

# Hyderabad Metropolitan Development Authority Act, 2008

ANDHRA PRADESH

India

## Hyderabad Metropolitan Development Authority Act, 2008

### Act 8 of 2008

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Hyderabad Metropolitan Development Authority Act, 2008(Act No. 8 of 2008)Last Updated 10th September, 2019[Dated 19.04.2008]An act to provide for the establishment of metropolitan development authority for the purposes of planning, coordination, supervising promoting and securing the planned development of the hyderabad metropolitan region and for matters connected therewith or incidental thereto:Whereas, it is expedient to provide for the establishment of a Metropolitan Development Authority for the Hyderabad Metropolitan Region for the purposes of planning, co-ordination, supervising, promoting and securing the planned development of the Hyderabad Metropolitan Region.Be it enacted by the Legislature of the State of Andhra Pradesh in the Fifty ninth Year of the Republic of India, as follows:Chapter - I Preliminary

### 1. Short title and Commencement.

(1)This Act may be called the Hyderabad Metropolitan Development Authority Act, 2008.(2)It shall come into force on such date as the Government may by notification appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires:-(1)'Agriculture' includes farming, raising of crops, fruits, vegetables, flowers, grass, trees, horticulture, floriculture, poultry, fishing, livestock breeding, bee keeping, upkeep of an orchard and the use of land ancillary and accessory to cultivation or any agriculture purpose;(2)'Agriculture Use' means any land used for cultivation of crops, plants, vegetables, growing of trees, orchards and includes allied activities like animal breeding and rearing, dairying and poultry;(3)'Amenity' includes road, water supply, drainage, sewerage, street lighting, communication network, irrigation works and other public works, tourist spots, open spaces, parks, landscaping and play fields and such other conveniences and utilities as the State Government may specify by notification to be an amenity for the purposes of this

Act;(4)'Area Development Plans or Action Plans' means the plans prepared under the provisions of section 11 of this Act;(5)'Building' includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or any other purposes, whether in actual use or not;(6)'Building Operations' includes rebuilding operations, structural alterations or additions to buildings and other operations normally undertaken in connection with the construction of buildings;(7)'Company' means a body corporate registered under the Companies Act, 1956 and includes a firm or an association of individuals;(8)'Development' with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land or both, and includes redevelopment, reclamation of land, conservation of environment, forming of layouts and sub-division of any land into plots and development of amenities;(9)'Engineering Operations' includes the formation or laying of roads, drainage, water supply, electricity, gas, irrigation works and development of such other amenities;(10)'Government Company' means a Government Company or corporation registered under the Companies Act, 1956 which has one of its objects the development of an area;(11)'Hyderabad Metropolitan Region' means the area comprised such areas as the Government may by notification specify from time-to-time under Section-3;(12)'Land' includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth;(13)'Land Use' means the principal use of land for which a plot of land or building thereon is used or intended to be used. For the purpose of classification of a plot according to the land uses, a land use shall deemed to include subsidiary land uses which are contingent upon it;(14)'Local Authority' means:-(a)Municipal Corporation constituted under the provisions of the Hyderabad Municipal Corporations Act, 1955; or(b)Municipality or a Nagar Panchayat constituted or deemed to be constituted or a Committee appointed for a Notified Area under the provisions of the Andhra Pradesh Municipalities Act, 1965; or(c)Gram Panchayat constituted under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994;(15)'Metropolitan Development Authority' means the Hyderabad Metropolitan Development Authority constituted under Section-4;(16)'Metropolitan Development and Investment Plan' means a set of plans for promoting the development of the Hyderabad Metropolitan region prepared under Section 11 and sanctioned by the State Government under Section 13 of this Act;(17)'Notification' means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;(18)'Occupier' means a person, including a firm or other body of individuals whether incorporated or not, who occupies land or building sold, leased or transferred to him / them in any manner and includes his / their successors and assignees;(19)'Owner' means a person, group of persons, a Company, Trust, Institute, Registered body, State or Central Government and its attached subordinate departments, undertakings and the like, in whose name the property stands registered in the Revenue Records;(20)'Plan' includes a map or maps indicating proposals, and / or sets of documents and / or statements and policies and development briefs for securing, promoting and regulating development in the metropolitan region or for any area;(21)'Prescribed' means prescribed by rules made under this Act;(22)'Regulation' means a regulation made under Section 57 of this Act;(23)'Residence' includes the use of any land or building or part thereof for human habitation and the expression "Residential use" shall be construed accordingly;(24)'Scheme' means a scheme or policy or directives / guidelines prepared under this Act; and also includes a scheme prepared under any other Act prevailing in the State for securing the planned development of any area or constituent of a local area or District;(25)'Sectors of Metropolitan development' means and includes

traffic and transportation facilities, housing new townships, circulation network, community facilities, work centers, open spaces and environment, ecological development, leisure, tourism and recreation facilities;(26)'Zone' means any one of the divisions in which a region may be divided for the purposes of securing, promoting and regulating development under this Act, and the expression "Zoning Regulation" shall be construed accordingly;Chapter - II The Hyderabad Metropolitan Development Authority

### **3. Declaration of Hyderabad Metropolitan region.**

(1)As soon as may be, after the commencement of the Act, the Government may, by notification declare the Hyderabad Metropolitan region consisting of such urban or rural areas as a development area for the purposes of the Act.(2)The Government may, by notification and in accordance with such rules as may be made in this behalf:-(a)exclude from a development area any area comprised therein, or(b)include in development area any other area.(3)The provisions of sub-sections (3) to (8) of Section 13 of the Andhra Pradesh Urban Areas (Development) Act, 1975 shall mutatis mutandis applicable for the purpose of this Act.

### **4. Constitution of the Hyderabad Metropolitan Development Authority.**

(1)As soon as may be, after the date of commencement of this Act, the Government may, by notification constitute the Hyderabad Metropolitan Development Authority for the Hyderabad Metropolitan region notified under Section-3.(2)The Metropolitan Development Authority:-(i)shall be body corporate and shall have perpetual succession and a common seal; and(ii)subject to such restrictions imposed by or under this Act, may sue or be sued in its corporate name.(3)The Metropolitan Development Authority shall consist of the following members:-(i)The Chief Minister of Andhra Pradesh, who shall be the Chairman;(ii)The Minister of Municipal Administration, who shall be the Vice-Chairman;(iii)The Mayor, Greater Hyderabad Municipal Corporation;(iv)Chief Secretary to the Government;(v)Principal Secretary / Secretary, Municipal Administration & Urban Development Department;(vi)Principal Secretary / Secretary, Revenue Department;(vii)Principal Secretary / Secretary, Industries & Commerce Department;(viii)Principal Secretary / Secretary, Transport, Roads & Buildings Department;(ix)Principal Secretary / Secretary, Finance Department;(x)Principal Secretary / Secretary, Environment & Forest Department;(xi)Principal Secretary / Secretary, Panchayet Raj Department;(xii)Principal Secretary / Secretary, Home Department;(xiii)A representative of Metropolitan Planning Committee constituted under the provisions of the Andhra Pradesh Metropolitan Planning Committee Act, 2007;(xiv)Vice-Chairman and Managing Director of the Andhra Pradesh Transmission Corporation (APTRANSCO);(xv)Vice-Chairman and Managing Director of the Andhra Pradesh Industrial Infrastructure Corporation (API IC);(xvi)Vice-Chairman and Managing Director of the Andhra Pradesh State Road Transport Corporation (APSRTC);(xvii)The Commissioner, Greater Hyderabad Municipal Corporation;(xviii)Four Members of the Andhra Pradesh State Legislative Assembly / Legislative Council representing the Hyderabad Metropolitan Region nominated by the Government;(xix)Four elected members amongst the persons representing the local authorities in the Hyderabad Metropolitan Region;(xx)The General Manager, South Central Railway;(xxi)The Chief General Manager, Bharat Sanchar Nigam Limited (BSNL);(xxii)The

Metropolitan-Commissioner (in the cadre of Special Chief Secretary / Principal Secretary / Secretary) -Member-Convener;(xxiii)Any other person nominated by the Government.(4)The members appointed under items (xviii), (xix) and (xxiii) of sub-section (3) shall hold office for a period of three years from the date on which they assume office and shall be eligible for re-appointment on such conditions as may be prescribed.(5)The Government may, by notification omit any member of the Metropolitan Development Authority, Such notification shall be laid before the Legislature of the State.

