

THE ANDHRA PRADESH REGULARISATION OF THE UNAUTHORISED  
CONSTRUCTIONS IN MUNICIPAL CORPORATIONS, MUNICIPALITIES AND  
URBAN DEVELOPMENT AUTHORITIES ACT, 2003

ACT NO.6 OF 2003

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CONSTRUCTIONS IN MUNICIPAL CORPORATIONS, MUNICIPALITIES AND  
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ACT NO.6 OF 2003

(15<sup>th</sup> April, 2003)

AN ACT TO PROVIDE FOR THE REGULARISATION OF THE UNAUTHORISED CONSTRUCTIONS MADE IN THE AREAS OF MUNICIPAL CORPORATIONS, MUNICIPALITIES AND URBAN DEVELOPMENT AUTHORITIES AND THE MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Whereas the Government in G.O.Ms.No. 87, M.A, & U.D. Department, dated the 12<sup>th</sup> February, 1992, have formulated a scheme to regularise the unauthorised constructions on the plots of the size of 100 sq.metres and below where the title deed vests with the plot holders irrespective of the nature of use to which they are put to use in relaxation of all rules and regulations on payment of compounding fee as may be fixed by corporation and also to regularise the unauthorised constructions of more than 100 sq. .metres and upto 200 sq.metres where the title deed vests with the plot holders irrespective of the nature of the use of which they are put to use in relaxation of all rules and regulations on collection of compounding fee as shall be fixed by the Municipal Corporation of Hyderabad by collecting a penal, amount at the reduced rate of Rs, 100/- per sq.metre, if constructed in violation of zoning Regulations or Bye-laws and the regularisation of unauthorised constructions on the plots of the size of more than 200 sq. metres shall be made in accordance with the rules and regulations in force; made upto 31st December, 1991 in the Municipal Corporation of Hyderabad and such constructions do not affect any public interest or interfere with any public activity;

And whereas the Government in G.O. Rt. No. 1235, MA &UD Deparment, dated the 14th August, 1992 have extended the said scheme formulated in G.O.Ms.No.87, MA & UD, dated the 12<sup>th</sup> February, 1992 to all the Urban Development Authorities in the State, and other Municipal Corporations, Municipalities and Gram Panchayats falling within the development areas of the Urban Development Authorities by empowering the respective authorities to exercise such powers as the Municipal Corporation of Hyderabad is exercising in G.O.Ms.No. 87, MA&UD., dated the 12<sup>th</sup> February, 1992 and the said orders have been extended from time to time;

And whereas, in G.O.Rt.No. 712, MA, dated the 17<sup>th</sup> June, 1995, Government have issued orders extending the scheme formulated in G.O.Ms.No. 87, MA, dated 12<sup>th</sup> February, 1992 .in respect of Municipal Corporation of Guntur, Kurnool, Warangal and Rajahmundry;

And Whereas in G.O.Ms.No. 289, MA, dated 25<sup>th</sup> May, 1998, Government have issued orders extending the time limit for a further period of three months upto 31<sup>st</sup> July, 1998;

And whereas, in G.O.Ms.No. 243, MA & UD dated 22<sup>nd</sup> May, 1996, in partial modifications of the scheme formulated in G.O.Ms.No.87, MA., dated the 12<sup>th</sup> February, 1992, prescribed the ranges of penal amounts by classifying the areas and extent of the plot area thereby authorising the respective Municipal Commissioners to regularise all unauthorised constructions by collecting the penal amounts prescribed therein;

And whereas, in G.O.Ms.No. 382, MA, dated 27<sup>th</sup> July, 1996, Government have issued orders amending the ranges of penal amounts specified in G.O.Ms. No. 243, MA, dated 22<sup>nd</sup> May, 1996 thereby enabling the respective authorities to levy penal amounts on the buildings with commercial character having number of floors;

And whereas in G.O.Ms.No. 343, MA, dated 2<sup>nd</sup> December, 1997, Government have prescribed different rates for regularising constructions with Madras terrace, Mangalore tiles, A.C. Sheets and huts which shall be applicable for all Corporations, Municipalities and Urban Development Authorities except for Municipal Corporation of Hyderabad and Kakatiya Urban Development Authority;

And whereas in G.O.Ms.No. 373, MA., dated 1<sup>st</sup> July, 1998, Government have issued orders to give a one time opportunity by giving several concessions thereby facilitating the owners or individuals to come forward and declare voluntarily the unauthorised constructions made upto 30<sup>th</sup> June, 1998 and to regularise the unauthorised constructions by paying the penal amount as prescribed therein;

And whereas, in G.O.Ms.No. 419, MA., dated 30<sup>th</sup> July, 1998, Government in supersession of all the earlier orders for regularising the unauthorised constructions made from 1<sup>st</sup> January, 1985 to 30<sup>th</sup> June, 1998 by exempting the old buildings from the purview of the regularisation policy have issued orders framing a comprehensive building regularisation scheme;

And whereas, it was ordered in the said scheme that the regularisation of unauthorised constructions or buildings shall not be considered in the following cases and in cases where public interest and safety are likely to be effected, namely:-

- (a) The land belongs to Government or Municipal or Local Body;
- (b) Surplus land declared either under the Urban Land(Ceiling and Regulation) Act, 1976 or under the Andhra Pradesh Land Reforms (Ceiling on Agriculture Holdings) Act, 1973;
- (c) Sites affected under the alignment of Master Plan or 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 or Zonal Development Plans;
- (h) In case of multistoried buildings unless no objection certificate is produced in respect of fire safety and height of the building from the fire services authority and Airport-Authority respectively and structural stability by the competent Authority concerned;
- (i) Where the cases are pending before the court of law;

And whereas, the High Court of Andhra Pradesh in W.P.No. 25011 of 1998, dated 25<sup>th</sup> January, 2002 has quashed the impugned G.O.Ms.No. 419, MA, dated 30<sup>th</sup> July, 1998 on the ground that the said Government order has been issued without any authority of law and there is no rule or any provision in the relevant Acts which give power to Government to regularise the unauthorised constructions, and it is ultra-vires to the provisions of the Hyderabad Municipal Corporation Act, 1955 and the rules made thereunder;

And whereas, on quashing of the aforesaid orders of the Government consequential action for the demolition of the unauthorised construction shall have to be taken up by the Government;

And whereas, such demolition of thousands of buildings shall result in wasteful expenditure causing hardship to general public and such demolition may invite litigation from the public and involves huge expenditure from the State exchequer;

And whereas, the Government have regularised several unauthorised constructions as per the Government orders issued from time to time and several persons paid huge amounts in response to the orders issued by the Government in G.O.Ms.No. 419 , M.A., dated 30<sup>th</sup> July, 1998;

And whereas, the repayment of amounts already collected by the authorities under the several Government orders involves huge financial burden to the local authorities and thereby hampering the developmental programmes of the local authorities in the State;

And whereas, to avoid such hardship, huge financial expenditure and litigation, the Government have decided to enact a law to empower the Government to regularise the unauthorised constructions made in the said Urban areas and to validate the actions of the authorities in regularising the unauthorised constructions in pursuance of the orders issued by the Government from time to time;

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of the Republic of India as follows:-

1. Short title and commencement - (1) This Act may be called the Andhra Pradesh Regularisation of the Unauthorised constructions in Municipal Corporations, Municipalities and Urban Development Authorities Act, 2003.

(2) It shall be deemed to have come into force on the 12<sup>th</sup> February, 1992.

2. Regularisation of unauthorised constructions - Notwithstanding anything contained in the Hyderabad Municipal Corporations Act, 1955, the Andhra Pradesh Municipalities Act, 1965 and the Andhra Pradesh Urban Areas (Development) Act, 1975, the Government shall have the power to regularise the unauthorised constructions made by the owners or individuals who constructed the buildings unauthorisedly or in deviation of the sanctioned plan upto 30<sup>th</sup> June, 1998 filed voluntary declaration or application for regularisation as stipulated under various Government orders and to regularise the same after levying the penal amount in accordance with the procedure prescribed or the orders issued in this regard.

3. Validation - Notwithstanding anything contained in the Hyderabad Municipal Corporations Act, 1955, the Andhra Pradesh Municipalities Act, 1965 and the Andhra Pradesh Urban Areas (Development) Act, 1975 and in any judgment, decree or order of any Court, Tribunal or other authority contrary to the various Government orders including orders issued in G.O.Ms.No. 419, MA, dated 30<sup>th</sup> July, 1998 authorising the competent authorities to regularise the unauthorised constructions and the constructions made in deviation to the sanctioned plan in respect of the voluntary declarations or applications filed as stipulated in various Government orders shall be regularised after levying the penal amount and collection thereof as specified in accordance with the procedure prescribed or the orders issued for regularisation of deviated or unauthorised constructions of buildings, shall be deemed always to have been, validly issued and accordingly:-

(a) all acts, proceedings, things done, taken or being taken by the State Government or by any Officer of the State Government or by any other authority in connection with the regularisation of unauthorised constructions and levy and collection of penal amounts thereon under the Government orders shall be deemed to have always been, done or taken in accordance with law;

(b) no suit or other proceedings shall be instituted, maintained or continued in any court, Tribunal or before any authority for the refund of any such penal amount; and

(c) no court shall enforce any decree or order directing the refund of any such penal amount.

4. Repeal of Ordinance 1 of 2003 - The Andhra Pradesh Regularisation of Unauthorised constructions in Municipal Corporations, Municipalities and Urban Development Authorities Ordinance, 2003 is hereby repealed.

K.G.SHANKAR,  
Secretary to Government(FAC),  
Legislative Affairs & Justice,  
Law Department.