such property and the Commissioner shall forthwith give notice to the owner of the property seized, or of the owner is not known or is not a resident within the cities of Hyderabad and Secunderabad, to the person who was incharge of the said property at the time when it was seized, or if such person cannot be found, publish at the notice board of the Corporation and in one or two local daily newspapers that after the expiry of two days, exclusive of sunday from the date of service or publication of such notice, the property will be sold by public auction at a place to be specified in the notice.

14. . :-

If at any time before the sale has begun, the amount due on account of the fee, together with the actual charges incurred in connection with the seizure and detention is tendered to the Commissioner or other person authorised as aforesaid, the property seized shall be forthwith released.

15. . :-

(1) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of:

- (i) the amount due on account of the fee;
- (ii) such penalty not exceeding the amount of the fee as the commissioner may direct; and
- (iii) the actual charges incurred in connection with the seizure, detention and sale.

(2) The surplus, if any, shall be paid to the owner of the property or to the person who was incharge of the property at the time when it was seized.

16. . :-

The amenities to be provided in a cart-stand, landing place or halting place may include a shelter for passengers, vehicles and animals, drinking water facilities, urinals, latrines, etc.

17. . :-

No person or animal suffering from any infectious or contagious disease shall be allowed to enter or remain in cart-stand or landing place or halting place.

18. Whoever commits a breach of any of the foregoing bye-laws shall be punishable :-

(a) with fine which may extend to rupees one hundred and in case of a continuing breach, with fine which may extend to rupees ten for every day during which breach continues after conviction for the first breach;

(b) with fine which may extend to rupees ten for every day during which the breach continues after receipt of written notice from the Commissioner or any officer duly authorised in that behalf to discontinue the breach;

(c) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.