## **5. Constitution of Executive Committee.**

(1)There shall be an Executive Committee of the Metropolitan Development Authority consisting of:-(i)The Metropolitan-Commissioner, who shall be the Chairman;(ii)The Commissioner of Greater Hyderabad Municipal Corporation;(iii)The Managing Director of Hyderabad Metropolitan Water Supply & Sewerage Board (HMWS&SB);(iv)The Managing Director and Vice-Chairman of the Andhra Pradesh Industrial Infrastructure Corporation (API IC);(v)The Vice-Chairman and Housing Commissioner of the Andhra Pradesh Housing Board (APHB);(vi)The Vice-Chairman and Managing Director of the Andhra Pradesh State Road Transport Corporation (APSRTC);(vii)A Member-Urban Planner, qualified and experienced in urban planning, planning development schemes and projects, nominated by the Government;(viii)A Member-Engineer qualified and experienced in execution of development schemes, projects, housing and township schemes and infrastructure projects nominated by the Government;(ix)A Member-Finance, qualified and experienced in accounting, budget, financial analysis, economic matters relating to projects, audit, etc., nominated by the Government;(x)A Member-Estates, experienced in land management, estates management and asset management, nominated by the Government;(xi)A Member-Environment qualified and experienced in environmental aspects, greenery, water bodies conservation and landscaping nominated by the Government;(xii)The Secretary to the Metropolitan Development Authority who shall be qualified in business administration and experienced management executive nominated by the Government;(xiii)The Collectors of all the Districts covered by the Hyderabad Metropolitan Region;(xiv)Three non-officials, nominated by the Government, who in the opinion of the Government have special knowledge and expertise in the matters relating to urban planning; urban management; infrastructure planning and development respectively; and(xv)Any other person nominated by the Government.(2)The members nominated under item (vii) to (xii), (xiv) and (xv) of sub-section (1), shall hold office for a period of three years from the date on which they assume office and shall be eligible for re-appointment on such conditions as may be prescribed.(3)The Government may by notification omit any member of the Executive Committee. Such notification shall be laid before the Legislature of the State.(4)Subject to the general superintendence and control of the Metropolitan Development Authority, the management and administration of the affairs of the Metropolitan Development Authority shall vest in the Executive Committee.(5)Subject to the direction and delegation of powers by the Metropolitan Development Authority, the Metropolitan Commissioner may exercise any power and do any act or thing which may be exercised or done by the Metropolitan Development Authority.

## **6. Powers & Functions of the Metropolitan Development Authority.**

- Subject to the provisions of this Act, the functions of the Metropolitan Development Authority shall be:-(1)to undertake preparation of Metropolitan Development and Investment Plan, revision of the said Plan and prioritize the implementation of the said Plan;(2)to undertake execution of projects and schemes as per the said Plan and / or through action plans for any sector or area of the metropolitan region;(3)an apex body for coordination, execution of the projects or schemes for the planned development of the development areas and undertake such other measures in the metropolitan region;(4)to co-ordinate the development activities of the Municipal Corporation, Municipalities and other local authorities, the Hyderabad Metropolitan Water Supply and Sewerage Board, the Andhra Pradesh Transmission Corporation, the Andhra Pradesh Industrial Infrastructure Corporation, the Andhra Pradesh State Road Transport Corporation and such other bodies as are connected with development activities in the Hyderabad Metropolitan Region;(5)to monitor, supervise or ensure adequate supervision over the execution of any project or scheme, the expenses of which in whole or in part are to be met from the Metropolitan Development Fund;(6)to prepare and undertake implementation of schemes for providing alternative areas for rehabilitation of persons displaced by projects and schemes which provide for such requirements;(7)to maintain and manage the Hyderabad Metropolitan Development Fund and allocate finances based on the plans and programmes of the local bodies for undertaking development of amenities and infrastructure facilities and to monitor and exercise financial control over the budgetary allocations concerning development works made through it to the various public agencies, local bodies and other agencies;(8)to undertake by itself or through any agency, the implementation of the area level plans, execution of works relating to infrastructure development, public amenities and conservation of the environment;(9)to create and manage the Hyderabad Metropolitan Land Development Bank and take up land acquisition every year as may be necessary for various public uses, township development, infrastructure development, etc., allocation of lands to local bodies and public agencies upon such terms and conditions for undertaking development of amenities and infrastructure facilities;(10)to approve the land acquisition programmes / proposals of the local authorities, other Departments and functional agencies in the metropolitan region;(11)to enter into contracts, agreements or arrangements with any person, body or organization as the Committee may deem necessary for the performance of its functions;(12)to acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, negotiated settlement, or by any other means permissible under any law;(13)to perform any other function or exercise powers as are supplemental, incidental or consequential to any of the foregoing duties and powers and / or take up such matters as the Government may direct in this regard.

## **7. Power of Metropolitan Development Authority to appoint Committees, engage auditors and consultants and constitute functional units.**

- For the discharge of its functions, the Metropolitan Development Authority may from time-to-time:-(1)appoint one or more functional committees. The functional committees shall report and discharge their responsibilities under the instructions and directions of the Metropolitan Development Authority;(2)consult or associate with such persons or organization whose assistance or advice it may desire. Such advisor or consultant shall be paid such fees as may be determined by

the Metropolitan Development Authority.(3)constitute as many area level functional units or sub-regional units or offices as it deems fit and assign responsibilities and functions to such units. The existing Special Development authorities in the metropolitan area constituted under the provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975 shall be deemed to be functional units under this Act.

## **8. Metropolitan Development Authority ordinarily not to provide for matters falling within obligatory and discretionary duties of local bodies except for integrated development of the Development Area.**

- Nothing contained in this Act shall empower the Metropolitan Development Authority to exercise of day-to-day control which includes building approvals and building enforcement in any development area for any of the matters which are to be provided for or are to be exercised by the local authority concerned, except where any such matters are required to be provided by the Metropolitan Development Authority for the purpose of integrated development of the metropolitan region.

## **9. Staff of the Metropolitan Development Authority.**

(1)The members in items (vii) to (xii) in subsection (1) of Section 5 shall head their respective Department of planning & projects, engineering, finance and accounts, estate management, environment and administration Departments respectively and shall be under the overall control of the Metropolitan Commissioner.(2)The Metropolitan Development Authority may have District level Offices, City level Offices and Special area level offices or any such functional units at area level as may be required for the efficient performance of it's functions.

