

Andhra Pradesh Municipalities (Licences For Projections and Lease of Road Sides and Street Margins) Rules, 1969

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-MUNICIPALITIES-LICENCES-FOR-PROJECTIONS of 1969

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Andhra Pradesh Municipalities (Licences For Projections and Lease of Road Sides and Street Margins) Rules, 1969 In exercise of the powers conferred by Clause (a) of sub-section (2) or Section 326 read with sub-section (5) of Section 193 of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), the Governor of Andhra Pradesh hereby makes the following rules for the exercise of the powers for granting licences and leases under subsections (1) and (3) of Section 193, the same having been previously published at pages 163-166 of the Rules Supplement to Part-1 of the Andhra Pradesh Gazette, dated 8th May, 1969, as required by Clauses (a) and (b) of sub-section (1) of Section 327 of the said Act

1.

These Rules may be called the Andhra Pradesh Municipalities (Licences for projections and Lease of Road sides and Street Margins) Rules, 1969.

2.

The Secretary shall require that every application for a licence under sub-section (1) of Section 193 of the Andhra Pradesh Municipalities Act, 1965, (hereinafter referred to as the Act) shall furnish information as to the materials of which it is proposed to construct the structure and the period for which a licence is required.

3.

The Secretary may grant or renew a licence after the application referred to in Rule 2 is received provided that the projection will not in any way be injurious to public health or cause inconvenience to the public or pedestrian and vehicular traffic for fore-laying the mains for the public utilities (like drainage, sewage and water supply mains, laying of the Telephone and Electric cable either over the head or below the ground) and subject to such restrictions and conditions as he may impose.

4.

Licences for the construction of steps or drain coverings necessary for giving access to premises shall be granted by the Secretary subject to the following further conditions which should be specified in the licence: (1)(i) the steps or slabs over drains shall not project into the street margin/road side beyond the relating wall of the drain; (ii) In the case of domestic premises, the slab over the drain shall not be more than: (a) 1 metre long where the width of the drain is less than 0.33 metres; and (b) 1.30 metres long where the width of the drain is 0.33 metres and more and where the basement of the premises is high, provided that the basement of the premises is high, provided that if wide drains are to be provided the Secretary shall fix the length of the slab suitable on the merits of each case, subject to a maximum of 1.60 metres; (iii) In the case of premises having a compound in front of which vehicular traffic is likely to pass over the drain, the Secretary shall fix the length of the covering. (2) Coverings over drains shall be flush with the top of the retaining walls of the drains provided that the depth of the drains below the coverings is considered sufficient by the Secretary to carry the storm water or waste water flow. A covering slab may be laid on the top of the retaining walls in rare case where it may be necessary to do so in order that the water-way of the drain may not be restricted, or in the case where the licensing authority has no objection provided that a suitable cement concrete ramp is constructed on the street margin/road side, of the raised slab leading from the level of the top of the slab to the street/road level. (3)(i) the drain covering in the case of premises abutting on the street shall be 0.16 metres to 0.32 metres in thickness for drain. In the case of premises with a compound in front where heavy vehicular traffic is likely to pass over the drain, the covering may be granite or reinforced concrete slabs of the following thickness: Reinforced concrete slab Granite slab each 1.50 metres wide if no cover over drains 0.50 to 1 metre 0.10 metre to 0.13 metre Over drains 1.25 to 2 metres 0.50 metre to 0.63 metre Over drains 2.25 to 3 metres 0.63 metre to 0.75 metre (iii) In the case of larger drains thickness and the material of the covering shall be such as may be decided by the Secretary in each case to suit: (a) the class of stone or other covering material used; (b) the width of individual slab members carrying the load; (c) the load concentration expected; and (d) the depth of fill, if any over the slab. (4) They shall be liable to be removed at the cost of the licensee whenever necessary, in order that the drain may be inspected or repaired. (5) The Secretary shall have an absolute right to remove the encroachment all together whenever he thinks fit without payment of compensation. (6) The top of the drain covering shall not be used as part of a shop or be otherwise encroached upon.

5.

The District Collector shall have power to order the cancellation of any licence granted under Rules 3 and 4, if in his opinion the licence granted for the projection/erection or structure or encroachment has become objectionable or if he considers it necessary in the public interest that the projection or election or structure or encroachment shall be removed and upon such order the Secretary shall promptly cancel the licence and have projection erection, structure or encroachment removed. In such a case, the party shall not be entitled to compensation.

6.

It shall be a condition of every licence granted under Rule 3 or Rule 4:(1)that it shall be liable to be cancelled at any time in the circumstances referred to in Rules 4(5) and 5.(2)that an annual fee shall, if levied, be paid to the Secretary in advance so long as the licence is in force and that in default of payment of such fee, the licence is liable to be cancelled.

7.

The lease of any land shall not be granted except upon an application made to the Secretary concerned, furnishing information as to:-(a)the extent of the area and the period for which the lease is required:(b)the use proposed to be made of the land;(c)in case, any structure is to be erected on the land, the materials to be used in the erection of such structure;such as palmyrah or coconut leaves bamboo or other matting or gunny cloth or other similar materials.

8.

(1)No lease or road-side or street margin shall be granted by the Municipal Commissioner for(a)temporary occupation for a period exceeding thirty days in all;(b)agricultural purpose; and(c)commercial purpose not connected with any local fair or, festival or any other public function.(2)No lease of road-side or street margin shall be granted by the Municipal Commissioner unless the rent due is paid in advance.(3)No lease shall be renewed if the period of occupation exceeds thirty in all.

9.

Every lease granted under these rules shall expressly provide that the lease is liable to be terminated at any time within the period of the lease without payment of compensation or refund of the rent paid already to the leases, if the Secretary considers that the projection, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such or that it is used for another purpose.