

# Andhra Pradesh Regulation of Unapproved and Illegal Layout Rules, 2007

ANDHRA PRADESH

India

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### Rule

### ANDHRA-PRADESH-REGULATION-OF-UNAPPROVED-AND-ILLEGAL- of 2007

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Andhra Pradesh Regulation of Unapproved and Illegal Layout Rules, 2007Published vide Notification No. G.O. Ms. No. 902, Municipal Administration and Urban Development (M1), dated 31.12.2007Last Updated 19th September, 2019No. G.O. Ms. No. 902. - In exercise of powers vested in Section 58 of the A.P. Urban Areas (Development) Act, 1975. Section 585 of the HMC Act, 1975, Section 44 (2) (v) of the AP Town Planning Act, 1920, and Section 326 (1) of the AP Municipalities Act, 1965, the Government of Andhra Pradesh hereby issue the following Rules, viz:

#### 1.

These Rules may be called "The Andhra Pradesh Regulation of Unapproved and Illegal Layout Rules, 2007" and they shall come into force from the date of publication in A.P. Gazette.

#### 2. Applicability.

- (i) These Rules shall be applicable to all Urban Development Authorities, Municipal Corporations, Municipalities and Gram Panchayats falling in the Master Plan limits in the State of Andhra Pradesh.(ii)These Rules and conditions herein shall be applicable to all existing unapproved sub-division of plots, existing unapproved layouts or ventures promoted by land owners/ private d envelopers/firms/ companies/property developers/ Societies where the plots have been sold by registered sale deed before the date of notification of these rules.(iii)These Rules are only intended for regulating the unplanned development and shall be applicable to all unapproved layout areas which have clearance from the competent authorities under the Urban Land Ceiling and Regulation

Act, 1976, AP Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 wherever required and which have not been entered in the Prohibitory Register of lands maintained by the Revenue Department. The Regulation measure would not absolve the plots o layout from the application of Land ceiling Laws, land disputes or claims over title, boundary disputes, etc. In respect of assigned lands prior clearance from the District (collector shall be obtained.(iv)In the event of only some plot holders coming forward for regulation in an unapproved layout, the layout pattern as approved by the competent authority shall be applicable to the entire layout area. The local authority shall be responsible for enforcing such approved layout pattern.

### **3. Definitions.**

- (i) "unapproved/illegal layout" means sub-division of land into plots with or without developed roads, open spaces and amenities and without the approval of the competent authority.(ii)"Competent Authority" means-(a)the Vice Chairman of the Urban Development Authority in case of areas falling in UDA area;(b)The Commissioner of Municipal Corporation in case of areas falling to Municipal Corporations and not covered by Urban Development Authorities;(c)Municipal Commissioner in case of Municipalities and Nagar Panchayats not within the jurisdiction of Urban Development Authorities(d)The Gram Panchayats in respect of Gram Panchayat areas covered by Master Plan and falling outside Municipal limits and UDA areas(iii)"Minimum standards of layout development" means the standards of facilities and amenities as prescribed by the competent authority in approving such unapproved layouts.(iv)"Minimum standards of layout norms" means the standards of layout norms and pattern as prescribed by the competent authority in approving such unapproved layouts.(v)"Plot holder" means a person on whose name the plot is registered with a registered sale deed prior to the notification of these rules.Terms and expressions which are not defined in these Rules shall have the same meaning as in the respective Rules/ Regulations/Bye-laws of the respective local authorities and as defined in the National Building Code or relevant Acts as the case may be unless the context otherwise requires.

### **4. Cut-off date for considering regulation of unapproved layouts.**

- Only those unapproved layouts and subdivision of plots with registered sale deed/ title deed existing prior to the date of notification of these rules, shall be considered for regulation under these rules. As proof and evidence, the plot holder/Land owner/Association/Society/ Colony developer is required to furnish copies of the sale deed/title deed. Agreement of sale or General Power of Attorney shall not be considered as evidence.

### **5. Restrictions on approval in vicinity of Certain Areas.**

(a)No layout/development activity shall be allowed in the bed of water bodies like river, or nala, and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta and in shikam lands.(b)The above water bodies and courses shall be maintained as recreational/ Green buffer zone, and no layout development activity other than recreational use shall be carried out within:(i)30 m. from the boundary of river course/Lakes of area of 10 Ha and above;(ii)9 m from the boundary of lakes of