## **10. Pension and Provident Fund.**

(1)The Metropolitan Development Authority shall constitute for the benefit of its whole-time paid members, officers and other employees in such manner and subject to such conditions, as may be prescribed, such pension and provident fund as it may deem fit.(2)Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Fund Act, 1925 shall apply to such fund as it were a Government Provident Fund.Chapter - III Metropolitan Development and Investment Plan and Area Development Plans

## **11. Preparation and contents of Metropolitan Development Plan and Investment Plan.**

- Subject to the provisions of this Act and rules made in this behalf, the Metropolitan Development Authority shall:-(1)within two years of its constitution prepare a Metropolitan Development Plan & Metropolitan Investment Plan with time frame of twenty years, having due regard to:-(i)Proposals and policies for promoting growth and securing economic development in the Metropolitan area;(ii)Proposals for conservation, optimum utilization and development of resources in the

Metropolitan area;(iii)A land use plan indicating the broad areas of development and general location of residential, industrial, agriculture and areas for conservation and protection of ecologically fragile areas, including:-(a)A Infrastructure network Plan showing existing and proposals of major infrastructure facilities like transport, power, communications network and related facilities like power plants, roads, highways, railways, airports and waterways;(b)Policies for preservation, conservation and development of areas of natural beauty and scenic spots and areas of historic and archaeological interest and tourism areas;(c)Proposals and policies for watershed management, water supply, water harvesting, recharge of ground water, flood control and prevention of water pollution;(d)Proposals and plans for river front development and / or lake front development;(e)Proposals and policies for improvement and development of public amenities and services including water supply, electricity, gas, storm water drainage, sewerage, waste disposal, educational facilities, health facilities, social welfare and prevention of air and water pollution;(f)Policies for promoting development and regulating uses and activities through zoning and other development regulations;(g)Policies for promoting housing and community facilities;(h)Proposals and policies for traffic and transportation and promoting mass transportation facilities;(i)Proposals and policies for industrial development;(j)Siting of major development projects;(k)Strategies and priorities for implementation of the various proposals with time frame and programmes;(l)Development Promotion Regulations for promoting and regulating development;(m)Any other matter which may be necessary for the orderly development and management of the metropolitan region.(2)Undertake surveys, research and studies and the creation and maintenance of metropolitan region data base and information system and collection of such information and preparation of reports and maps; and associate advisors, consultants as may be necessary for the preparation of the Plans mentioned above;(3)Undertake detailed area level plans for specific areas, plan programming and phasing of development and enforce special development regulations for the purpose of securing planned development;(4)Review and revise the Metropolitan Development Plan and Investment Plan and other statutory area plans within the expiry of the Plan period.

## **12. Power to undertake preparation of Area Development Plans/ Action Plans.**

- Subject to overall conformity with the Metropolitan Development and Investment Plan, the Metropolitan Development Authority may undertake preparation of area level development plans or action plans as deemed necessary for execution of projects and schemes for any sector or area of the metropolitan region;

## **13. Submission of Plan to Government for sanction.**

(1)After preparing any of the said plans in accordance with Section 11, the Metropolitan Development Authority shall notify the same in such form and manner as may be prescribed, inviting objections and suggestions from any person or body giving minimum of one month time for filling objections and suggestions.(2)After considering all objections, suggestions and representations that may have been received, the Metropolitan Development Authority shall make modifications / revision to the plan in such manner as it may think fit and submit to the Government for the sanction of the Metropolitan Development Plan and Metropolitan Investment

Plan together with draft policies, development promotion regulations and reports along with remarks on the suggestions, if any, received.

#### **14. Sanction of Plan by Government.**

(1) On receipt of the Plans under Section 13, the Government shall consult the metropolitan planning committee and immediately sanction the said plans with or without modifications or reject the plan with directions to modify or prepare fresh plans. (2) The sanction accorded by the Government shall be notified in the Andhra Pradesh Gazette and the plans shall come into force from the date of its publication in the Gazette. (3) The Metropolitan Commissioner shall take necessary action as may be necessary to ensure that each development project or scheme is executed in the interest of overall development of the development area and in accordance with any plan, project or scheme duly approved either by the Metropolitan Development Authority or under any law in force or by the Government.

#### **15. Modifications to the Metropolitan Development Plan and Investment Plan.**

(1) The Metropolitan Development Authority or the Government, as the case may be, may make such modifications to the Metropolitan Development and Investment Plans as it may think fit and which in its opinion are necessary. (2) The Metropolitan Commissioner shall prepare a report together with necessary plan, any such modification and submit to the Government for approval. (3) Before making any modifications to the Metropolitan Development Plan and Investment Plan, the Metropolitan Development Authority, or the Government, as the case may be, shall publish a notice in at least two popular local newspapers and Andhra Pradesh Gazette inviting objections and suggestions from the public specifying such date in the notice and for examining the proposals and report and shall consider all objections and suggestions that may be received by the Metropolitan Development Authority or Government. (4) Every modification made under the provisions of this Section shall be published in the Andhra Pradesh Gazette and newspapers and the modifications shall come into operation from the date of publication of such notification in the Andhra Pradesh Gazette and newspapers. (5) The Metropolitan Development Authority shall levy such fees and conversion charges from the owners as applicable and as may be prescribed in any such modification effected to the Metropolitan Development Plan and Investment Plan.

Chapter - IV Unified Metropolitan Transport Authority

#### **16. Constitution of the United Metropolitan Transport Authority.**

(1) As soon as may be, Government may constitute a Unified Metropolitan Transport Authority for the Hyderabad Metropolitan Region with the following members:

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|--|------------------|
| (i) Chief Secretary  | - Chairman;      |
| (ii) Commissioner, Greater Hyderabad Municipal Corporation                                     | - Vice-Chairman; |
| (iii) Principal Secretary / Secretary, Municipal Administration & Urban Development Department | - Member.        |



- (iv) Principal Secretary / Secretary, Transport, Roads & Buildings Department - Member.
- (v) Vice-Chairman & Managing Director, the Andhra Pradesh State Road Transport Corporation - Member.
- (vi) Commissioner of Police, Hyderabad - Member
- (vii) Commissioner of Police, Cyberabad - Member
- (viii) Member-Secretary, Andhra Pradesh Pollution Control Board - Member
- (ix) General Manager, South Central Railway - Member
- (x) Transport Commissioner - Member
- (xi) Two experts in the field of urban transportation (to be nominated by the Government) - Members
- (xii) Metropolitan Commissioner - Member  
Convener
- (xiii) Any other person nominated by the Government.

(2) The terms of the members nominated under clause (xi) and (xiii) of sub-section (1) shall be for a period of two years. (3) The Government may by notification omit any member of the Unified Metropolitan Transport Authority. Such notification shall be laid before the Legislature of the State. (4) The Unified Metropolitan Transport Authority constituted under sub-section (1) shall ensure effective implementation and coordination of the various traffic and transportation measures undertaken by functional Departments and public agencies in the Hyderabad Metropolitan Region. (5) The Unified Metropolitan Transport Authority may co-opt any expert for dealing with specific traffic and transportation issues. (6) The Unified Metropolitan Transport Authority may constitute sub-groups for specific traffic and transportation issues.

