

## **GOVERNMENT OF ANDHRA PRADESH**

### **ABSTRACT**

M.A & U.D (M1) Dept – The Andhra Pradesh Regulation and Penalization or Unauthorizedly constructed buildings and buildings constructed in deviation of the sanctioned plan Rules 2007 – Hon'ble High Court orders in W.P.No.1069 of 2008 and batch cases dated 8.6.2009 – Amendments – Orders – Issued.

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### **MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M1) DEPARTMENT**

**G. O. Ms. No. 395**

**Dated: 17.6.2009.  
Read the following**

1. G.O.Ms.No.901 M.A. & U.D. Dept Dated: 1.12.2007
2. G.O.Ms.No.112, M.A & U.D. Dept. , Dated:1.1.2008.
3. G.O.Ms.No.02, M.A & U.D. Dept, Dated:2.1.2008
4. Hon'ble High Court orders in W.P.No.1069/2008.  
And batch cases dated:8.6.2009.

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### **ORDER:**

In the reference 1<sup>st</sup> cited above, Government have issued orders in Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the sanction plan rules 2007, Government vide reference 2<sup>nd</sup> cited above, issued certain amendments to the above rules. Hon'ble High Court in W.P.No.1069 of 2008 and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the sanctioned plan Rules 2007 issued vide G.Os 1<sup>st</sup> & 2<sup>nd</sup> read above, while upholding the said Rules, and disposing the said writ petitions, the Hon'ble High Court issued certain directions to the Government in its order dated:8.6.2009 in reference 4<sup>th</sup> above.

2. Government after careful examination of the matter hereby issue the following Amendments and further orders in partial modification to the said Rules and existing orders and instructions issued vide G.Os 1<sup>st</sup> to 3<sup>rd</sup> read above.

### **AMENDMENTS**

1. The Rule 4 (C) issued vide G.O.Ms.No.901, M.A & U.D. (M1) Department Dt:31.12.07 shall be substituted namely"

"For all buildings, irrespective of its height, necessary certificate of structural safety compliance of the said building shall be submitted from a Licensed Structural Engineer".

2. In Rule 9 (h), issued vide G.O.Ms.No.901, M.A & U.D. (M1) Department, Dated:31.12.07 for the words "Areas earmarked for Recreation Use in Master Plan / Zonal Development Plan" shall be substituted with the words "Areas earmarked for open spaces irrespective of any use in Master Plan / Zonal Development Plan".

3. The Rule 9 (i) issued vide of G.O.Ms.No.901, M.A & U.D. (M1) Dept., Dated:31.12.07 which was deleted in G.O.Ms.No.112, M.A. & UD (M1) Dept., Dt:31.1.2008 is hereby restored.
4. The Rule 11, issued vide G.O.Ms.No.901, M.A & U.D. (M1) Department Dt:31.12.07 shall be substituted as follows:

"(1) Any applicant / objector or a third party aggrieved by an order passed by the Competent Authority under Rule 6, may prefer an appeal to the Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid all the necessary charges and submitted documents as specified in Rule 3 of these rules".

5. Constitution of Committees:

Under Rule 14 issue vide G.O. 1<sup>st</sup> read above and in super session of G.O.3<sup>rd</sup> read above, Government hereby constitute State Level Monitory Committee and Appellate Committee comprised with the following officials namely:

(A) Monitoring Committee:-

- |       |   |   |                 |
|-------|---|---|-----------------|
| (i)   | Sri M. Prasad Rao – IAS (Retd.) –<br>Lead Consultant SPIU and former Commissioner<br>& Director of Municipal Administration | - | Chairman        |
| (ii)  | Director, Town & Country Planning   | - | Member          |
| (iii) | Professor, Architecture & Urban<br>Planning School of Planning and<br>Architecture, JNTU, Hyderabad.                        | - | Member          |
| (iv)  | Director(Planning), HMDA, Hyderabad   | - | Member          |
| (v)   | Additional Director of Municipal<br>Administration Office, C & DMA, Hyderabad   | - | Member          |
| (vi)  | Officer on Special Duty,M.A & UD Dept.  | - | Member-Convener |
| (vii) | Chief City Planner, GHMC  | - | Member          |

The Monitoring Committee shall ensure compliance of the provisions and rules relating to Penalization and disposal of the cases and the said committee shall submit report on the work done at every interval of 6 months to Principal Secretary to Government M.A. & U.D. Department and basing on the report of the Monitoring committee appropriate remedial action shall be taken by the Government.

