

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

M.A. & U.D. (M1) Department - The Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007- Notification - orders - Issued.

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

**G.O.Ms.No.901**

**Dated:31.12.2007**

**Read the**

**following:**

**Ordinance No. 15 of 2007**

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**ORDER:**

In the Ordinance read above, the Government have amended the H.M.C. Act 1955, A.P. Municipalities Act, 1965, A.P. Municipal Corporation Act, and A.P. Urban areas (Development) Act 1975, duly authorizing the Municipal Commissioners / Vice chairmen of all Urban Development Authority areas (in case of gram panchayats falling under Urban Development Authorities) to penalize the unauthorized constructions/deviations as a one time measure. Consequently Government hereby issue the Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007.

2. Accordingly the following Notification shall be published in the Extraordinary Gazette of Andhra Pradesh Dated: 31.12.2007

**NOTIFICATION**

In exercise of the powers conferred by Section 455AA of the Hyderabad Municipal Corporations Act, 1955, Section 218(A) of the AP Municipalities Act, 1965, Section 46 (A) of the AP Urban Areas (Development) Act, 1975, the Government hereby makes the following Rules, viz.,

**1. Short Title, Application and Commencement:**

- (1) These Rules may be called "The Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and building constructed in deviation of the Sanctioned Plan Rules, 2007"
- (2) They shall be applicable to existing buildings in the jurisdiction of all Municipal Corporations, Urban development Authorities and

Municipalities in the State of Andhra Pradesh constructed after 1-1-1985 and before 15-12-2007.

- (3) They shall come into force from the date of publication of the Notification in the Andhra Pradesh Gazette.

## **2. Definitions:**

- (1) **“Authorized technical personnel”** means professionals authorized by the Competent Authority to take up scrutiny of the Application made for regulation and Penalization under these Rules.
- (2) **“Competent Authority”** means the Municipal Commissioner in case of areas falling in the Municipal Corporation and Municipal limits; the Vice Chairman of the Urban Development Authority in case of area falling outside Municipal Corporation or Municipality in the Urban Development Authority area.
- (3) **“Total Built up area”** means the entire built up area covered in the building including common areas and balconies on all floors.
- (4) **“Unauthorized construction”** means any building that has been constructed in violation of the sanctioned building plan or without obtaining a building permission from the sanctioning authority.

## **3. Compulsory Application for Penalization:**

An Application for regulation and penalization of existing unauthorisedly constructed buildings shall be compulsorily made by the owner/GPA/Registered Association to the Competent Authority or officer authorized by him in the prescribed Proforma along with Declaration, Self Assessment, copy of sanctioned building plan, if any, a clear latest photograph of the building, copy of document of ownership title, Indemnity Bond and two sets of drawings showing the sanctioned area and violated area of the building/Complex and in case of totally unauthorised constructions the total built up area along with the site plan. It shall be filed within sixty days from the date of Notification of these Rules along with full penal amount as given in Rule 5. If any owner/individual does not apply within the stipulated time, he shall be liable for enforcement action under the law and his building shall not be taken up for regulation and penalization under these Rules.

## **4. Prior clearance from other Authorities/Departments in certain cases:**

- (1) In the following cases, prior clearance shall be ensured by the Competent Authority before considering the application under these Rules:
  - (a) In respect of cases of residential buildings 18 m and above in height, Commercial buildings 15mts. and above in height, and buildings of public congregation like schools, Cinema theatres, function halls and other assembly buildings on plot area of 500 sq. mts. and above or of height above 6mts as stipulated in Section 13 of the Andhra Pradesh Fire Service Act, 1999 from Fire Service Department.
  - (b) From Airport Authority of India wherever applicable.
  - (c) In case of buildings of height above 15 mt, necessary certificate from licensed structural engineer with regard to structural safety compliance of such buildings needs to be submitted.
- (2) Applicants shall submit such application along with the above details within the stipulated time. However, an additional time period of three months will be allowed for filing the Clearances as required under Rule 4 (1) (a) and Rule 4(1) (b).

#### **5. Payment of Penal Charges:**

- (1) The owner/applicant shall pay the Penal Charge as given in Annexure-I and II along with the Application for Penalization and other details. The Penal Charges are levied for the total violated built up area on all floors. The Penal Charges include Building permit fee, Development Charges, Betterment charges, Impact Fees, etc. No other fees and charges shall be levied and collected.
- (2) The above fees and charges shall be remitted by way of Demand Draft drawn in favour of the Competent Authority.
- (3) The Penal amount paid are not refundable. However, in cases of rejection, the Competent Authority may refund the amount after retaining 10% of the Penal amount towards scrutiny and processing charges. In case of bonafide error in calculation, the excess amount paid may be refunded.