## 17. Powers and functions of the Unified Metropolitan Transport Authority.

(1) The powers and functions of the Unified Metropolitan Transport Authority shall be:-(i) to oversee implementation of various traffic and transportation measures undertaken by various agencies in the Hyderabad Metropolitan region; (ii) to ensure effective public transport systems are in place for the Hyderabad Metropolitan region; (iii) to ensure effective coordination and implementation of the various traffic and transportation measures undertaken by various Departments; (iv) to promote and monitor key / major traffic and transportation projects; (v) to deliberate and recommend effective transportation strategies for Hyderabad Metropolitan region; (vi) to integrate and consolidate all the action plans of various Departments and agencies and ensure implementation of the traffic and transportation Plans for the Hyderabad Metropolitan region; (vii) to give directions to different agencies involved in the implementation of traffic and transportation policies and measures, including shifting of utilities and services / amenities; (viii) processing of funds for implementation of proposals; (ix) integrating various routes of public transport and issues of combined ticketing, feeder services, etc. (x) approval of all traffic and transportation proposals / projects from any agency in the metropolitan region and all new initiatives; (xi) to direct the appropriation / subvention of funds from various Departments and agencies of the State Government for ensuring implementation of the traffic and transportation plans and measures in the Hyderabad Metropolitan region; (2) The recommendations / instructions of the Unified Metropolitan Transport

Authority shall be binding on all the concerned Departments.(3)The Unified Metropolitan Transport Authority shall hold meetings at least once in a month.(4)The Technical support staff and secretarial assistance to the Unified Metropolitan Transport Authority shall be provided by the Hyderabad Metropolitan Development Authority.(5)Hyderabad Metropolitan Development Authority shall build a detailed data base and carry out necessary traffic & transportation surveys to update its data base and also make it available for various studies and to public. The data base would help in monitoring and understanding the various traffic and transportation needs in the Hyderabad Metropolitan region. It should act as a center for technology transfer and also guide the local authorities for all their technical inputs / plans in the field of traffic and transportation.(6)An escrow account shall be maintained in Hyderabad Metropolitan Development Authority in which 0.25% of estimated cost of all projects of Traffic and Transportation costs undertaken by various Departments / functional agencies shall be deposited in this account and 0.25% of development charges collected by Hyderabad Metropolitan Development Authority and Greater Hyderabad Municipal Corporation and other urban local bodies shall be annually credited to this account. This amount shall be utilized for all research, studies and training in the field of traffic and transportation apart from meeting administrative expenses of the Hyderabad Unified Metropolitan TransportChapter - V Promotion of Development and Use of Lands

## **18. All development powers of land to vest with Metropolitan Development Authority.**

(1)Notwithstanding anything contained in any other law, all development powers of land shall vest in Metropolitan Development Authority.(2)After the coming into operation of the Metropolitan Development and Investment Plan, or any area development plan in an area, no person or body shall use or be permitted to use any land or carry out any development in that area unless the development is in conformity with the Metropolitan Development Plan and Metropolitan Investment Plan, area level development plans and notified schemes.

## **19. Development permission mandatory for undertaking development.**

- Subject to the provisions of this Act, no development, or institution of use or change of use of any land shall be undertaken or carried out in the metropolitan region:-(1)without obtaining a Development Permission Order from the Metropolitan Development Authority;(i)certifying that the proposed development is in conformity with the metropolitan development plan and investment plan, or area level development plan or where there is no such plan, such a scheme be integrated with the surrounding area and rules / regulations;(ii)subject to development conditions that are applicable and required to be complied;(iii)the development charges as leviable under this Act and other fees and charges leviable have been paid to the Metropolitan Development Authority.(2)without obtaining a building permission from the local authority in case of developments involving civil construction in accordance with the relevant local body Act, rules, regulations, orders, bylaws and which shall be in conformity with sub-section (1) and conditions therein:Provided that no such permission shall be necessary :-(i)for carrying out such works for the maintenance of a building or land that do not materially alter or affect the building or land;(ii)for agriculture purpose and for the excavation (including wells, borewells) made in the ordinary course

of agricultural operations and for the construction of unmetalled road intended to give access to land solely for agricultural purpose;(iii)In case of the following developments of the Government whether temporary or permanent which is necessary for the operation, maintenance, development or execution of any of the public utility services, viz:-(a)Railways;(b)National Highways, State Highways & Major District Roads;(c)Works undertaken by the Metropolitan Planning Committee / District Planning Committee / Special Area Planning and Development Committee / Metropolitan Development Authority / Municipal Corporation / Municipal Council / District Administration / Zilla Praja Parishad / Mandal Praja Parishad / Gram Panchayat;(d)Waterways;(e)Airways & Aerodromes;(f)Defence;(g)Oil and Natural Gas Commission;(h)Posts and Telegraphs, Telephones Department, Wireless, broadcasting and other like forms of communications;(i)Electricity;(j)Any other service which the Government may declare to be a public utility service from time-to-time for the purpose of this Section:Provided that the said public utility services shall intimate in writing and file the necessary detailed plans, site plans layout plans and building plans for information and record of the Metropolitan Commissioner.

## **20. Application for Land Development Permission.**

(1)Any person or body intending to carry out any development on any land as a layout or such similar land development scheme shall apply in writing to the Metropolitan Commissioner for Development Permission containing such particulars and accompanied by such documents, ownership clearance from the revenue authority, fees and plans as may be prescribed and enclosing joint undertaking with a licenced developer, where applicable;(2)On receipt of an application for Development permission under sub-section (1), the Metropolitan Commissioner, after making such enquiry as it considers necessary in relation to any matter concerning the Metropolitan Development and Investment Plan and regulations or area development plan or notified Development Schemes or in relation to any other matter, may issue an order:-(i)granting Development Permission unconditionally, or subject to such condition as it may consider necessary, or(ii)refusing permission by recording reasons in writing.(3)If within ninety days after the receipt of such application made under this Section for Development Permission for layout or such similar land development scheme, or of any information or further information required, the Metropolitan Development Authority has neither granted or refused its permission, such permission shall be deemed to have been granted and the applicant after intimating the Metropolitan Commissioner in writing, may proceed to carry out the development but not so as to contravene any of the provisions of this Act or Metropolitan Development and Investment Plan or Scheme or any rules or regulations made under this Act.(4)The Development Permission Order may among other conditions contain the implementation of Metropolitan Development and Investment Plan, road and other communication network system and the area of land affected and to be surrendered free of cost to the Metropolitan Development Authority for development in accordance with the Statutory Plan. In the area so affected in such alignment of the Statutory Plan, road or other communication network system, the area of such affected land in such alignment shall be entitled and reckoned for computation of grant of Transferable Development Right.(5)In the case of land pooling scheme and such other similar site development:-(i)such layout approval shall be considered only if the same is undertaken through a licensed developer;(ii)the licensed developer shall be required to mortgage twenty five percent of the plotted saleable land to the Metropolitan Development Authority as surety

for carrying out the development and complying other conditions as per specifications and in the given time period, in case of failure, the Metropolitan Development Authority shall be empowered to sell away the mortgaged plots and utilize the amount so realized for completion of the development works.

## **21. Lapse of Development Permission.**

- Every Development Permission granted under this Act shall remain valid for three years during which time the development works / layouts works / and civil works shall be completed and if not completed, such permission shall be got revalidated on application subject to the rules then in force and on payment of 20% of the fees and charges.

## **22. Revoking of permission.**

- The Metropolitan Development Authority or the Government, as the case may be, may revoke any Development Permission issued under this Act whenever it is found that it was obtained by making any false statement or misinterpretation or suppression of any material fact or rule, by following such procedure as may be prescribed.

## **23. Deviations during development/ undertaking of layout works & unauthorized development/ constructions.**

(1) If during the execution of any development works / layout works / and civil works any deviation / departure is made from the Development Permission granted, the owner shall obtain revised sanction as per the procedure laid down in Section 19. (2) Where a development / construction is undertaken by an owner, builder or developer without approval or in violation of the Metropolitan Development Plan and Investment Plan or an area development plan or development scheme or any rule, regulation, order, the local authority concerned shall take immediate necessary steps against the said unauthorized development / construction as per the provisions of the respective law. (3) The Metropolitan Development Authority may give directions to the concerned local authority to take action against any unauthorized development / construction and the said local authority shall take action accordingly.

