

**GOVERNMENT OF ANDHRA PRADSEH
ABSTRACT**

UNAUTHORIZED CONSTRUCTION – Regularization of unauthorized constructions made up to 30-6-1998 in the areas of Municipal Corporation, Urban Development Authorities and Municipalities – Revised Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Ms.No.419 M.A.,

Dated: 30th July 1998.
Read the Following: -

1. G.O.Ms.No. 87, M.A., dated: 12-2-1992.
2. G.O.Ms.No. 1235, M.A., dated: 14-8-1992.
3. G.O.Ms.No. 313, M.A., dated: 11-5-1993.
4. G.O.Ms.No. 243, M.A., dated: 22-5-1996.
5. G.O.Ms.No. 343, M.A., dated: 02-12-1997.
6. G.O.Ms.No. 289, M.A., dated: 25-5-1998.
7. G.O.Ms.No. 373, M.A., dated: 1-7-1998.

* * *

ORDER:

Government after taking note of increased unauthorized constructions in urban areas, without following the prescribed rules and regulations, took a decision to give a one time opportunity to the individuals to come forward and declare voluntarily the unauthorized constructions made by them and to get them regularized by paying the penal amount. Accordingly orders were issued in the G.O. 7th read above giving several concessions thereby facilitating the individuals to get the unauthorized constructions made upto 30-6-1998 regularized by paying the penal amount prescribed therein.

2. In the meanwhile, Government received representation from various forums requesting for extension of time limit and reduction of penal amount and simplification of procedure, Government after careful examination of the views expressed during the discussion have decided to substantially simplify the system and reduce the rates for regularization.

3. Keeping in view the unauthorized constructions made in small plots i.e. in Plots up to 200 sq.mtrs. Government has issued orders giving ample opportunity to get them regularized, and the time was also extended from time to time, lastly up to 31-7-1998.

4. Government have decided not to extend the time limit fixed earlier in G. O 6th read above (i.e. 31-7-1998) for regularization of unauthorized construction in small plots of upto 200 sq.mtrs. and direct that all the G.Os either issued in this regard for providing such regularizations shall cease to be in operation after 31.7.1998. However individuals who constructed the buildings unauthorisedly or in deviation of the sanctioned plan can get them regularized duly paying the penal amount and as per procedure prescribed in this order.

5. Government in suppression of all the G.Os issued earlier on the regularization of unauthorized constructions now issues the following orders.

The rates for regularization of unauthorized construction shall be as follows:

PENAL AMOUNT RATES

I. PENAL AMOUNT FOR REGULARISATION OF DEVIATED /UNAUTHORISED INDIVIDUAL RESIDENTIAL BUILDINGS AND INSTITUTIONAL BUILDINGS MUNICIPAL CORPORATION OF HYDERABAD AND OTHER AREAS.

Type of Development	M.C.H. Area	Other Areas
	Rs. Per Sq.ft of violated area	
1. Individual Residential Building	15	10
2. Institutional Building	25	15

II. PENAL MOUNT RATES FOR REGULARISATION OF DEVIATION UNAUTHORISED CONSTRUCTION OF FLATS IN MUNICIPAL CORPORATION OF HYDERABAD AND OTHER AREAS.

Type of Flats	M.C.H. Area		Other Areas	
	Flat area in Sq.mtrs		Flat areas in Sq.mtrs	
	Above 60	60 and below	Above 60	60 and below
Permitted Bldg. / Flat but deviated from sanctioned Plan with Regd. Sale deed of undivided share of land with construction agreement of flat / Regd. Sale deed of flat / Declaration of ownership.	Rs.5000/- Per flat	Rs.4000/- Per flat	Rs.4000/- Per flat	Rs.3000/- Per flat
Total unauthorised flats with Regd.sale deed of undivided share of land with construction agreement of flat / Regd. sale deed of flat / Declaration of ownership	Rs.10000/- Per flat	Rs.8000/- Per flat	Rs.8000/- Per flat	Rs.6000/- Per flat

Note: 60 Sq.mts = 645.6 Sq.ft.

III. PENAL AMOUNT RATES OR REGULARISATION OF DEVIATED / UNAUTHORISEDLY CONSTRUCTED COMMERCIAL / INDUSTRIAL BUILDINGS IN MUNICIPAL CORPORATION OF HYDERABAD AND OTHER AREAS.