area less than 10 Ha/ Kuntas/Shilkam lands;(iii)9 m from the boundaries of Canal, Vagu, etc.(iv)2 m from the defined boundary of Nala(c)Unless and otherwise stated, the area and the Full Tank Level (FTL) of a lake/kunta shall be reckoned as per the master Plan/Revenue Records/Irrigation records.(d)Unless and otherwise specified in the Master Plan/Zonal Development Plan.(i)In case of (b) (i) above, in addition to development of recreational /green belt along the foreshores, a ring road or promenade of minimum 12 m may be developed, wherever feasible,(ii)The above greenery/landscaping and development shall conform to the guidelines and provisions of the National Building Code of India, 2005.(e)For layout development activity within the restricted zone near the airport or within 500 m distance from the boundary of Defence areas/ Military establishments, necessary clearance from the concerned Airport Authority/Defence Authority shall be obtained.(f)In case of sites in the vicinity of oil/gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.(g)For areas covered under G.O.Ms. Ill, MA, dated 8-3-1996 (protection of Catchment area of Osmanasgar and Himayatsagar lakes), apart from the provisions of statutory' Master Plan of HUDA/HADA, the restrictions on layout and development activity imposed in the said Government orders would be applicable.(h)No approval shall be considered in sites which are earmarked for Industrial Use Zone/Recreational Use Zone/Water Body in notified Master Plans/Zonal Development Plans.(i)Open Spaces earmarked in any approved layout shall not be considered for regulation under these Rules.

## 6. Compulsory Application for Regulation.

- It shall be compulsory for all plot owners in unapproved layouts to file an application in the prescribed format for regulation of the plot/layout before the Competent Authority to apply for regulation for plots having registered sale deed executed prior to date of notification of these rules within [on or before 31-5-2008] [Substituted, for the words 90 days by G.O. Ms. No. 113, M.A. & U.D. (M1), Department, dated 31-01-2008 and again substituted, by G.O. Ms. No. 272, for in words 'on or before 30-4-2008' and again subs, by G.O.Ms. No.329, dated 30-4-2008.] from the date of notification of these rules duly enclosing the following documents;I. Copy of registered sale deed/title executed prior to the date of notification of these rules duly attested by a gazetted officer.II. Location PlanIII. Detailed Layout Plan drawn to scale showing plotted area, open area, area under roads and the plot/plots applied for regulation.IV. (a) Urban land Ceiling Clearance Certificate in case the extent of land exceeds the ceiling limit of(b)An affidavit in case the extent of land is less than the ceiling limit or(c)ULC Regularisation order from Government issued under G.O.Ms. 455 and 456 Revenue dated 29-7-2002.V. Indemnity Bond in the format prescribedVI. NOC from Defence Authority/ Airport Authority of India (wherever applicable)VII. Any other document as required by the Competent authority.Application for regulation of unapproved layout and subdivision of plots can also be made by a society/association/colony developer representing the plot owners in unapproved layout in such cases the said association/colony developer representing the plot owners in unapproved layout, shall be wholly and severally responsible for under taking the deficiencies in such unapproved layouts, undertaking to comply with the conditions and pay the requisite fees and charges as prescribed in these rules to the competent authority. The society/association/colony developer representing the plot owners in unapproved layout shall select and of the three members among themselves called "Resource persons" who would be responsible for all dealings on behalf of the society/association/colony developer

representing the plot owners in an unapproved layout.

## 7.

In cases where an application is received in a site that is contrary to the land use stipulated in the statutory plan, the competent authority shall have the power of approving the case except those specified in Rule 5 above by levying the necessary conversion charges.

## 8. Payment of Penalisation charges.

- (i) The applicant shall pay the fees and charges as detailed below:(a)[ "Basic penalization charges on pro-rata basis, which are inclusive of betterment charges, development charges and layout scrutiny charges, penalty and other charges, at the following rates:]Table I Basic Penalisation Charges

Plot Area in Sq.mts	Basic Pro-rata Penalisation Charges in Rs.perSq.mt
Less than 100	200
101 to 300	300
301 to 500	400
Above 500	500

The actual penalization charges will be the percentage of basic penalization charges as mentioned above and shall be calculated based on the land value prevailing as on 1-1-2002 as given below:Table-II Penalisation charges with Reference to Land Value

Market Value of the land as on 1-1-08 (sub-registrar value) in Rs.per sq.yard	Penalisaton Charges of basic penalization %charges)	
Above 25000	100% of Basic Penalisation Charges	
20001 to 25000	90%	- do-
15001 to 20000	80%	- do-
10001 to 15000	70%	- do-
8001 to 10000	60%	- do-
5001 to 8000	50%	- do-
3001 to 5000	45%	- do-
2001 to 3000	40%	do-
1001 to 2000	35%	- do-
501 to 1000	30%	- do-
Up to 500	25%	- do-

(b)Pro rata open space charges as prescribed in Rule 9 (b) of the Rules(c)Conversion charges as prescribed rule 7 of the Rules.(ii)[ The above charges may be remitted in full at the time of submission of application form or 50% of the said amount shall be paid along with the application form and balance 50% shall be paid within 6 months from the date of submission of application] [Rules 8(ii) substituted, by G.O.Ms. No. 113, M.A. & U.D. (M1), Departmenrt, dated 31-01-2008].

## **9. Scrutiny by the Competent Authority.**

- (i) After receipt of an application for regulation of layout in Annexure-1 with necessary documents and plans, the Competent Authority in respect of areas falling in the limits of Urban Development Authority shall scrutinise application as per these Rules, carry out necessary inspections and in case the application is found in accordance with these Rules and after the owner hands over the open spaces if any to the concerned Municipality/ Municipal Corporation/local body, the Competent Authority communicate it's approval to the applicant as early as possible but not beyond six months from the last date of receipt of Applications fixed.(ii)In case of applications which are found to be not in accordance with these Rules, orders shall be issued rejecting such applications as early as possible but not beyond six months from the last date of receipt of Applications fixed.(iii)In case of Municipalities/Municipal Corporations falling outside UDA area, or in case of Gram Panchayats covered in Master Plan limits of non-UDA areas, the Competent Authority after scrutiny with respect to Master Plan and as per these Rules and after carrying out necessary site inspection shall submit remarks to the Director of Town and Country Planning for technical approval or the official authorized by the Director of Town and Country Planning in this behalf. After approval or rejection to the applicant as early as possible but not beyond six months from the last date fixed for receipt of Applications.(iv)In case of application for individual plot which is not affected by any Change of Land Use or Master Plan roads, such cases may be processed and disposed at level of Competent Authority only.(v)The Competent Authority may engage the services of licensed technical personnel, namely architects and graduate engineers, for scrutiny of the applications and for field inspections. Mere receipt of application or any delay in communication of final orders in the matter will not imply the approval of the application.

## **10. Norms to be insisted for regulation of unapproved layouts.**

- The Competent authority shall ensure the following minimum norms of layout for such layouts.(a)The road width shall be minimum 9 m. In case of weaker section layouts or plots less than 100 sq.m, the road width may be 6m.(b)[ 10% open space contribution charges to be insisted or reserve equivalent land within their site by readjusting the plots. Where such open space is not provided in such unapproved layout sites, pro-rata open space charges shall be paid as given below: [Rule 10(b) substituted by G.O.Ms. No. 301, M.A. & U.D. (M1), Department, dated 11-4-2008.]In case of plots either with construction or vacant in an unapproved layout, the open space charges shall be collected based on the land value prevailing as on the date of registration of such plot.] [Rule 8(i)(a) substituted, by G.O. Ms. No. 113, M.A. & U.D. (M1), Department, dated 31-01-2008](c)Shall ensure overall connectivity and integration with surrounding infrastructure and road pattern.(d)Where an unapproved layout site is affected in the Statutory Master Plan road network, the competent authority shall retain the alignment in the said layout and if not feasible, he is authorized to suitably modify the alignment within the layout site but in no case the alignment is to be dropped.(e)The layout pattern as far as possible shall be retained inso facto and only in exceptional cases like need for connectivity, integration with surrounding network, etc. modifications may be considered by the Competent authority.(f)Private water bodies if any shall be preserved in the layout. Such water bodies may be considered as part of open spaces as required under (b) above, subject to taking up protection and improvement of foreshores of such water

bodies

## **11. Minimum Standards of layout facilities and development to be undertaken.**

(a)All roads to be developed and black-topped(b)Drainage works including rain water harvesting facilities(c)Water supply and sewerage facilities(d)Street Lighting(e)Fencing of open spaces

## **12. Individual plot regulation.**

- Where an individual comes forward for regulation of a single plot, the Competent authority may consider the same subject to the condition in Rule 2 (iv) and Rule 5 to 8 regarding payment of fees, penalty and charges including the open space charge and betterment charges payable on pro rata basis.

## **13. Failure to come forward for regulation of unapproved layouts / plots.**

- Where an application is not filed for regulation of unapproved layout/plot, the following consequences have to be faced by the plot owners.(a)Such unapproved layouts/plots would be treated as continuing offence and exemplary penalty as per law would be levied.(b)No regular water supply connections and services like drainage and sewerage would be extended.(c)Such unapproved layouts shall be recorded in the Prohibitory Register of the Registration Department and no sale/disposal or transactions shall be allowed in such sites.(d)No building approvals shall be considered by the building sanctioning authority in such unapproved layouts/plots.(e)Other enforcement action including demolition of the building if any on such plot/plots shall be initiated.

## **14. Amount levied kept in separate account.**

- The amount collected by the Competent Authority under these Rules shall be kept and maintained under the control of the Competent authority in a separate escrow account and utilized only for improvement of amenities in the area.The competent authority shall review the development works undertaken by the UDA/local authority relating to such unapproved layouts on a quarterly basis and shall have the power to issue necessary instructions and directions in this regard.

## **15. Appeal.**

(1)Any applicant aggrieved by an order passed by the Competent Authority under Rule 9, may prefer an appeal to the Appellate Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in Rule 6 of these rules.(2)All the appeals shall be disposed off within six months.

**16.**

The Government may issue guidelines to operationalise these Rules as deemed fit.

**17.**

All existing Rules, Regulations, Bye laws and orders that are in conflict or inconsistent with these rules shall stand modified to the extent of the provisions of these rules.