## **24. Land Pooling Scheme.**

- The Metropolitan Development Authority may undertake to develop a Land Pooling Scheme in an area on its own or authorize any other body or licensed developer to undertake such a Land Pooling Scheme. The Land Pooling Scheme shall be in conformity with the infrastructure network of the Metropolitan Development and Investment Plan and may make provision for any of the following matters, viz, (a) the laying out or relaying out of land, either vacant or already built upon; (b) the filling up of low-lying, swampy or unhealthy areas or leveling up of land; (c) layout of new streets or roads, construction, diversion, extension, alteration, improvement of streets and communications network; (d) the allotment of land for roads, open spaces, gardens, recreation grounds, schools,

markets, green belt, transport facilities and amenities of all kinds;(e)drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;(f)lighting;(g)water supply;(h)the preservation of objects of historical or national interest or natural beauty:Provided that such a Land Pooling Scheme shall make provisions for the following:(i)the reservation of land to the extent of five percent for the purpose of providing housing accommodation for low income groups and weaker sections of society;(ii)the allotment of land from the total area covered under the Land Pooling Scheme to the extent of:(a)ten percent for parks, playgrounds, garden and open space;(b)2.5% for social infrastructure such as schools, dispensary, public utility spaces and other community facilities;(c)five percent to be surrendered free of cost to the Metropolitan Development Authority for sale for residential or commercial use and the balance area for circulation and plots and development use. Out of the area for development use, atleast 20% of the area shall be set apart and developed for lower income group (LIG) and middle income group (MIG) equally.Provided further that the minimum area for such Land Pooling Schemes shall not be less than 75 hectares.

## **25. Private Sector Land Pooling Scheme.**

- A developer may be given a license to frame and develop a Land Pooling Scheme containing such particulars and details as prescribed:Provided that:(i)the lands covered by such Land Pooling Scheme shall be contiguous and approachable by an existing road;(ii)the total area of such Land Pooling Scheme shall not be less than 50 hectares and for commercial development not less than 2 hectares.(iii)the requirements of the Land Pooling Scheme as laid down in section 24 shall be complied with;(iv)the costs indicated in section 26 are factored into the Project before the developer undertakes the development work.

## **26. Cost of Land Pooling Scheme.**

(1)The cost of a Land Pooling Scheme shall include;(a)all sums payable to the Metropolitan Development Authority under the provisions of this Act;(b)all sums spent or estimated to be spent by the Metropolitan Development Authority or licensed developer or other body authorized to undertake the Land Pooling Scheme:(i)in the making of the Land Pooling Scheme;(ii)in the execution of the Land Pooling Scheme;(iii)in the execution of such part of the peripheral and bulk services as may be considered necessary;(2)The above costs shall be apportioned to the final cost of the developed plots accordingly.

## **27. Notification and effect of Land Pooling Scheme.**

(1)Any such Land Pooling Scheme shall be notified for information to general public and others, by the Metropolitan Development Authority or at the behest of a licensed developer or other body authorized to undertake the Land Pooling Scheme after the layout is approved by the Metropolitan Commissioner giving details of the plots available for disposal, plots available for Low income group, Middle income groups and Weaker Sections and sites available for social infrastructure, and the cost of providing infrastructure facilities and the tentative final cost, period for completion of the developments etc.,(2)After notification of the said approved Land Pooling Scheme, the same shall be incorporated in the Metropolitan Development and Investment Plan or where there is no Statutory

Plan, such a Scheme be integrated with the surrounding area. Such a Land Pooling Scheme shall be deemed to be an area development plan.(3)All open spaces and roads shall deemed to be handed over to the Metropolitan Development Authority upon the notification of the approved Land Pooling Scheme.(4)The notified Land Pooling Scheme shall be deemed to be a development permission by the Metropolitan Development Authority and all building permissions shall be scrutinized by the Local authority based on the approved Land Pooling Scheme.

## **28. Power to undertake development scheme.**

- Subject to the provisions of this Act and rules and regulations made there under, the Metropolitan Development Authority or a local authority or public agency may undertake development in any area under its jurisdiction by framing and executing development schemes.

## **29. Preparation of development scheme.**

(1)A development scheme may be prepared for making provision for all or any of the following matters, namely:(a)acquisition of land by purchase, lease or otherwise and to erect thereon such buildings or to carry out such operations as may be necessary for the purpose of carrying out its functions;(b)establishment of a new town or township or growth centre;(c)establishment of industries, industrial estates, flatted factories, service industries, special and exclusive industrial areas;(d)establishment of tourist centres and tourism related infrastructure;(e)development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens, public assembly grounds, social forestry;(f)conservation of ecologically sensitive areas, lake front development, river-front development, prevention of injury or contamination to rivers, water bodies and sources of water supply;(g)preservation and protection of heritage sites and buildings, objects of historical importance or outstanding natural beauty, etc.:(h)control of floods and other natural disasters;(i)housing schemes for different income groups including housing for economically weaker sections of society;(j)construction and maintenance of rest houses, night shelters, infirmaries, homes for destitutes, children disabled, handicapped, senior citizens, etc.:(k)redevelopment and renewal of blighted areas;(l)resettlement, rehabilitation and upgradation of slum areas;(m)provision of health care, educational, cultural and recreational facilities;(n)provision of water supply, electricity and gas, disposal of sewage, solid waste and refuse and manufacture of its by-products;(o)provision of sanitary arrangement including construction of drains and general conservancy, public conveniences, etc.:(p)construction, reconstruction, alternation, improvement and maintenance of public roads and streets, bridges, parking lots, transport terminals including railway stations, bus depots, air ports, bus bays and bus stops, avenue plantation, etc.:(q)provision and facilitating of public transportation including mass transportation by rail or road;(r)provision of communication facilities;(s)provision of slaughter houses, burial grounds and cremation grounds;(t)closure or demolition of dwellings and portions of dwellings unfit for human habitation;(u)such other matters not inconsistent with the objects of this Act, as may be considered necessary.(2)Every development scheme shall contain details, as far as may be applicable, in respect of:-(a)land assembly over which the development scheme is to be undertaken;(b)layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open spaces to be maintained about buildings, the percentage of

building area, the number, height, character of buildings allowed in specific areas, the purpose for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in reasonable periods, parking spaces and loading and unloading spaces for any building, etc.,(c)total estimated cost, sources of funding, cost recovery statement;(d)manner of disposal of assets, if any;(e)management and maintenance mechanism;(f)any other matter considered necessary.(3)The Metropolitan Development Authority may, on such terms and conditions as may be agreed upon, undertake formulation and execution of any development scheme any where on behalf of a local authority, corporate body, co-operative society, or a Department of the State or Central Government.(4)No development scheme shall be formulated by the Metropolitan Development Authority or local authority and no project shall be formulated by any other person or body including Departments of the Central or State Governments, public undertakings, etc., unless they are in conformity with the provisions of Metropolitan Development and Investment Plan approved under this Act.

### **30. Publication of area development plan/development scheme and approval.**

(1)As soon as may be after a draft area development plan has been prepared under section 12 or a development scheme has been formulated in accordance with section 28 above, the Metropolitan Development Authority shall publish in atleast two popular local newspapers a notice of the said scheme and its implementation and the place where copies of the same may be inspected, inviting objections and suggestions in writing from public to be filed within thirty days from the date of such publication.(2)After the expiry of above time / period, the Metropolitan Development Authority shall consider all objections and suggestions and after making modifications as are considered necessary submit to the Metropolitan Development Authority for approval and enforcement.