#### **6. Scrutiny, Rejection and Approval by the Competent Authority:**

After receipt of the Application for Penalization in the prescribed Format along with required documents and plans, the Competent Authority shall scrutinize the applications and after carrying out necessary site inspections, communicate it's approval or rejection to the applicant as early as possible but not beyond six months from the last date of receipt of Applications. The Competent Authority may engage the services of licensed

technical personnel for scrutiny of the applications and for field inspections. Mere receipt of application or any delay in communication of final orders in the matter will not imply the approval of the application.

#### **7. Violation after submission of Application:**

During verification, if it is found that the applicant has undertaken further additions or extensions to the existing building, then such application shall be summarily rejected duly forfeiting the entire penal amount and necessary action shall be taken against the unauthorized building including demolition as per the law.

#### **8. Exemption:**

Huts, semi-permanent houses (other than RCC structure) of single storey in sites up to 100 sq yards are not covered under these Rules.

#### **9. Penalization not to apply to certain sites:**

Penalization of unauthorized constructions shall not be considered in the following cases and in cases where public interest and public safety are likely to be adversely affected, viz.

- (a) Encroachment on Government land or property belonging to Public undertakings, Andhra Pradesh Housing Board, Andhra Pradesh Industrial Infrastructure Corporation, Urban Development Authority, Local body, Endowments, Wakf Board, etc.;
- (b) Land for which the applicant has no title;
- (c) Surplus land declared under Urban land Ceiling /Agriculture Land Ceiling/ lands resumed under Andhra Pradesh assigned Lands ( P O T) Act;
- (d) Buildings affected under alignment of any road or proposed road under Master Plan/Zonal Development Plan/Road Development Plan or any other public roads/MRTS/BRTS;
- (e) Tank bed and Sikham lands;
- (f) Areas prohibited for construction under GOMs No. 111 MA&U.D.Dept., dated 8-3-1996 (protection of Catchment area of Osmansagar and Himayatsagar lakes);
- (g) Prohibited areas under the Coastal Regulation Zone and such other environmentally restricted zones as may be prescribed;

- (h) Layout/Master Plan open spaces/ Areas earmarked for Recreation Use in Master Plan/Zonal development Plan;
- (i) Buildings that are not in conformity with land use approved in Master Plan/Zonal development Plan;
- (j) Sites under legal litigation/ disputes regarding ownership of the site / building;
- (k) Area earmarked for parking as per sanctioned plan;
- (l) Unauthorized constructions without any building sanction in unapproved /unauthorized layouts, for which prior approval of site/plot under regulation of unapproved/unauthorized layouts rules shall be obtained;

However in case of Rule 9 (l), applications for penalization will be accepted if the applicant encloses the Acknowledgment of the Application made for regulation of the unauthorized site/plot under the relevant rules to the competent authority.

- (m) Regulation and penalization shall not be done for the constructions made within the building line of major roads of width 80 feet and above within the limits of Greater Hyderabad Municipal Corporation, Greater Visakhapatnam Municipal Corporation, Vijayawada Municipal Corporation and roads of width 60 feet and above in rest of the urban areas as per Master Plan / Zonal Development Plan.

#### **10. Issue of Occupancy certificate:**

In case of approval, the local authority shall issue a Proceeding to the effect that all proceedings and action of enforcement initiated or contemplated against the said construction are withdrawn and then issue Occupancy Certificate to the applicant.

#### **11. Appeal:**

(1) Any applicant 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 the necessary charges and submitted documents as specified in Rule 3 of these rules.

(2) All the appeals shall be disposed off within 3 months.

#### **12. Failure to come forward for penalisation of unauthorized**

**constructions:**

Where an application for regulating and penalizing the unauthorizedly constructed building has not been made as per rule 3:

- (1) Such unauthorized constructions would be treated as continuing offence and Penalty as per law would be levied.
- (2) Other enforcement action including demolition shall be initiated by the local authority as per law.
- (3) No further building approvals shall be considered by the building sanctioning authority in the said site.

**13. Amount levied kept in separate account:**

(1) The amount collected by the Competent Authority under these rules shall be kept and maintained under the control of the Competent authority in a separate escrow account and utilized only for improvement of amenities in the area.

(2) In respect of Gram Panchayat areas falling in the Urban Development Authority areas, the penal amount so collected will be shared in equal proportion between Urban Development Authority and Gram Panchayat concerned. In respect of Corporation and Municipalities falling in Urban Development Authority areas, the penal amount will be shared between the concerned Corporation/Municipality and Urban Development Authority in the ratio of 70 : 30.

**14. Constitution of Committee:**

Government will issue separate orders constituting appellate Committees for examining appeals under rule 11.