Type of Development	M.C.H. Area	Other Area
	Per Sq. ft. of Violated area	Per Sq.ft. of Violated area
Permitted Building but deviated space from sanctioned plan and covered by Registered sale deed / Registered sale Agreement / declaration of ownership.	Rs.60/-	Rs.45/-
Total unauthorized space and covered by Regd. Sale deed /Regd. Sale agreement declaration of ownership.	Rs.100/-	Rs.75/-

IV. PENAL AMOUNT RATE FOR REGULARISATION OF HUNTS AND TITLED ROOF STRUCTURES.

Category	Upto100 Sq.mtrs. Plot Area	101 to 200 Sq.mtrs Plot Area
	-----Madras	
Terrace / Mangalore titles / A.C. Sheets.	Rs.750/-	Rs. 1000/-

Hunts constructed on plots upto 200 Sq.mtrs. can be got regularized without payment of any penalty. If there are hunts on plots above 200 Sq.mts. they can be regularized by paying a flat rate of Rs. 750/-

6. The applicants for regularization of unauthorized constructions along with voluntary declaration in the prescribed proforma enclosed in this order (Form – A) shall be filled with the concerned Commissioner of the Municipal Corporation / Municipality / Vice Chairman of the concerned Urban Development Authority for Panchayat areas falling in Urban Development Authority areas before 31-8-1998 along with 20% of the penal amount.
7. The applicants who filed Form-A for regularization of unauthorized constructions shall file Form-B along with required documents as prescribed in Form-B such as Building Plans, Ownership Documents, Under takings etc. on or before 31-10-1998.
8. The balance of penal amount shall be paid within 4 months i.e. on or before 31-12-1998 in lumpsum or in not more than four equal installments.
9. The Commissioners of Municipal Corporations / Municipalities, Vice Chairmen of Urban Development Authorities as the case may be shall dispose of all such applications within a period of four months after collection of balance penal amount, prescribed fee, charges development charges, wherever applicable. If any further information is required the individuals shall obtain the same form the concerned local authority / Urban Development Authority.
10. The old buildings are exempted from the purview of this Regularization policy. The regularization procedure as details below is applicable to all unauthorized buildings constructed after 1-1-1985 and before 30-6-1998 or from the date of formation of Municipal local body/Urban Development Authority or date of inclusive of a particular area in the local body which ever is the latest. The declarants shall produce conclusive proof to establish that the construction was

completed before 30-6-1998. The unauthorized constructions made after 30-6-1998 shall not be regularized under any circumstances.

11. Regularization of unauthorized constructions / building shall not be considered in the following cases and in cases where public interest and safety are likely to be affected viz.
 - a) Government / Municipal / Local Body's land.
 - b) Surplus land declared under ULC and Agricultural land Ceiling Act.
 - c) Sites affected under the alignment of Master Plan / Zonal Development plan Roads / and other Public roads.
 - d) Tank bed and Shikam lands.
 - e) Layout open spaces meant for public use.
 - f) Parking spaces.
 - g) Areas earmarked for Recreational use in Master Plan / Zonal Development Plans.
 - h) In case of multistoried buildings the aspects of fire safety, N.O.C. from Airport Authority and structural stability etc., will have to be considered by the Competent Authority before regularization of such structures.
 - i) Subject to resolution of legal issues, if any.

12. The Government hereby authorize the Commissioners of all Municipal Corporations / Municipalities and Vice Chairmen of Urban Development Authorities to regularize unauthorized constructions already made on sites / plots where the title deed / vests with the plot holder in relaxation of Zoning Regulations / Multi Storied Building Regulations / Building Rules etc. on payment of penal amounts prescribed and other usual fees and charges. If the declaration for the regularization of unauthorized constructions are not filed and the unauthorized constructions are not got regularized within the said stipulated period, or where it is found that the declaration covers unauthorized constructions construction after 30-6-98 action shall be initiated by the Commissioner of Municipal Corporations / Municipalities and Vice Chairmen of Urban Development Authorities for demolition / Sealing of property / confiscation.

13. The penal amount so collected for the regularization of such unauthorized constructions shall be kept in a separate head of account and shall be utilized for the specific purpose of development works like widening of roads, construction of bridges / fly overs / parks and ply grounds or any other work with the prior approval of the Government.

14. The Commissioners of all Municipal Corporations / Municipalities and Vice Chairmen of all Urban Development authorities are directed to take immediate necessary action in the matter and give wide publicity. They shall furnish a compliance taken from time to time to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNMENT OF ANDHRA PRADESH)

N.S. HARIHARAN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The All Commissioners of Municipal Corporations.
The Vice-Chairmen of all Urban Development Authorities.
The Director of Town and Country Planning, Hyderabad.
The All Commissioners of Municipalities. (Thro C & DMA, Hyderabad.)

Copy to:
All District Collectors
The Commissioner, Information & Public Relations, Hyderabad.
The Secretary to Chief Minister, C.M.'s Secretariat, Hyderabad.

The Private Secretary to Chief Secretary.
The Private Secretary to Minister for Municipal Administration.
All the Officers & Sections in M.A. & U.D. concerned.
SF / Sc

// Forwrded :: By order //

SECTION OFFICER

FORM-A**VOLUNTARY DECLARATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTIONS UNDER BUILDING REGULARISATION SCHEME (B.R.S.)**

I/We _____ S/o, W/o, D/o, _____ do hereby declare the following details for regularization of unauthorized / deviated construction in respect Flat/building bearing Premises No. _____, located at (full address) _____ to the best of my knowledge and belief.

Further I enclose the following.

- a) One Photograph of the building indicating the date of photograph duly attested (by the owner) at the back of photograph.
- b) Mode of payment of 20% penal amount.
(D.D.No. / Challan No. _____, DT: _____, Bank _____)

Details of deviations / unauthorized constructions and type of buildings (Fill up whichever is applicable)

A. INDIVIDUAL RESIDENTIAL / INSTITUTIONAL BUILDINGS.

Approved building permit (if any): No. _____, Dt: _____, Plot Area _____
Sq.mtrs. No. of floors constructed _____.

1. FAR Deviation:

Total FAR Sanctioned	Total FAR constructed	Excess in Sq.ft.	Total Penal Amount (Rs.)	20% of penal Amount (Rs.)

-----2.

Other Deviations (i.e) setbacks / coverage) :

As per Sanctioned Plan	As per construction at site	Excess in Sq.ft.	Total Penal Amount (Rs.)	20% of penal Amount (Rs.)

Penal amount payable as per item 1 or 2 above whichever is higher.

B. RESIDENTIAL FLAT/APARTMENT:

1. Total flat area : _____
2. Whether part of sanctioned plan : Yes / No
3. If yes please give details of sanctioned plan (if available) : Permit No. _____
Date _____
4. Whether the flat is covered by Registration Sale Deed or Regd. sale Agreement or both. : Yes / No
5. If yes, please enclose one attested copy of the same. :
6. Flat constructed but not with Registration Sale Deed / Regd. sale Agreement. : Declaration to be submitted
7. Total penal amount :

C. COMMERCIAL / INDUSTRIAL BUILDINGS

i) Approved building permit (if any) : No. _____

ii) Plot Area _____ Sq.mtrs. No.of floors constructed _____

1. F.A.R. Deviations

Total FAR Sanctioned	Total FAR constructed	Excess in Sq.ft	Total penal Amount (Rs.)	20% of Amount (Rs.)
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2. Other Deviations (i.e. setbacks / coverage)

As per of penal sanctioned	As per construction at site	Excess in Sq.ft	Total penal Amount (Rs.)	20% Amount (Rs.)
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Penal amount payable as per item 1 to 2 above whichever is higher

- Whether the unauthorized construction is covered by Registered Sale Deed or Regd. sale agreement or both. : Yes / No
- If Yes, please enclose one attested copy of the same. :
- Commercial / Industrial Buildings constructed but not covered with Regd. sale deed. : Declaration to be submitted

In case of any difficulty on the above please contact the concerned Municipal Office / Urban Development Authority.

I / We, declare that the construction applied for regularization is not part of parking area. It is not encroaching on roads indicated in Master Plan / Zonal Development Plan. It is also not part of any of the prohibited areas for regularization as indicate in the orders.

I / We, declare that the above details are as per the construction made at site before 30-6-98 which are true and correct to the best of my knowledge and belief and the Municipal Authority / Urban Development Authority would in no way be responsible if the same are found contrary to my declaration later and I / We, also understand that this may even result in non-regularization for which the onus will not fall on Municipal Authority / Urban Development Authority.

DATE

SIGNATURE

Name of the declarant / Owner (s)

Address for Correspondence

DECLARATION TO BE SUBMITTED WITH FORM-A

(In case of Flats / Apartments / Commercial / Industrial space not registered)

I / We, _____, have applied for regularization of _____ covered by sanctioned plan, but deviated / unauthorized with area of _____ bearing No. _____, in Floor, Premises No. _____, located at (full address) _____.

I / We, hereby declare that the above flat / apartment / commercial / industrial space is constructed before 30.6.1998 and

1. I am possession of the same after paying the sum of Rs. _____ through Cheque / D.D. (indicate details) _____ in favour of _____

OR

2. I am in the possession of the same as owner of the land as evidenced by development agreement (copy enclosed).

OR

3. I am in possession of the same and hereby produce proof through property tax Receipts / telephone bills / water bills etc.

OR

4. As I am unable to produce any of the above (1 to 3). I enclose a certificate issued by a licenced architect evidencing that the building was constructed prior to 30-6-98.

DATE

SIGNATURE
Applicant / Owner

Postal Address:

RECEIPT

(to be given by local authority)

In compliance of G.O.Ms. No. 419, M.A. Dt: 30-7-98 for regularization of unauthorized construction the declaration (Form-A) received on date _____, from Sri / Smt, _____ in respect of Premises No. _____, Situated at _____ for regularization, and allotted with Sl.No. _____.

RECEIVING OFFICER

FORM-B

APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION

I / We, _____ S/o, W/o, D/o, _____
 have submitted Form-A on _____ along with Penal Amount of Rs. _____
 being 20% of total penal amount in respect of flat / building bearing Premises No. _____,
 situated at (full address) _____ (please enclose a copy of Form-A already
 submitted or its receipt).

I / We, further enclose the following documents:

- I. (a) In case of individual Buildings / Commercial Complexes / Industrial / Institutional Buildings.

One tracing cloth and five sets of blue-prints / Ammonia Prints showing the building as constructed before 30-6-98 and existing on ground together with site plan duly signed by licenced technical personnel and a copy ownership documents.

- (b) In case of individual residential flat / apartment
 Documentary Plan (five sets) indicating the details the flats / apartments alongwith copy of ownership documents.

- II. A copy of approved building plan (if plan) Building Permit No. _____ and Date: _____.

- III. Urban Land Ceiling (Wherever applicable):

- (a) If site area – less than Ceiling Limits : Notarised Affidavit to be enclosed.
 (b) If site area – excess than Ceiling Limits : U.L.C., Clearance is to be enclosed.

- IV. Copy of upto date Property Tax Receipt.

- V. Service Connections: APSEB / Water Works receipts if any to be enclosed.

- Vi. Under takings : a) Indemnity Bond
 b) Road Widening under taking if it is not already submitted.
 c) Declaration regarding Urban Land Ceiling.
 d) Certificate Licenced Technical Personnel in case of item 1 (a).

DATE

SIGNATURE

Name of the Declarant / Owner (s)

Address for correspondence

Note: Form-B along with the above enclosures must be submitted on or before 31-10-1998 failing which the applicant will forego the regularization and the authorities would in no way be held responsible for it.

RECEIPT

(to be given by local authority)

In compliance of G.O.Ms.No. 149, M.A. Dt: 30-7-98, for regularization of unauthorized construction already declared in Form-A bearing Sl.No. _____
 Dated: _____. Form-B received on _____ form Sri / Smt. _____
 in respect Premises No. _____ situated at (full address) _____
 For regularization alongwith required documents.

Receiving Officer

INDEMNITY BOND

(To be submitted along with Form 'B' on Non-Judicial Stamp Paper of Rs. 100/-)

This indemnity Bond is executed on this _____ day of _____
1998 by Sri / Smt. _____ S/o. W/o _____
Age _____ Occupation _____ R/o _____
Herein after called the 1st PARTY which term shall include their Legal heirs, successors,
assignees agents, representatives and tenants.

IN FAVOUR OF

The Commissioner _____ Corporation / Municipality/
V.C. _____ U.D.A. herein after called the 2nd Party, which term shall include all
officials and staff of Municipal Corporation / Municipality _____ U.D.A.

Whereas the 1st Party has applied for the regularization of the unauthorized
construction made on Plot / Building / Apartment over an extent of _____
Sq.mts. bearing Premises No. _____ situated at _____ consisting of
Ground + _____ floors.

Whereas the 2nd party has agreed to consider regularization of the aforesaid building /
apartment as per the orders of the Government of Andhra Pradesh contained
G.O.Ms.No.419,
M.A., dated. 30-7-98 and made it a condition that there shall not be any defect / litigations
over the land / building and the same shall be free from all the claims of Government / Banks
and attachments of Courts, and the 1st Party has to indemnify the 2nd party to this effect.

Whereas the 1st party having agreed to the aforesaid condition hereby indemnify the
2nd party with the above assurance and hereby solemnly declare that the above aid land /
Apartment / Building is the sole property of the 1st Party which is possessed by him / her
since the date of purchase and the same is free from all defects, litigations, claims and
attachments from any courts etc., and in case of any disputes / litigations arises at any time in
future the 1st party will be responsible for the settlement of the same and the 2nd party will not
be a party to any such disputes / litigations.

Hence this Indemnity Bond.

WITNESSES:

1.

2.

1st PARTY

Sworn and signed before me on this _____ day of _____
1998 in presence of the above witness.

PUBLIC NOTARY

UNDER TAKING

(To be submitted alongwith Form'B' on Non-Judicial Stamp Paper of Rs. 50/-)

This undertaking is executed on the _____ day of _____ 1998 with free will without any force by, Sri / Smt. _____ S/o. W/o. _____ Age _____ Occupation _____ R/o _____ Here in after called the 1st Party which term shall include his legal heirs successors agents and assignee.

IN FAVOUR OF

The Commissioner _____ Corporation / Municipality / V.C. _____ U.D.A herein after called 2nd party which term shall include all officials and staff of the Municipal Corporation _____ / Municipality / U.D.A.

Whereas the 1st party has applied for regularization of the unauthorized constructed building (Commercial / Residential) consisting of Ground Floor + _____ Floors bearing Premises No. _____ situated at _____ whereas the 2nd Party made it a condition for regularizing the afore said building as per the provision of G.O.Ms.No. 419, M.A., dated.30-7-1998 that:

- 1) The balcony projection and other structure constructed beyond property line or or over the road margin shown as the dismantled in the plan shall be remove as and when required by the _____ Corporation Municipality _____ U.D.A. by the 1st Party himself otherwise, the 2nd party _____ Corporation Municipality / _____ U.D.A. is at liberty to remove the same without giving any further notice.
- 2) The structures constructed unauthorized within the portion affected under the of road as per Master Plan / Zonal Development Plan / Road Development Plan etc; as indicated in the plan of regularization shall be removed by the first party himself at his own cost as and when required by the second party or as and when the actual work of road widening is taken up by the 2nd party or any other authority as empowered by the Government of Andhra Pradesh, and shall handover the said affected portion free of cost without claiming any compensation. If he fails to remove the same the 2nd party _____ Corporation / Municipality / _____ U.D.A. will be at liberty to demolish such structure from the affected portion under road widening out of the said property.

The 1st party having agreed to the above said condition / conditions as imposed by the 2nd party set his / her hand on this undertaking in presence of the following witness.

WITNESSES

- | | |
|----|--------------|
| 1) | FIRST PARTY |
| 2) | SECOND PARTY |

CERTIFICATE OF LICENCED SURVEYOR / ARCHITECTS ENGINEER

(to be submitted along with form 'B').

I hereby Certify that Sri / Smt. _____ S/o., D/o.,
W/o _____ Submitted declaration for premises bearing No. _____
situated at (area Name _____ in (place name)
_____.

The Plans are prepared by me duly taking measurements as per the ground position as constructed at site by the applicant, which true and correct according to my knowledge and I will be held responsible if the same are found not be in order at a later stage.

Licence No.

Signature & Name

Date:

Licensed Architect /
Engineer / Surveyor
(Stamp)

Postal Address:

DECLARATION-CUM-UNDERTAKING

(To be submitted along with form 'B' on Non-Judicial Stamp Paper of Rs.100/-).

I Sri / Smt / Kum. _____ have applied for regularisation of unauthorized construction with a plinth area of _____ Sq.mtrs. bearing Municipal No. _____ the total area (admeasuring about _____ Sq.mtrs.(not to exceeding 200 Sq.mtrs.) and located at _____: I am aware of the provisions of contained in URBAN LAND (Ceiling and Regulation) Act, 1976 I am also aware that the above land will be treated as vacant land under clause 10(a) of section of the said Act even after the regularization of the unauthorized construction in by Commissioner _____ Corporation / Municipality / V.C. _____ U.D.A. for the purpose of the said Act and liable to be surrendered to the Government, in the event of its being determined as excess vacant land under the provision of the Act. I also declare that the said land does not form part of the excess vacant land of any to be surrendered by me and hereby undertake to surrender the said land along with the building if it is ultimately determined as excess vacant land liable to be surrendered or in the event if the Urban Land Ceiling authority of any Competent Authority of Government demands the market value on the excess vacant land, the permission granted regularising the unauthorized construction on such land by Commissioner _____ Municipal Corporation / Municipality / V.C. _____ U.D.A. is not a bar from claiming the value on the land, by such authority / Government I hereby agree to pay all such amount.

DECLARANT

WITNESSES:

1)

2)

PLACE :

DATE :