### **31. Power of the Metropolitan Development Authority in case of default.**

(1)If the Metropolitan Development Authority, after holding enquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity in relation to any land or layout or colony has not been provided to such a land or layout or colony which in the opinion of the Metropolitan Development Authority is to be provided as per development specifications, or that any development of the land for which permission, approval or sanction has been obtained under this Act has not been carried out, it may serve upon the owner of such land or his successor-in-interest, or upon the person providing, or responsible for providing the amenity, a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.(2)If any amenity is not provided or any such development is not carried out within the time specified in the notice, the Metropolitan Development Authority may itself undertake to provide the amenity or carry out the development or have it carried out through such agency as it deems fit and recover all expenses incurred with a penalty as decided by the Metropolitan Development Authority together from such owner of the land or his successor-in-interest, or upon the person providing, or responsible for providing the amenity and in case of failure to pay as per demand notice, recover the same as arrears of land revenue.(3)If the Metropolitan Development Authority, after holding an enquiry or upon report from any of its officers or other information in its possession, is satisfied that the concerned local authority or

functional department or agency has not taken steps and action for implementation of the Action Plan or Scheme or project in the given time, it may require an officer or any other public / private agency to complete the same and the expenses so incurred shall be recoverable from the concerned local authority or functional department or agency concerned. Chapter - VI Acquisition, Assembly and Disposal of Lands

### **32. Power to acquire land under the Land Acquisition Act, 1894. Central Act 1 of 1894.**

- Any land required, reserved or designated in the Metropolitan Development Plan and Investment Plan or a Development Scheme or a Land Pooling Layout Scheme shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 and may be acquired by the Government on request by the Metropolitan Development Authority or local authority or other authority.

### **33. Transfer of government lands to the Metropolitan Development Authority.**

- The Government by order and on such terms and conditions as may be agreed upon between the Government and the Metropolitan Development Authority, place at the disposal of the Metropolitan Development Authority any developed and undeveloped Government lands situated within the jurisdiction of the Metropolitan Development Authority or from the State's Land Bank for the purpose of development in accordance with the provisions of this Act.

### **34. Acquisition of land by way of Negotiated Settlement.**

- The Metropolitan Development Authority may acquire land by agreement by paying such amount as may be arrived at through negotiated settlement in such manner as may be prescribed under regulations.

### **35. Acquisition of land by way of Transferable Development Right.**

- The Metropolitan Development Authority or the local authority may, with the consent of the owner, acquire land for public purposes by way of according transferable development right through issue of Development Right Certificate in lieu of payment towards cost of land in such manner as may be prescribed: Provided that the transferable development right may be arrived at on the basis of relative land value and equivalent amount or both export and import areas as per the Registration Department records. Such Transferable Development Right may be utilized additional built space by the owner who can use this either by himself or transfer it to any other person in full or in part for use in a less developed area as prescribed.



### **36. Acquisition of land and built up space by way of Accommodation/Reservation.**

- The Metropolitan Development Authority or the local authority may, with the consent of the owner and in the manner prescribed, acquire land and built up space for public purposes, indicated in the statutory Development Plan, by permitting an equivalent built up space in addition to built up space required for the amenity or facility, in lieu of the cost of land and the built up space for the amenity transferred to the Metropolitan Development Authority or local authority.

### **37. Disposal of land & other property by the Metropolitan Development Authority.**

- The disposal of any land acquired by the Government and transferred to the Metropolitan Development Authority with or without development thereon, or any other immovable property belonging to the Metropolitan Development Authority shall be done in accordance with regulations made for the purpose in this behalf.

### **38. Creation & Management of Development Land Bank.**

- The Metropolitan Development Authority shall create and maintain a metropolitan land development bank, in which all lands acquired, allotted, purchased, obtained, etc., shall be monitored and maintained and position reviewed periodically. Chapter - VII Finance, Accounts, Budget and Audit

### **39. Creation of Metropolitan Development Fund.**

(1)The Government shall create a Metropolitan Development Fund with a seed capital of Rs. 200 crores for the purpose of administering this Act.(2)The Government shall create a Revolving Fund for the Metropolitan Development Authority with a fund of Rs. 100 crores for the purpose of performing it's functions under this Act and allocate finances based on the plans and programmes of the local bodies for undertaking development of amenities and infrastructure facilities as per plan programmes.

### **40. Metropolitan Development Fund & its application.**

(1)The Metropolitan Development Authority shall manage and operate the Metropolitan Development Fund to which shall be credited:- (a)all moneys received from the Government by way of revolving fund, grants, loans, advances or otherwise; (b)all moneys borrowed by the Metropolitan Development Authority by way of loans or debentures; (c)all moneys received by the Metropolitan Development Authority from the disposal of lands, buildings and other properties, movable and immovable; (d)all development charges or other charges, fees received under this Act or rules or regulations made there under; (e)contribution from Municipal Corporation and Municipalities; (f)all moneys earned from remunerative projects and schemes by way of rent or otherwise and disposal of

its assets;(g)sum of money received from projects implemented under Land Pooling Schemes;(h)sum of money received by way of user charges;(i)any other sum of money received by the Metropolitan Development Authority from any other sources for performing its functions.(2)The Metropolitan Development Fund shall be applied towards meetings;(a)the expenditure incurred in the administration of this Act;(b)The cost of land acquisition and areas mentioned under Land Pooling Schemes and development schemes undertaken by the Metropolitan Development Authority for the proposes of ensuring planned development;(c)any expenses incurred by the Metropolitan Development Authority in connection with preparation of Development plans, undertaking surveys, studies, Investment plans and execution of projects and schemes;(d)for maintaining sinking fund and other separate accounts required under the Act; and(e)the expenditure for such other purposes not inconsistent with this Act.(3)The Metropolitan Development Authority may borrow money by way of loans, debentures or bonds or in any manner from any other source other than the Government.(4)The Metropolitan Development Authority shall maintain a sinking fund for the repayment of loans and moneys borrowed and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.(5)The Metropolitan Development Authority may accept grants, subventions, donations and gifts from the Central Government or local Authority or any individual or body whether incorporated or not, for all or any of the purpose of this Act on such terms and conditions as mutually agreed upon.(6)Loans, debentures and bonds issued under this Section may be guaranteed by the Government as to the repayment of the principal and the payment of interest at such rate as may be agreed upon.

#### **41. Contribution by the Urban Local Authority.**

- Every Municipal Corporation and Municipality located in the jurisdiction of the Hyderabad Metropolitan Region at the beginning of the financial year shall contribute a sum of ten percent of the total sum of money credited during the last preceding year to the Metropolitan Development Fund.

#### **42. Power to levy specific cess for capital infrastructure projects.**

- Subject to the approval by the Government, the Metropolitan Development Authority may levy specific cess for the implementation of specific capital infrastructure projects and upon such terms and conditions as the Government specify.

#### **43. Budget of the Metropolitan Development Authority.**

(a)The Metropolitan Development Authority shall prepare in such form and at such time every year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Metropolitan Development Authority and shall forward to the Government as may be prescribed.(b)The accounts of the Metropolitan Development Authority shall be subject to audit annually by such person as may be appointed by the Government any such expenditure incurred by that person in connection with such audit shall be payable by the Metropolitan Development Authority.(c)The person so appointed and any other person authorized

by him in connection with the audit of accounts of the Metropolitan Development Authority shall have the same right, privilege and Metropolitan Development Authority in connection with such audit as the Accountant General has.(d)The accounts of the Metropolitan Development Authority as certified by the person so appointed or any other person authorized by him in this behalf together with the audit report thereon shall be forwarded annually to the Government, and the government shall cause a copy of the same to be laid before the State legislature.