**15.** Government may issue guidelines to operationalize these rules.

**16.** All existing rules, regulations, bye-laws and orders that are in conflict or inconsistent with these rules shall stand modified to the extent of the provisions of these rules.

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

**S.P. SINGH  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Commissioner and Director, Printing , Stationery and Stores Purchase  
A.P. Hyderabad ( in duplicate, with a request to publish the Notification in

the Extraordinary Gazette of A.P. Dt. 31.12.2007, and furnish 1000 copies to Government)

The Director of Town and Country, Planning, A.P. Hyderabad.

The Commissioner and Director of Municipal Administration, A.P. Hyderabad.

The Commissioners of all Municipal Corporations/ Municipalities in the State, through CDMA.

The Vice chairman of all Urban Development Authorities in the State

All Departments of Secretariat

All Heads of Department.

The Director General Fire Services.

The Chairperson, AP Transco.

The Managing Director, H.M.W.S&S.B, Hyderabad.

The Engineer in Chief (Public Health) Hyderabad.

The Commissioner & Inspector General of Registration & Stamps.

The Managing Director, AP 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 Dept)

The P.S. to Secretary to Government (M.A&U.D.Dept)

S.F/S.C.

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER**

**ANNEXURE - I**  
**RATES OF PENALISATION (See Rule 9)**

Sl No	Category/ Sub-category	Rate in Rupees per sq feet of violated built up area					
		3(i)			3(ii)		
(1)	(2)	Cases where building permission was obtained but deviated from the sanctioned plan, and where violation of permitted built up area including setbacks, Balcony projections and balcony areas converted into other built up area /uses is up to 30%			1. Cases where building permission was obtained but where violation of permitted built up area including setbacks, Balcony projections, balcony areas converted into other built up area /uses is more than 30% 2. Cases where no permission was obtained (in this category entire built up area will be treated as violated area)		
		GHMC/ GVMC & VMC	Other Municipal Corporations	Municipalities & rest of UDA area	GHMC/ GVMC & VMC	Other Municipal Corporations	Municipalities & rest of UDA area
		3(i) (a)	3(i)(b)	3(i)(c)	3(ii)(a)	3(ii)(b)	3(ii)(c)

1	Commercial buildings/Usage						
a	Upto G+1 Floor height	200	150	100	300	200	150
b	Above G+1 & below 15 m height	400	300	200	500	400	300
c	15 m and above in height	500	400	300	600	500	400
2A	Individual Residential buildings						
a	up to G+2 floors or 10 m height	60	40	30	100	60	50
b	Above G+2 floors or 10 m height	100	60	50	200	150	100

2 B	<b>Multiple dwellings/Flats/Apartment Complexes (See Annexure II Below)</b>						
3	<b>Other Non-Residential Buildings (Institutional/Educational/Industrial, etc.)</b>						
	i) Height up to 15 m height	60	40	30	100	60	50
	ii) Height above 15 m height	100	60	50	200	150	100

**ANNEXURE II**  
**RATES OF PENALISATION FOR MULTIPLE DWELLING UNITS/  
 FLATS/ APARTMENT COMPLEXES WHICH ARE IN VIOLATION/  
 INDIVIDUAL BUILDINGS CONVERTED INTO APARTMENTS**

SINo	Multiple dwelling units/Flats /Apartment Complexes	Cases where building permission was obtained but deviated from sanctioned plan including Balcony projections/areas converted into other built up area/Individual buildings converted into Apartments (3)			Cases where no building permission was obtained from the sanctioning Authority/ Additional floors constructed over the permitted floors (4)		
		Penalisation Charge in Rupees			Rate in Rupees per sq feet of violated built up area on each floor		
		GHMC/ GVMC & VMC	Other Municipal Corporations	Municipalities & rest of UDA area	GHMC/ GVMC & VMC	Other Municipal Corporations	Municipalities & rest of UDA area
(1)	(2)	3(a)	3(b)	3(c)	4(a)	4(b)	4(c)
(i) Height below 18 mtr.	Plinth area upto 1000 sft	20,000 per flat /dwelling unit	15,000 per flat /dwelling unit	10,000 per flat /dwelling unit	Rs 100 per sq ft of plinth area	Rs 75 per sq ft of plinth area	Rs 50 per sq ft of plinth area
	Plinth area of more than 1000 sft	30,000 per flat /dwelling unit	20,000 per flat /dwelling unit	15,000 per flat /dwelling unit			
(ii) Height 18 meters and above		80,000 per flat /dwelling unit	50,000 per flat /dwelling unit	30,000 per flat /dwelling unit	Rs 200 per sq ft of plinth area	Rs 150 per sq ft of plinth area	Rs 100 per sq ft of plinth area

**PRINCIPAL SECRETARY TO GOVERNMENT**

**SECTION OFFICER**