**(B) Appellate Committee:**

**(1) (a) For GHMC Area**

- |       |   |   |                   |
|-------|---|---|-------------------|
| (i)   | Commissioner & Special Officer, GHMC, Hyderabad                           | - | Chairman          |
| (ii)  | Chief Engineer (Public Health)  | - | Member            |
| (iii) | Director of Town & Country Planning, Hyderabad                            | - | Member            |
| (iv)  | Chief City Planner(GHMC)  | - | Member – Convener |
| (v)   | Commissioner and Director of Municipal<br>Administration, A.P., Hyderabad | - | Member            |

**(b) For HMDA Area :**

- |  |   |                  |
|--|---|------------------|
| (i) Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad | - | Chairman         |
| (ii) Chief Engineer (Public Health) Engineer-in-Chief (PH), Hyderabad                  | - | Member           |
| (iii) Director of Town & Country Planning, Hyderabad                                   | - | Member           |
| (iv) Chief City Planner(GHMC)  | - | Member –Convener |
| (v) Commissioner and Director of Municipal Administration, A.P., Hyderabad             | - | Member           |

**(2) For other Municipal Corporations / Municipalities:**

- |  |   |                 |
|--|---|-----------------|
| (i) Regional Deputy Director, Town Planning      | - | Member          |
| (ii) Regional Director, Municipal Administration | - | Chairman        |
| (iii) Superintendent Engineer (Public Health)    | - | Member          |
| (iv) Municipal Commissioner                      | - | Member–Convener |

**(3) Other UDAs**

- |   |   |                  |
|---|---|------------------|
| (i) Vice Chairman, Urban Development Authority (also convener for Grampanchayats falling in urban Development Authority area. | - | Chairman         |
| (ii) Municipal Commissioner (for the respective Municipal / Corporation)  | - | Member -Convener |
| (iii) Superintendent Engineer (public Health) (Respective jurisdiction)   | - | Member           |
| (iv) Regional Deputy Director, Town Planning (Respective Jurisdiction)  | - | Member           |

The Appellate Committee is the appellate authority for reviewing the decisions of the Competent authority and disposal of objections received under Rule 11.

3. All the Commissioners of Municipal Corporations / Municipalities and Vice Chairman's of UDA are requested to follow the above orders while disposing the applications received under Building Penalization Scheme.

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

DR. C.V.S.K. SARMA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Commissioner and Director, Printing, Stationery and Stores  
Purchase A.P. Hyderabad ( in duplicate with a request to publish in the Extraordinary Gazette of A.P. Dated:18.6.2009 and furnish 1000 copies to Government.  
The Commissioner & Special Officer, GHMC, Hyderabad.  
The Director of Town and Country Planning, A.P. Hyderabad.

The Commissioner and Director of Municipal Administration, A.P.Hyderabad.  
The Metropolitan Commissioner, HMDA, Hyderabad.  
The Commissioners of all Municipal Corporations / Municipalities in the State, through CDMA.  
The Vice Chairmen's of all Urban Development Authorities in the State.  
All the Committee Members.  
All the Departments of Secretariat  
All Heads of Department.  
The Director General Fire Services.  
The Chairperson, A.P. TRANSCO  
The Managing Director, HMWS & SB, Hyderabad.  
The Engineer in Chief (Public Health), Hyderabad.  
The Commissioner & Inspector General of Registration & Stamps.  
The Managing Director, A.P.Housing Board.  
The District Collectors of all Districts.

Copy to:

The Special Secretary to Chief Minister.  
The P.S. to Minister (M.A)  
The P.S. to Principal Secretary to Government (MA & UD Department)  
The P.S. to Secretary to Government (MA & UD Dept.)

SF / SC

Forwarded by Order

SECTION OFFICER