#### **44. Annual Plan & Report.**

- The Metropolitan Development Authority shall prepare for every year an Annual Plan and Report of its programmes and activities during that year, and submit the Annual Plan and Report to the government in such form and on or before such date as may be prescribed.Chapter - VIII Levy, Assessment and Recovery of Development Charge & User Charge

#### **45. Levy of Development Charge.**

(1)Subject to the provisions of this Act and rules made thereunder, the Metropolitan Development Authority shall levy a charge, hereinafter called development charge on:(a)the carrying out of any land or building or both;(b)the change of use of land or building or both;(2)the rates of development charge, their manner of assessment and recovery shall be such as may be prescribed.(3)Notwithstanding anything contained in subsection (1) no development charge shall be leviable in case of any development undertaken by the Central Government Department, the State government Departments, or local authority.

#### **46. Assessment and Recovery of Development Charge.**

(1)The Metropolitan Development Authority shall after receipt of any application received for Development Permission or if no such application is made, serve a notice on the person liable for such payment, intimating in writing the development charge leviable and fix a date by which such payment shall be made, and interest at the rate of 10% per annum shall be payable from the date.(2)The development charge payable in respect of any land and / or building by any person shall be a first charge on such land and / or building, subject to the condition that there is no change in use or activity or additions / extensions in which case fresh development charge are applicable.(3)The development charge payable in respect of any land and / or building by any person shall, together with interest due upto the date of realization, be recoverable from such person or his successor-in-interest in such land and / or building as arrears of land revenue.(4)The Metropolitan Development Authority may allow the development charge to be remitted in phased manner in case of phase-wise development.(5)The Metropolitan Development Authority may allow the development charge to be paid in installments in which case interest as stated in sub-section (1) shall be applicable.

## **47. Levy of User Charges.**

(1) In order to recover fully or partly, the capital expenditure incurred or likely to be incurred for the provision of utilities, amenities, services or facilities provided by the Metropolitan Development Authority, the Metropolitan Development Authority may levy and collect a charge from the users, hereinafter called the user charges. (2) The amount of user charge to be levied and its manner of assessment shall be as may be prescribed by regulations. (3) The Metropolitan Development Authority may assign, on such terms and conditions, as may be agreed upon, the task of providing and maintaining any utility, amenity, service or facility, within the area of its jurisdiction, to any person or licensed developer or agency including an association or body of individuals, whether corporate or not and permit them to collect such user charges from such beneficiaries and subject to such terms and conditions as may be prescribed by regulations. (4) The provisions of section 45 above shall mutatis mutandis apply to this Section.

## **48. Recovery of arrears.**

- Any sum due to Metropolitan Development Authority under the provisions of this Act or any rule or any regulation or order made there under, shall be a first charge on the plot or land on which it is due, and if it is not paid on demand on the day on which it becomes due or on the day fixed by the Metropolitan Development Authority, shall be recoverable by the Metropolitan Development Authority, as an arrear of land revenue.

Chapter - IX Relations Between the Government, Metropolitan Development Authority and the Local Authorities

## **49. Control by Government.**

(1) The Metropolitan Development Authority shall carry out such directions and guidelines as may be issued to it from time-to-time by the Government for the efficient discharge of its responsibilities and functions under this Act. (2) If in, or in connection with, the exercise of its powers, responsibilities and discharge of its functions by the Metropolitan Development Authority under this Act, any dispute arises between the Metropolitan Development Authority and other Authority or Committee or local Authority, the matter shall be resolved at the Government level and the decision of the Government shall be final and binding on the Metropolitan Development Authority and the other Authority or Committee or local authority. (3) The Government may, at any time either on its own motion or on application made to them in this behalf, call for the records of any case disposed of, or order passed by the Metropolitan Development Authority for the purpose of satisfying themselves as to the legality or propriety or correctness of any order passed or direction issued, and may pass such order or issue such direction in relation thereto as they may think fit: Provided that the Government shall not pass an order adversely affecting any person or body without affording such person or body an opportunity of being heard or offering explanation.

## **50. Returns & Information.**

(1) The Metropolitan Development Authority shall furnish to the Government such reports, returns,

records and other information as the Government may, from time-to-time require.(2)The Government may, call for reports, returns, records and other information from the Metropolitan Development Authority or the local authority or the public agency responsible, in regard to:-(a)Preparation of the Statutory Development Plan, Investment Plan, Development Scheme or Land Pooling Scheme;(b)implementation of the Statutory Plan, Scheme or programme or authorize an officer in this behalf.(c)any officer authorized by the Government may enter into or upon any land with or without assistants or workmen for ascertaining whether provisions of the Statutory Development Plan, Investment Plan, Development Scheme or Land Pooling Scheme, etc. are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan or permission or order.(3)The Metropolitan Development Authority shall comply with such directions, guidelines or instructions as may be given by the Government with regard to the above aspects.Chapter - X Miscellaneous and Supplemental Provisions

## **51. Power of entry & power of Metropolitan Development Authority to demarcate alignments and reservation as per Statutory Plan.**

- The Metropolitan Commissioner may authorize any person to enter into any land or building with or without assistance or workmen for the purpose of:-(a)Making any enquiry, inspection, measurement or survey or taking levels of such land or building;(b)Examining works under construction and ascertaining the course of public utilities and drains, etc;(c)Digging or boring into the sub-soil;(d)Setting out boundaries and demarcation of intended alignment of roads, public utilities and other works;(e)Making such levels, boundaries, demarcations and lines by placing marks and cutting trenches;(f)Ascertaining whether any land or property is being affected in the Statutory Development Plan / Development Scheme / Land Pooling Scheme / road / public utilities alignments, etc.(g)For grounding of new alignment of roads / road widening / alignment of new communication network in any land;(h)Ascertaining whether any land or property is being or has been developed in accordance with the Development Permission or in contravention of the provisions of this Act, or conditions subject to which the Development permission has been issued are being or have been complied; or(i)Doing any other thing necessary for the implementation of the Statutory development Plan / Development Scheme / Land Pooling Scheme or other provisions for the efficient administration of this Act:Provided that(i)no such entry shall be made except between the hours of 6 a.m. and 6 p.m.(ii)the development rights of the owner of the land would not be affected by such actions or by grounding of the said network.(iii)due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land / building or property entered or surveyed or demarcated.(iv)sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land / building or property.

## **52. Power to delegate.**

(1)Metropolitan Development Authority may by resolution direct that any power exercisable by it under this Act or rules or regulations made there under may also be exercised by any Metropolitan Development Authority or local body or officer or the government or any other body, in such cases and subject to such conditions, if any, as may be specified therein.(2)The Government may by

notification, direct that any power exercisable by the Government or the Metropolitan Development Authority under this Act, except the power to make rules or regulations, may be exercised by any local body or officer of the government or any other body, in such cases and subject to such conditions, if any, as may be specified therein.

### **53. Effect of other laws.**

(1)Notwithstanding anything contained in the Hyderabad Municipal Corporations Act, 1955, the Andhra Pradesh Municipalities Act, 1965, the Andhra Pradesh Panchayat Raj Act, 1994 or any other law which are contrary to the provisions of this Act, the provisions of this Act shall have an over-riding effect over all such laws.(2)The provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975 which are inconsistent with the provisions of this Act shall not be applicable to the metropolitan region constituted under Section 3 of this Act.(3)Notwithstanding anything any other law:-(a)When Development permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that any permission, approval or sanction required under such other law for such development has not been obtained.(b)When Development permission for such development in respect of any land has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.(4)Any Development permission, No Objection Certificate or other clearance given under this Act shall be construed as from the planned development point of view and shall in no way either confer the ownership rights or affect the ownership under the land revenue laws. The Metropolitan Development Authority shall stand absolved of any ownership disputes or discrepancies.(5)Once a Development permission is given, the right to develop the land in that way can be exercised by anyone acquiring and occupying the land. It is not restricted to the person making the application unless a specific condition is incorporated in the grant of the Development Permission.(6)Any draft development plan prepared by the Metropolitan Planning Committee for the Metropolitan area (region) under Section 10 of the Andhra Pradesh Metropolitan Planning Committee Act, 2007 shall be construed as a draft development plan by the Authority and the plan shall be subject to the review of the Authority.

### **54. Certain plans already prepared and sanctioned deemed to have been prepared and sanctioned under this Act.**

(1)Any General Town Planning Scheme under the Andhra Pradesh Town Planning Act, 1920, any Development Plan under the Hyderabad Municipal Corporations Act, 1955 or any Master Plan under the Andhra Pradesh Municipalities Act, 1965 or a Master plan under the Andhra Pradesh Urban Areas (Development) Act, 1975 already prepared and published by the local authority concerned or the Urban Development Authority concerned, and sanctioned by the government before the commencement of this Act shall continue to be in force unless prepared afresh and superseded or revised under this Act.(2)Any detailed Town Planning Scheme under the Andhra Pradesh Town Planning Act, 1920, any Improvement Scheme under the Hyderabad Municipal Corporations Act, 1955, or any town development plan under the Andhra Pradesh Municipalities

Act, 1965 or any Zonal Development Plan prepared under the Andhra Pradesh Urban Areas (Development) Act, 1975 and any plan prepared and published by the local authority concerned or the Urban Development Authority concerned, and sanctioned by the government before the commencement of this Act with respect to any area now forming part or whole of the Metropolitan Region shall continue to be in force unless prepared afresh and superseded or revised under this Act.

## **55. Power to give directions.**

(1) Notwithstanding anything contained in any other law for the time-being in force, the Metropolitan Development Authority may give such directions to any local authority or other department or authority or person with regard to the implementation of any development projects or schemes financed under this Act, or land development conditions approved under this Act, or demarcations of roads, right-of-way for facilities, etc., fencing of open spaces amenity reservations, etc. as it deems fit, and any such Authority or person shall be bound to comply with such directions. (2) If any such direction is not complied with by the body to whom it is issued, it shall be competent for the Authority to take necessary action to carry out the directions issued under sub-section (1) and recover expenses, if any, incurred therefore from the body concerned.

## **56. Power to make rules.**

(1) The Government after consultation with the Metropolitan Development Authority, may by notification, make rules to carry out the functions of the Metropolitan Development Authority and to carry out the purpose of this Act: Provided that consultation with the Metropolitan Development Authority may not be necessary on the first occasion of the making of rules under this Section but the Government shall take into consideration any suggestions which a Metropolitan Development Authority may make in relation to the amendment of such rules after they are made. (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: (i) The terms of office of members and staff, their allowances and other conditions of service, summoning and holding of meetings, the conduct of business, powers and functions of the Chairman, Vice-Chairman / Metropolitan Commissioner; (ii) the conditions of service, salaries and allowances, job chart, duties and responsibilities, powers and functions of the full-time members and officers and other employees appointed by the Metropolitan Development Authority; (iii) The procedure to be followed in connection with the preparation, publication, submission and approval of the Metropolitan Development Plan, Metropolitan Investment Plan, Area Development Plan, and the manner of publication of the notice inviting objections and suggestions relating to any such plan in draft; (iv) The form, manner and procedure for modifications to the Statutory Development Plan, the payment of fees and rates of conversion charges for such modifications; (v) With regard to permitting land pooling schemes, layouts and their requirements, development specifications and conditions; form and content of mortgage deed and other conditions of surety to be complied by a licenced developer; (vi) Relationship and coordination between the Metropolitan Development Authority and the local Metropolitan Development Authority in matters of issue of permission, ensuring planned development and undertaking implementation of Metropolitan Development Plan and Investment Plan, Development Schemes,

Area Development Plans, Action Plans and pooling schemes;(vii)Form and manner of regularization of unauthorized layouts and developments by the Metropolitan Development Authority and fees, charges and penalties to be levied thereto;(viii)The form and manner of maintaining the Metropolitan Development land bank, handing over of government lands to the Metropolitan Development Authority, and requisition of lands for acquisition every year by the Metropolitan Development Authority;(ix)Form and manner of Transferable Development Rights the Metropolitan Development Authority may take up with owners;(x)The procedure for assessment, levy and collection of development charge, rates of development charge and calculation and assessment for land and buildings;(xi)The duties and responsibilities and powers of the Metropolitan Commissioner, Member-Urban Planning, Member-Engineering, Member-Environment, Member-Estates, Secretary and the Member-Finance of the Metropolitan Development Authority;(xii)The functioning and conduct of meetings and any other matters relating to the powers and functions of the Hyderabad Metropolitan Development Authority and the Executive Committee(xiii)Any other matter which has to be or may be made by rules.(3)Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which, it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **57. Power to make regulations.**

(1)The Metropolitan Development Authority may, with the previous approval of the government, make regulations consistent with this Act and the rules made there under, to carry out, the purpose of this Act and without prejudice to the generality of this power, such regulations may provide for:-(i)The conditions of service of other employees appointed on contract or otherwise, by the Metropolitan Development Authority, their duties and responsibilities and the control and restrictions in relation of such appointments;(ii)The plan programmes of the Metropolitan Development Authority, stages of implementation of the Statutory Development Plan, the agencies and departments responsible for implementation of the Statutory Development Plan;(iii)The form, manner and procedure for application for Development Permission, the payment of fees, rates of user charges, form of ownership clearance by the Revenue Authorities and the fees payable; and conditions to be complied with by the local Metropolitan Development Authority while considering building permissions based on the Development permission given by the Competent Metropolitan Development Authority;(iv)Form and conditions of licensing of developers;(v)The form and manner of sanctioning of building permissions by the local authority and conditions to be adhered to, and responsibilities of local authority thereto;(vi)Form, manner and conditionalities of undertaking road development schemes by the Metropolitan Development Authority or local authority or government agency concerned;(vii)Details and rates in respect of levy of user charges under Section 47;(viii)The form and manner of preparation of Annual Plans and Budget, and Annual Reports of the



Metropolitan Development Authority;(ix)The procedure to be followed for borrowing money or raising money through loans, debentures and bonds and their repayment;(x)Form and manner for taking over lands by the Metropolitan Development Authority under negotiated settlement;(xi)Any other matter which is required to be provided by regulations.

## **58. Dissolution of Hyderabad Urban Development Authority and vesting in the Hyderabad Metropolitan Development Authority.**

(1)On and from the date of dissolution of the Hyderabad Urban Development Authority and Special Development Authorities under the provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975, the assets and liabilities of the such Authorities shall vest in the Metropolitan Development Authority and all officers and employees of the said dissolved authorities shall be deemed to be the officers and employees of the Hyderabad Metropolitan Development Authority.(2)The supporting staff of the Metropolitan Development Authority shall be minimal and any new staff shall be appointed on contract basis (including experts for technical work), as may be necessary for the efficient performance of its functions and the Metropolitan Development Authority may outsource the supporting functions like project management, development management, legal functions, contracts and tendering, layout planning, architectural services, engineering works and projects including their preparation, design, implementation, through public-private partnerships.Levy of User Charges: