

Telangana Housing Board Act, 1956

TELANGANA

India

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Act 46 of 1956

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Telangana Housing Board Act, 1956(Act No. 46 of 1956)Last Updated 14th January, 2020The Telangana Housing Board Act, 1956 received the assent of the President on the 29th September, 1956. The said Act subsequently renamed, extended to whole of the State of Andhra Pradesh and in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

Chapter I Preliminary

1. [Short title, extent and commencement. [Substituted by Act No.15 of 1962.]

(1)This Act may be called the [Telangana] Housing Board Act, 1956.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(3)It shall come into force on such date and in such areas as the State Government may, by notification in the [Telangana] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, appoint and different dates may be appointed for different areas].

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(1)"Board" means the Housing Board constituted under section 3;(2)"Board premises" means any premises belonging to or vesting in the Board or taken on lease by the Board or entrusted to the Board under this Act for

management and use for the purposes of this Act;(3)"Building materials" means such commodities or articles as are specified to be building materials for the purposes of this Act by the Government by notification in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.];(4)"Bye-laws" means bye-laws made under section 72;(5)"Chairman" means the Chairman of the Board;(6)"Competent authority" mean [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.], to perform the functions of the competent authority under Chapter VI for such area as may be specified in the notification;(7)"Corporation" means a Municipal Corporation constituted under the [Hyderabad Municipal Corporations Act, 1955 (II of 1956)] [The Act is renamed as 'the Greater Hyderabad Municipal Corporation Act, 1956' by Act No.13 of 2008.] for the cities of Hyderabad and Secunderabad:[(7-A) "Government" means the State Government;] [Inserted by Act No.15 of 1962.](8)"Housing scheme" means a housing scheme made under this Act;(9)"Land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;(10)"Local authority" includes Municipal Corporation, Municipal and Town Committees, 6 [District Municipalities, Zilla Parishads, Panchayat Samithies] and village panchayats;(11)"member" means a member of the Board;(12)"Premises" [means any land or building] [Substituted by Act No.15 of 1962.] or part of a building and includes-(i)gardens, grounds and outhouses, if any, appertaining to such building or part of a building, and(ii)any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;(13)"Prescribed" means prescribed by rules made under this Act;(14)"Programme" means the annual housing programme prepared by the Board under section 24;(15)"Regulations" means regulations made under section 71;(16)"rules" means rules made under section 70;(17)"Secretary" means the Secretary of the Board;(18)"Tribunal" means the Tribunal constituted under section 47; and(19)"year" means the year commencing on the 1st day of April and ending on the 31st of March.

Chapter II

Establishment of the Board

3. Incorporation.

(1)With effect from such date as the Government may by notification in the [Telangana] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette appoint in this behalf, there shall be established for the purposes of this Act, a Board by the name of the Hyderabad Housing Board.(2)The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to contract and do all things necessary for the purposes of this Act. [(3) For the purposes of this Act, [the] [Substituted by Act No.15 of 1962.] Land Acquisition Act, 1894 (Central Act 1 of 1894), and [the] [Adapted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Telangana Buildings

(Lease, Rent and Eviction) Control Act, 1960 (Telangana Act XV of 1960), the Board shall be deemed to be a local authority.]Explanation. - The purposes of this Act referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the Board under or for the purposes of this Act and the exercise of its rights over and with respect to such lands and buildings for the purposes of this Act.

4. Constitution of the Board.

- [(1) The Board shall consist of the following members, namely:-(a) a Chairman, to be appointed by the Government;(b)[the Vice-Chairman and Housing Commissioner, ex-officio;](c)[The Commissioner of Weaker Sections Housing Programmes and Managing Director, Telangana State Housing Corporation Limited, Housing Department; Ex-officio; [Substituted by Act No.12 of 2010 and by Adaptation Order 45, Law (F) Department, dated 01.06.2016.](d)One officer of the Housing Department to be nominated by the Government;](e)One officer of the Finance and Planning (Finance Wing) Department, to be nominated by the Government;(f)[The Chief Engineer (Public Health), Municipal Administration and Urban Development Department, Ex-officio; [Substituted by Act No.12 of 2010 and by Adaptation Order 45, Law (F) Department, dated 01.06.2016.](g)The Chief Engineer (Buildings), Roads and Buildings Department, Ex-officio;(h)The Director, Town and Country Planning, Municipal Administration and Urban Development Department, Ex-officio;(i)The Commissioner and Director of Municipal Administration and Urban Development Department, Ex-officio;(j)The Chairman & Managing Director, Telangana Central Power Distribution Co., Ltd., Ex-officio;(k)The Commissioner Greater Hyderabad Municipal Corporation, Hyderabad, Ex-officio;(l)The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Ex-officio;](m)One representative of the financial institutions providing financial assistance to the Board, to be nominated by the Government;(n)three members, to be nominated by the Government, each to represent the Coastal Andhra, the Rayalaseema and the Telangana region of the State;(o)One member, to be nominated by the Government, to represent the cities of Hyderabad and Secunderabad.](2)Any member of the Board may at any time resign his office by submitting his resignation to the Government:Provided that the resignation shall not take effect until it is accepted.[Explanation. [Added by Act No.4 of 1984.] - Any provision relating to a member contained in sub-section (2) of this section, sub-sections (1) and (2) of section 7, and sections 8 and 9 shall, except where the context otherwise requires, be deemed to apply also to the Chairman.] [Sub-section (1) substituted by Act No.25 of 1981.]

4A. [[Omitted by Act No.4 of 1984.]

[XXX]

5. Leave of absence of Chairman.

- The Government may from time to time grant to the Chairman such leave as may be admissible under the rules and any person whom the Government appoints to act for the Chairman during such absence on leave shall, while so acting be deemed for all purposes of this Act to be the Chairman.

6. Disqualification for appointment on Board.

(1)A person shall be disqualified for being appointed or continuing [as the Chairman or member] [Substituted by Act No.4 of 1984.] of the Board, if he-(a)holds any office or place of profit under the Board,(b)is of unsound mind and stands so declared by a competent court,(c)is an undischarged insolvent,(d)subject to the provisions of sub-section (2) has directly or indirectly by himself or his partner or if he belongs to a joint Hindu Family by any member of such family any share or interest in any contract (except as a shareholder other than a Director in a Company) or employment with, by or on behalf of the Board.(2)A person shall not be deemed to have incurred disqualification under clause (d) of sub-section (1) by reason only of his-(a)receiving pension from the Board;(b)having any share or interest in-(i)any lease, sale, exchange or purchase of land or any agreement for the same;(ii)any agreement for the loan of money or any security for the payment of money only;(iii)any newspaper in which any advertisement relating to the affairs of the Board is inserted;(iv)any joint-stock board or any society registered or deemed to be registered [under the Andhra Pradesh (Andhra Area), Co-operative Societies Act, 1932 (Act VI of 1932) or] [Inserted by Act No.15 of 1962. [This Act was repealed by Act No.7 of 1964.]] which shall contract with or be employed by the Chairman or any Officer on behalf of the Board;(v)[the occasional sale to the Chairman or any officer on behalf of the Board of any article in which he regularly trades, of a value not exceeding in the aggregate in any financial year one thousand rupees;] [Inserted by Act No.4 of 1984.](vi)the occasional letting out on hire to the Board or hiring from the Board of any article for an amount not exceeding in the aggregate in any one financial year five hundred rupees;(c)occupying as a tenant for the purpose of residence any premises belonging to the Board.

7. Term of office and conditions of service.

- [(1) The Chairman and every member of the Board, other than ex-officio members, shall hold office during the pleasure of the Government.] [Substituted by Act No.6 of 1996.](2)[Every member] [Substituted by Act No.4 of 1984.] shall receive such allowance as may be prescribed which shall be paid from the fund of the Board.(3)[The Chairman may hold office in an honorary capacity or on payment of remuneration. If any remuneration is to be paid to the Chairman, such remuneration and other conditions of service shall be such as may be prescribed. The remuneration shall be paid from the Fund of the Board.] [Added by Act No.4 of 1984.]

8. Vacancy of a member.

- If a member,-(a)becomes subject to any of the disqualifications mentioned in section 6, or(b)tenders his resignation in writing to the Government, or(c)is absent without the permission of the Board from three successive ordinary meetings of the Board, he shall cease to be a member.

9. Vacancy to be filled.

- Any vacancy in the office of a member due to death, resignation or removal or becoming incapable of acting as such shall be filled by the Government, by appointment of a person thereto, who shall

hold office so long only as the member in whose place he is appointed would have held it if the vacancy had not occurred.

10. Vacancy or irregularities not to invalidate the proceedings.

(1) No act of the Board or any person acting as Chairman or member thereof shall be deemed to be invalid by reason only of some defect in the appointment of such Board or appointment of such Chairman or member, or on the ground [that they or any of them were disqualified] [Substituted by Act No.4 of 1984.] for such office or that formal notice of the intention to hold a meeting of the Board was not duly given or for any informality. (2) Any thing done or any proceeding taken under this Act shall not be questioned on account of any vacancy in the Board.

11. Appointment of Committees.

- Subject to such rules as may be made in this behalf, the Board may, from time to time, and for any particular local area appoint one or more committees for the purpose of discharging such duties or performing such functions as it may delegate to them and any such committee may discharge such duties or perform such functions with due regard to the circumstances and requirements of that particular area.

12. Meetings of the Board.

- The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely:-(a) an ordinary meeting shall be held once at least every month, (b) the Chairman may whenever he thinks fit, call a special meeting, (c) the quorum for a meeting shall be half the whole number of the members, (d) every meeting shall be presided over by the Chairman and in his absence, by any member chosen by the members present at the meeting to preside for the occasion, (e) if less than one-half of the whole number of members is present at a meeting, the Chairman shall adjourn the meeting to such time on the following day or some other future day as he may fix. A notice of the meeting so fixed shall be posted in the Board's Office. The business which could not be considered at the meeting so postponed for want of a quorum shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting irrespective of whether there be a quorum or not, (f) all questions at any meeting shall be decided by a majority of votes of the members present and voting and in case of equality of votes, the person presiding shall have and exercise a second or casting vote, (g) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

13. Power to make contracts.

- The Board may enter into and perform or require the performance of all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

13A. [Appointment of Vice-Chairman and Housing Commissioner. [Section 13-A inserted with marginal heading by Act No.4 of 1984.]

(1)The Government may appoint a Vice-Chairman and Housing Commissioner to the Board, who shall be the Chief Executive Officer of the Board and he shall be responsible for implementing the resolutions of the Board or any committee thereof. The Vice-Chairman and Housing Commissioner shall also exercise such powers and perform such functions as may be entrusted to him by the Government. The staff borne on the establishment of the Board shall be under the administrative control and supervision of the Vice-Chairman and Housing Commissioner.(2)The Government shall pay in the first instance out of the Consolidated Fund of the State, the salary, allowances, leave allowances, pension and contributions, if any, towards the provident fund or provident-cum-pension fund of the Vice-Chairman and Housing Commissioner appointed by them for the Board, and it shall be subsequently reimbursed from the fund of the Board in such manner as may be prescribed.(3)The Government shall have power to make rules to regulate the classification and methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the Vice-Chairman and Housing Commissioner.]

14. Execution of contracts.

(1)Every contract shall be made on behalf of the Board by the [Vice-Chairman and Housing Commissioner] [Substituted by Act No.4 of 1984.]:Provided that-(a)no contract involving an expenditure [more than the limits as may be fixed by the Government from time to time] [Substituted by Act No.12 of 2010.] shall be made without the previous sanction of the Government,(b)(i)no contract involving an expenditure of rupees [as may be fixed by the Government from time to time] [Substituted by Act No.12 of 2010.] shall, subject to clause (a), be made without the previous sanction of the Board,(ii)no estimate or tender involving an expenditure of rupees [as may be fixed by the Government from time to time] [Substituted by Act No.12 of 2010.] shall, subject to clause (a); be sanctioned or accepted without the previous sanction of the Board.(2)Sub-section (1) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate.

15. Further provisions as to execution of contracts.

(1)Every contract made by the [Vice-Chairman and Housing Commissioner] [Substituted by Act No.4 of 1984.] on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.(2)A contract not executed as provided in this section and the rules made thereunder shall not be binding on the Board.

16. Application of Service Rules and certain other rules.

- Unless otherwise provided in this Act or prescribed thereunder [the provisions of the Service Rules for the time being in force in the State] [Substituted including in marginal heading by Act No.15 of 1962.] relating to salaries, leave, pensions, travelling allowance, retirements and all conditions of

service and the rules for the time being in force relating to the conduct of Government servants and enquiries into the conduct and punishment of Government servants, shall apply to the officers and servants of the Board appointed under section 17.

17. Appointment of officers and servants.

(1) Subject to the provisions of this Act, the Board may have a Secretary, [XXX] [The words 'a Housing Commissioner' omitted by Act No.25 of 1981.], one or more Assistant Housing Commissioners and such other engineers, architects, officers and servants as it shall deem necessary and proper for the efficient execution of its duties and shall from time to time prepare, for the sanction of Government, a schedule of the staff to be so maintained setting forth their designations, grades, salaries, fees and allowances, and their respective duties and may also determine which of the staff is to be maintained permanently and which temporarily: Provided that the Board shall set forth the designations and determine the grades, salaries, fees and allowances in conformity with the arrangements prevailing and the schedule of rates in vogue in the establishments of the Government: Provided further that the power of appointing such officers and servants whose minimum monthly salary exclusive of allowances exceeds [rupees two hundred and fifty] [Substituted by Act No.15 of 1962.] shall vest in the Government. (2) [Notwithstanding anything in sub-section (1), the Government may transfer any officer or servant of the Board taken over by it from the Hyderabad City Improvement Board or the Secunderabad Town Improvement Trust under section 19 or from any Department of the Government, to the service of the Government and transfer any officer of the Government to the service of the Board. (3) The Board shall have the power to create with the previous approval of the Government, such posts of officers and servants whose minimum monthly salary exclusive of allowances does not exceed rupees two hundred and fifty, as it may consider necessary for carrying out the purposes of this Act.] [Sub-sections (2) and (3) substituted by Act No.15 of 1962.]

18. Conditions of service of officers and servants.

- The remuneration and other conditions of service of the Secretary, [XXX] [Omitted by Act No.25 of 1981.] and other officers and servants of the Board shall be such may be prescribed.

18A. [Delegation. [Inserted with marginal heading by Act No.15 of 1962.]

- Subject to any rules that may be made in this behalf, the Board may by order delegate any of its powers to the [Vice-Chairman and Housing Commissioner] or to any other officer of the Board. The exercise of any powers delegated under this section shall be subject to such restrictions, limitations and conditions and to such control by the Board as may be specified in the order.]

19. Absorption of the existing staff of the Hyderabad City Improvement Board and the Secunderabad Town Improvement Trust by the Board.

- The Board shall take over and employ such of the existing staff serving for the purposes of the Hyderabad City Improvement Board and the Secunderabad Town Improvement Trust as the Government may direct, and every person so absorbed shall be governed by the provisions of this Act and the rules and regulations made thereunder.

20. General disqualification of all officers and servants.

- No person who has directly or indirectly by himself or his partner or agent any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

Chapter III

Housing Schemes

21. Duty of Board to undertake housing schemes.

- Subject to the provisions of this Act and subject to the control of the Government, the Board may incur expenditure and undertake works for the framing and execution of such housing schemes as it may consider necessary from time to time, or as may be entrusted to it by the Government.

21A. [Creation of subsidiaries. [Sections 21-A and 21-B inserted with marginal headings by Act No.32 of 2006.]

- The Board may, in furtherance of the objectives of the Act, and for undertaking the activities specified in section 21-B, with the prior approval of the Government, create a subsidiary in the form of, - (i) an institution to be incorporated and organised under the provisions of [the] Companies Act, 1956; (Central Act 1 of 1956) (ii) a society under the provisions of the [Telangana] [Adapted by G.O.Ms.No.53, Agriculture & Co-operation (Coop.II) Department, dated 20.05.2016.] Co-operative Societies Act, 1964; (Telangana Act 7 of 1964) or the [Telangana] [Adapted by G.O.Ms.No.28, Agriculture & Co-operation (Coop.II) Department, dated 19.04.2016.] Mutually Aided Co-operative Societies Act, 1995; (Telangana Act 30 of 1995) (iii) a firm under the provisions of the Indian Partnership Act, 1932 (Central Act 9 of 1932).

21B. Activities of subsidiaries.

- A subsidiary created under section 21-A may undertake the following activities: - (i) to construct integrated townships on non-competitive basis with [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Housing Board in Telangana; (ii) to construct integrated townships outside the State and outside the country with the prior approval of the State Government; (iii) to enter into joint ventures in public-private, private-public partnership to construct group housing and integrated townships; (iv) to enter into joint ventures with private sectors for

value-chain on technology up-gradation such as pre-cast, furnishings, furniture, etc.:(v)to enter into joint ventures for development of integrated township development projects, housing development projects and for other civil construction projects;(vi)to carry on the business of providing urban infrastructure services including integrated housing and slum development and all activities incidental and ancillary thereto;(vii)to carry on the business of interior designers, decorators and to carry on all activities incidental thereto; and(viii)to carry out such other functions as may be specified by the Board or as the case may be the Government, from time to time.]

22. Matters to be provided for by housing schemes.

- Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely:-(a)the acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;(b)the laying or relaying out of any land comprised in the scheme;(c)the distribution or redistribution of sites belonging to owners of property comprised in the scheme;(cc)[the improvement and clearance of slums in the area included in the scheme;] [Inserted by Act No.15 of 1962.](d)the closure or demolition of dwellings or portions of dwellings unfit for human habitation;(e)the demolition of obstructive buildings or portions of buildings;(f)the construction and reconstruction of buildings, their maintenance and preservation;(g)the sale (including on hire purchase system), letting or exchange of any property comprised in the scheme;(h)the construction and alteration of streets and back lanes;(i)provision of the draining, water-supply and lighting of the area included in the scheme;(j)the provision of parks, play-fields and open spaces for the benefit of any area comprised in the scheme or any adjoining area and the enlargement of existing parks, play fields, open spaces and approaches;(k)the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation and prevention of any injury or contamination to rivers or other sources and means of water-supply;(l)the provision of accommodation for any class of inhabitants;(m)the advance of money for the purposes of the scheme;(n)the provision of facilities for communication and transport;(o)the collection of such information and statistics as may be necessary for the purposes of this Act;(p)any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to provide housing accommodation and to the improvement or development of any area comprised in the scheme or any adjoining area or for the general efficiency of the scheme.

22A. [Declaration of intention to make a housing scheme. [Inserted with marginal heading by Act No.15 of 1962.]

- The Board may, from time to time, by notification in the [Telangana Gazette] declare its intention to make a housing scheme for any area setting forth the extent of land proposed to be included in the scheme and such other particulars as may be prescribed.]

23. No housing scheme to be made for area included in improvement scheme or be inconsistent with town planning scheme.

(1) No housing scheme shall [unless the Government by general or special order otherwise direct] [Inserted by Act No.15 of 1962.]-(a) be made for any area for which an improvement scheme, under any law for the time being in force regulating the duties and powers of a Municipal Corporation, Municipal or Town Committee, [a District Municipality, a Zilla Parishad, a Panchayat Samithi] [Substituted by Act No.15 of 1962.] or village Panchayat has been sanctioned; (b) contain anything which is inconsistent with any matter included in a town planning scheme sanctioned by the Government under any other law for the time being in force. (2) Should a dispute arise, whether or not a housing scheme-(a) includes any area for which an improvement scheme mentioned in clause (a) of sub-section (1) has been sanctioned; (b) contains anything inconsistent with any matter included in a town planning scheme mentioned in clause (b) of sub-section (1); the dispute shall be referred to Government whose decision shall be final.

24. Preparation and submission of annual housing programme, budget and establishment schedule.

(1) Before the first day of December in each year, the Board shall prepare and forward-(i) a programme, (ii) a budget for the next year, (iii) a schedule of the staff of officers and servants already employed and to be employed during the next year, to the Government in such form as may be prescribed. (2) The programme shall contain-(a) such particulars of housing schemes as may be prescribed and which the Board proposes to execute whether in part or whole during the next year; (b) the particulars of any undertaking which the Board proposes to organize or execute during the next year for the purpose of the production of building materials; and (c) such other particulars as may be prescribed. (3) The budget shall contain a statement showing the estimated receipts and expenditure on capital and revenue accounts for the next year.

25. Programme to be published for inviting suggestions and objections.

(1) The Board shall, before forwarding the programme to the Government under section 24 publish a draft of the programme in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] and in such other manner as may be prescribed. (2) If within three weeks from the date of such publication any person communicates in writing to the Board any suggestion or objection relating to such programme, the Board shall consider such suggestion or objection and may modify such programme as it thinks fit. (3) The Board shall then forward the programme, the budget and the schedule of the staff of officers and servants to the Government for sanction as required under section 24.

26. Sanction to programme, budget and establishment schedule.

- The Government may sanction the programme, the budget and the schedule of the staff of officers and servants forwarded to it with such modifications as it deems fit [XXX] [Omitted by Act No.12 of 2010.].

27. Publication of sanctioned programme.

- The Government shall publish the programme sanctioned by it under section 26, in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].

28. Supplementary programme budget, and establishment schedule.

- The Board may, at any time, during the year, in respect of which a programme has been sanctioned under section 26 submit a supplementary programme and budget and the additional schedule of the staff, if any, to the Government and the provisions of section 26 shall apply to such supplementary programme, budget and schedule. The provisions of section 27 shall also apply to such programme.

29. Variation of programme by Board after it is sanctioned.

- The Board may, at any time, vary any programme or any part thereof [sanctioned by the Government, without deviating from the very purpose for which it is sanctioned:] [Substituted by Act No.12 of 2010.] Provided that no such variation shall be made if it involves an expenditure in excess of ten per cent of the amount as originally sanctioned for the execution of any housing scheme included in such programme, or affects its scope or purpose.

30. Sanctioned housing schemes to be executed.

- After the programme has been sanctioned and published by the Government under sections 26 and 27, the Board shall, subject to the provisions of section 29 proceed to execute the housing schemes included in the programme.

31. Publication of housing scheme in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].

(1) Before proceeding to execute any housing scheme under section 30 the Board shall, by notification in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.], publish the scheme. The notification shall specify that the plan, showing the area which it is proposed to include in the housing scheme and the surrounding lands, shall be open to inspection of the public at all reasonable hours at the office of the Board. (2) If within two weeks from the date of the publication of the housing scheme any person communicates in writing to the Board any suggestion or objection relating to the scheme, the Board shall consider such suggestion or objection and may modify the scheme as it thinks fit. (3) The Board shall then by notification in the [Telangana Gazette]

[Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] publish the final scheme. The notification shall specify that the plan, showing the area included in the final scheme and the surrounding lands and other particulars as may be prescribed shall be open to inspection of the public at all reasonable hours at the office of the Board.(4)The publication of a notification in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] under sub-section (3) shall be conclusive evidence that the said scheme has been duly framed.

32. Transfer to the Board for purposes of housing scheme of land vested in a local authority.

(1)Whenever any street, square or other land, or any part thereof, which is situated within the jurisdiction of a local authority and is vested in the said local authority, is within the area included in the programme sanctioned by the Government and is required for the purpose of such housing scheme, the Board shall give notice accordingly to the local authority in which it vests.(2)Where the said local authority concurs, such street, square or other land or part thereof shall vest in the Board.(3)Where there is any dispute the matter shall be referred to the Government. The Government shall, after hearing the local authority concerned, decide the matter and the decision of the Government shall be final. If the Government decides that such street, square or land shall vest in the Board, it shall vest accordingly.(4)Nothing in this section shall affect the rights or powers of the local authority in or over any drain or water work in such street, square or land.

33. Compensation in respect of land vested in the Board.

(1)Where any land vests in the Board under the provisions of section 32 and the Board makes a declaration that such land shall be retained by the Board only until it reverts in the local authority as part of a street or an open space under section 36 no compensation shall be payable by the Board to the local authority in respect of that land.(2)Where any land vests in the Board under section 32 and no declaration is made under sub-section (1) in respect of the land, the Board shall pay to the local authority as compensation a sum equal to the value of such land.(3)If, in any case where the Board has made a declaration in respect of any land under sub-section (1), the Board retains or disposes of the land contrary to the terms of the declaration so that the land does not revert in the local authority the Board shall pay to the local authority compensation in respect of such land in accordance with the provisions of sub-section (2).

34. Power of Board to turn or close public street vested in it.

(1)The Board may turn, divert, discontinue the public use of, or permanently close, any public street vested in it or any part thereof.(2)Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it or any part thereof, it shall, as far as practicable,

provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the street or part thereof and pay reasonable compensation to every person who is entitled, otherwise than as a mere member of the public, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.(3)In determining the compensation payable to any person under sub-section (2) the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street at or about the same time that the public street or part thereof, on account of which the compensation is paid, is discontinued or closed.(4)When any public street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required.

35. Reference to Tribunal in case of dispute under section 33 or 34.

- If there is any dispute as to whether any compensation is payable under section 33 or as to the amount of compensation payable under section 33 or section 34, as the case may be the matter shall be referred to the Tribunal.

36. Vesting in local authority of street laid out or altered and open space provided by the Board under housing scheme.

(1)Whenever the Government is satisfied-(a)that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the programme sanctioned by the Government under section 26, and(b)that such lamps, lamp-posts and other apparatus as the local authority considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and(c)that water and other sanitary conveniences have been duly provided in such street, the Government may declare the street to be a public street, and the street shall thereupon vest in the concerned local authority and shall thenceforth be maintained, kept in repair, lighted and cleaned by the said local authority.(2)When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, it shall on completion be transferred to the local authority concerned, by resolution of the Board, and shall thereupon vest in, and be maintained at the expense of, the local authority:Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and lay out such space and provide footpaths therein, and if necessary, to provide lamps and other apparatus for lighting it.(3)If any difference of opinion arises between the Board and the local authority in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Government whose decision shall be final.

37. Other duties of the Board.

- It shall be the duty of the Board to take measures with a view to expediting and cheapening construction of buildings and the Board may for that purpose do all things for-(a)unification, simplification and standardization of building materials;(b)encouraging prefabrication and mass production of house components;(c)organising or undertaking the production of building materials

required for the housing schemes;(d)encouraging research for discovering cheap building materials and evolving new methods of economic construction;(e)securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

38. Reconstitution of plots.

- A housing scheme may provide-(a)for the formation of a reconstituted plot by the alteration of the boundaries of an original plot;(b)with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall, with or without alteration of boundaries be held in ownership in common as a reconstituted plot;(c)for the allotment of a plot to any owner dispossessed of land in furtherance of the housing scheme; and(d)for the transfer of ownership of a plot from one person to another.

39. Power to exempt schemes from provisions of sections 24 to 31.

- The Government may, by general or special order published in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.], exempt any housing scheme entrusted by it to the Board from all or any of the provisions of sections 24 to 31 (both inclusive) subject to such conditions, if any, as it may impose or may direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

Chapter IV

Acquisition and Disposal of Land

40. Power to purchase or lease by agreement.

(1)The Board may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange, of any land which is needed for the purposes of a housing scheme or any interest in such land or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.[(1-A) The Government may also transfer land to the Board for development under Public Private Participation as a Joint Venture, or for sale. The proceeds thereof shall form part of the Consolidated Fund of the State and shall be remitted into it accordingly, or disposed as may be directed by the Government.] [Inserted by Act No.12 of 2010.](2)The Board may also take steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing scheme in the manner provided in the [Land Acquisition Act, 1894 (Central Act 1 of 1894)] [Substituted by Act No.15 of 1962. (This 1894 Act has been repealed by (Central Act No.30 of 2013).] as modified by this Act and the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the 45 [Land Acquisition Act, 1894 (Central Act 1 of 1894)]

40A. [Modification of the Land Acquisition Act, 1894. [Sections 40-A, 40-B and 40-C inserted with marginal headings by Act No.15 of 1962.]

- For the purpose of acquiring land for the Board under the 45 Land Acquisition Act, 1894 (Central Act 1 of 1894), the said Act shall be subject to the following modifications, namely:-(a) the publication of a draft notification under section 22-A shall be substituted for and have the same effect as publication in the [Telangana Gazette] and in the locality of a notification under sub-section (1) of section 4 of the said Act, except when a notification under sub-section (1) of section 4 or a declaration under section 6 of the said Act has been previously made and is in force; (b) section 17 of the said Act as in force in the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] shall have effect as if, after sub-clause (iii) of clause (b) of sub-section (2) of that section, the following had been added, namely:-(iv) for the execution of any housing scheme under the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Housing Board Act, 1956".

40B. Payment of Compensation.

(1) Notwithstanding anything in the [Land] [This Act has been repealed by Central Act No.30 of 2013.] Acquisition Act, 1894 (Central Act 1 of 1894), the amount payable as compensation in respect of land acquired under this Act shall be an amount equal to twenty times the net average annual income actually derived from such land during the period of five consecutive years immediately preceding the date of notification under section 22-A. (2) The net average annual income referred to in sub-section (1) shall be calculated in the manner and in accordance with the principles set out in the succeeding sub-sections. (3) The net average annual income shall be one-fifth of the gross rent actually derived by the owner from the land acquired and buildings if any, thereon, during the period of five consecutive years after deducting municipal taxes, revenue charges and cost of repairs for the said period of five years from such gross rent. (4) The gross rent shall be determined by the Land Acquisition Officer by local enquiry, and, if necessary, by obtaining certified copies of extracts from the property tax assessment books of the local authority concerned showing the rental values of such lands or buildings. (5) Where there are trees on the land acquired, the Land Acquisition Officer shall take into account the income, if any, actually derived by the owner from such trees during the said period of five years. (6) If the land or buildings thereon remained unoccupied, or the owner has not been in receipt of any rent for the occupation of such land or buildings during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land or buildings had been leased out or given for rent during the relevant period, and, for this purpose, the income actually derived from similar lands or buildings in the vicinity shall be taken into account. Explanation. - In this section, 'building' includes a house, out-house, shed, hut and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

40C. Power of Government to transfer Government land to the Board.

- [(1)(a)] [Sub-section (1) re-numbered as (1) (a) by Act No.12 of 2010.] The Government may, either

suo motu or on the request of the Board and after consulting the Collector of the District, by order transfer any land belonging to them to the control of the Board, for the purpose of providing housing accommodation. Every such order shall be published in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] and shall be subject to such terms, conditions and restrictions as may be specified in such order and any rules made in this behalf.(b)[The Government may transfer any land to the Housing Board for development under Public Private Participation as a Joint Venture or for sale. The proceeds thereof shall form part of the Consolidated Fund of the State and shall be remitted into it accordingly or as directed by the Government.] [Inserted by Act No.12 of 2010.](2)The Collector of the district shall, on a request being made by the Board, furnish to the Board the particulars of all unoccupied lands belonging to the Government in any area specified by the Board.]

41. Betterment charges.

(1)When by the making of a housing scheme any land in the area comprised in the scheme will in the opinion of the Board be increased in value, the Board in framing the scheme may declare that betterment charges shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land from the execution of the scheme.(2)Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of the buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner and the betterment charges shall not exceed one-half of such increase in value.(3)Such betterment charges shall also be leviable in respect of any land not comprised in the scheme but adjacent to the area comprised in the scheme.

42. Notice to persons liable for betterment charges.

(1)The Board shall give notice in the prescribed form to any person who is the owner of or has interest in the land in respect of which the betterment charges are to be levied and shall give such person an opportunity to be heard.(2)After hearing such person or if such person fails to appear after the expiry of the period within which such person is required to appear before the Board, the Board shall proceed to assess the amount of betterment charges.(3)Where the assessment of betterment charges proposed by the Board is accepted by the person concerned within the period specified, the assessment shall be final.(4)If the person concerned does not accept the assessment proposed by the Board, the matter shall be referred to the Tribunal.(5)The Tribunal shall, after holding an inquiry and after hearing the person concerned, assess the amount of the betterment charges payable by the person:Provided that the amount of the betterment charges assessed by the Board shall not be questioned in the Tribunal merely on the ground that the increase in the value of the land from the execution of the scheme as determined by the Board was in part due to reasons unconnected with the scheme.

43. Agreement for payment of betterment charges.

(1) Any person liable to pay betterment charges in respect of any land may at his option, instead of paying the said charges in lumpsum to the Board, execute an agreement with the Board to pay the same in such number of instalments as may be determined by the Board at such interest as may be prescribed. (2) Every payment due from any person in respect of betterment charges and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the execution of any mortgage or charge, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

44. Recovery of betterment charges.

- All sums payable in respect of any land by any person in respect of betterment charges under section 41 or by any person under an agreement under section 43 shall be recoverable on behalf of the Board as an arrear of land revenue.

45. Power to dispose of land.

- Subject to any rules made by the Government under this Act, the Board may retain, lease, sell, exchange, mortgage or otherwise dispose of, any land, building or other property vesting in it [XXX] [Omitted by Act No.12 of 2010.].

46. Disputes regarding reconstitution of plots.

(1) Where by the making of a housing scheme, any plots comprised in the area included in the scheme are reconstituted or any person is dispossessed, any person affected by such reconstitution or dispossession may apply to the Board for compensation. The Board may after making such inquiry as it thinks fit decide whether the applicant is entitled to any compensation and if so to what extent. If the person is dissatisfied with the decision of the Board in the matter, he may inform the Board accordingly. The Board shall thereupon refer the matter to the Tribunal. (2) The Tribunal shall then after making an inquiry determine the amount of compensation and direct the Board to pay the same to the person entitled.

Chapter V Tribunal

47. [Constitution of the Tribunal. [Substituted by Act No.15 of 1962.]

- The Tribunal shall consist of single member who shall be a judicial officer of the status of a District Judge]

48. Duties of the Tribunal.

- The Tribunal shall-(a)decide whether any compensation is payable under section 33;(b)decide the amount of compensation in matters referred to it under section 35;(c)decide disputes relating to betterment charges referred to it under section 42;(d)decide disputes relating to the reconstitution of plots referred to it under section 46 and the amount of compensation to be awarded in consequence thereof;(e)decide such other matters as may be prescribed.

49. [[Omitted by Act No.15 of 1962.]

[XXX]

50. Powers of and procedure before Tribunal.

(1)In making inquiries under sections 33, 35, 42 and 46 the Tribunal shall have and exercise the same powers as are vested in a Civil Court in respect of-(a)proof of facts by affidavits;(b)summoning and enforcing the attendance of any person and examining him on oath;(c)compelling the production of documents; and(d)issuing commissions for the examination of witnesses.(2)In all proceedings before the Tribunal, the Tribunal shall follow such procedure as may be prescribed.(3)Every order made by the Tribunal for the payment of money except that for the recovery of which provision has been made in section 44 and for the delivery of the possession or removal of any structure shall be enforced by [the City Civil Court, Hyderabad in the cities of Hyderabad and Secunderabad] [Substituted by Act No.15 of 1962.] and elsewhere by the District Court in the jurisdiction of which the land comprised in the housing scheme is situate, as if it was the decree of the said Court.(4)The proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

51. Decision of Tribunal to be final.

- The decision of the Tribunal on any matter referred to it under this Act shall be final and shall not be questioned in any court of law.

Chapter VI

Power to evict persons from Board premises

52. Power to evict certain persons from Board premises.

(1)If the competent authority is satisfied:-(a)that the person authorised to occupy any Board premises has whether before or after the commencement of this Act-(i)not paid rent lawfully due from him in respect of such premises for a period of more than two months, or(ii)sublet, without the permission of the Board, the whole or any part of such premises, or(iii)otherwise acted in contravention of any of the terms, express or implied under which he is authorised to occupy such

premises, or (b) that any person is in unauthorised occupation of any Board premises, the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that such person as well as any other person, who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice. (2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may after giving such person a reasonable opportunity of being heard confirm such order and evict that person from, and take possession of the premises and may for that purpose use such force as may be necessary. [(2-A) Where the Board premises are required by the Board for its use, the competent authority may, notwithstanding anything in any other law for the time being in force in this regard by notice served in the manner laid down in sub-section (1), order that every person who is in occupation of the said premises shall vacate the said premises and shall deliver possession thereof to the Board, within the time specified in the notice. If any person refuses or fails to comply with any such order of the competent authority, the person in occupation of the premises shall be deemed to be in unauthorised occupation thereof, and thereupon the competent authority may, after giving the person who is in such unauthorised occupation an opportunity of making his representation confirm the said order and evict him from, and take possession of, the premises and may for that purpose use such force as may be necessary.] [Inserted by Act No.18 of 1971.] (3) If a person, who has been ordered to vacate any premises under sub-clause (i) or (iii) of clause (a) of subsection (1), within one month of the date of service of the notice or such longer time as the competent authority may allow, pays to the Board the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the competent authority, as the case may be, the competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

53. Power to recover rent or damages.

(1) Subject to any rules made by the Government in this behalf and without prejudice to the provisions of section 52 where any person is in arrears of rent payable in respect of any Board premises, the competent authority may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the same together with such other amounts as may be due by him under the contract, agreement, lease, indemnity bond, damages or otherwise, within such time not less than thirty days as may be specified in the notice. (2) Where any person is in unauthorised occupation of any Board premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. (3) If any person refuses or fails to pay the amount specified in sub-section (1) or (2), as the case may be, within the time specified in the notice, the competent authority may, after giving such person a reasonable opportunity of being heard, recover the amount due by him on account of arrears of rent together with such other

amounts as may be due by him under the contract, agreement, lease, indemnity bond, damages or otherwise, by attachment and sale of the movable property of such person in the manner prescribed. Without prejudice to the aforesaid mode of recovery, such amount shall also be recoverable as if it were arrears of land revenue.

54. Rent to be recovered by deductions from salary or wages in certain cases.

- Without prejudice to the provisions of section 52 or 53 any person who is an employee of the Government or local authority or is a worker within the meaning of the Factories Act, 1948 (63 of 1948) or the Mines Act, 1952 (35 of 1952) and who has been allotted any Board premises may execute an agreement in favour of the Board providing that the Government or the local authority or the owner of factory or mine as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the Board in satisfaction of the rent due by him in respect of the Board premises allotted to him. (2) On the execution of such agreement, the Government or local authority or the owner of factory or mine, as the case may be, shall, if so required by the Board by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the Board.

55. Appeal.

(1) Any person aggrieved by an order of the competent authority under [sub-section (2) or sub-section (2-A) of section 52] [Substituted by Act No.18 of 1971.] or section 53 may, within one month from the date of the confirmation of the order under section 52, or the date of the service of the notice under section 53, as the case may be, prefer an appeal to the appellate authority: Provided that the appellate authority may entertain the appeal after the expiry of the said period of one month if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) On receipt of an appeal under sub-section (1), the appellate authority may, after calling for a report from the competent authority and giving the aggrieved person a reasonable opportunity of being heard, pass such order as it thinks fit and such order of the appellate authority shall be final. (3) Where an appeal is preferred under sub-section (1), the appellate authority may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit. (4) For the purposes of this Chapter, the appellate authority shall be [the Chief Judge of the City Civil Court, Hyderabad] [Substituted by Act No.15 of 1962.] if the Board premises in respect of which the appeal is to be preferred are situated [in the cities of Hyderabad and Secunderabad] [Substituted by Act No.15 of 1962.], and, if such premises are situated elsewhere, the District Judge within whose jurisdiction such premises are situated.

56. Procedure and Powers of competent authority and appellate authority.

(1) The competent authority and the appellate authority shall follow such procedure as may be

prescribed, and subject thereto, the provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall, so far as they are not inconsistent with this Act or the rules or orders made thereunder, apply to all proceedings before the competent authority and the appellate authority.(2)In proceedings under this Chapter, the competent authority shall have the same powers as are vested in a Civil Court when trying a suit, and the appellate authority shall have the same powers as are vested in a Civil Court when hearing an appeal, under the Code of Civil Procedure, 1908 (5 of 1908).(3)The competent authority and appellate authority shall be deemed to be a Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898) and any proceeding before the competent authority and the appellate authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (45 of 1860).

57. Bar of jurisdiction of Civil Courts.

- Save as provided in section 55, no order made by the competent authority or the appellate authority, in exercise of any power conferred by or under this Chapter shall be called in question in any Court and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

Chapter VII

Finances, Account and Audit

58. Board's Fund.

(1)The Board shall have its own fund.(2)The Board may accept grants, subventions, donations and gifts from the Central Government or State Government or a local authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.(3)The Government shall, every year, make a grant to the Board of a sum equivalent to the administrative expenses of the Board.(4)All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all rents, betterment charges and all interest, profits and other moneys accruing to the Board shall constitute the fund of the Board.(5)Except as otherwise directed by the Government all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the [State Bank of Hyderabad] ['Hyderabad State Bank' renamed as 'State Bank of Hyderabad' by Central Act 79 of 1956.] or in any Scheduled Bank or invested in such securities as may be approved by the Government.(6)Such account shall be operated upon by such officers as may be authorised by the Board.(7)[Notwithstanding anything contained in subsections (1), (4) and (5) of this section, the surplus net revenue after meeting the expenditure of the Board shall vest in Consolidated Fund of the State of [Telangana] [Added by Act No.12 of 2010.]. Such surplus revenue shall be transferred to the State Government of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] into such account on quarterly basis, as the State Government from time to time instruct or advice the Board in this behalf.]

59. Application of the Fund.

- [Subject to the provisions contained in sub-section (7) of section 58,] [Inserted by Act No.12 of 2010.] all property, the Board fund and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

60. Expenditure in case of urgency.

(1)Where in the opinion of the Board circumstances of extreme urgency have arisen it shall be lawful for the Board to make for the purposes of this Act in any year, expenditure not exceeding rupees ten thousand, notwithstanding the fact that such expenditure has not been included in its annual programme or supplementary programme sanctioned by the Government or the variation of the programme made under section 29.(2)Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the Government.

61. Subventions and loans to the Board.

(1)The Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the Government may determine.(2)The Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the Government may determine.

62. Power of Board to borrow.

(1)The Board may from time to time, with the previous sanction of the Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.(2)The rules made by the Government for the purposes of this section may empower the Board to borrow by the issue of debentures [and to enter into financial arrangements with banks and other financial institutions including the Life Insurance Corporation of India.] [Substituted by Act No.15 of 1962.](3)All debentures issued by the Board, shall be in such form as the Board, with the sanction of the Government may, from time to time, determine.(4)Every debenture shall be signed by the Chairman and one other member of the Board.(5)Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the Government.

63. Accounts and audit.

(1)The Board shall cause to be maintained proper books of accounts and such other books as the rules under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.(2)The Board shall cause its accounts to be audited annually by such persons

as the Government may direct.(3)As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.(4)The Board shall comply with such directions as the Government may after perusal of the report of the auditor think fit to issue.

64. Concurrent and special audits of accounts.

(1)Notwithstanding anything contained in section 63, the Government may order that there shall be concurrent audit of the accounts of the Board by such person as it thinks fit. The Government may also direct a special audit to be made by a Chartered Accountant appointed by it of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.(2)When an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

Chapter VIII

Miscellaneous

65. Reports.

- The Board shall, before such date and in such form and at such interval as may be prescribed, submit to the Government a report on such matters as may be prescribed, and the Government shall cause such report to be published in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.]. Every such report, shall be laid before the Legislature as soon as may be after it is published.

66. Other statements and returns.

- The Board shall also submit to the Government such statistics, returns, particulars or statements in regard to any proposed or existing housing schemes at such times and in such form and manner as may be prescribed or as the Government may from time to time direct.

67. Power of entry.

- The [Vice-Chairman and Housing Commissioner] [Substituted by Act No.4 of 1984.] or any person either generally or specially authorised by the [Vice-Chairman and Housing Commissioner] [Substituted by Act No.4 of 1984.] in this behalf may, with or without assistants or workmen, enter into or upon any land, in order-(a)to make any inspection, survey, measurement, valuation or inquiry;(b)to take levels;(c)to dig or bore into the sub-soil;(d)to set boundaries and intended lines of

work;(e)to make such levels, boundaries and lines of works and cut trenches; or(f)to do any other thing;whenever it is necessary to do so, for any of the purposes of this Act or any rules made or scheme sanctioned thereunder:Provided as follows:(i)no such entry shall be made between sunset and sunrise;(ii)no dwelling house and no public building, which is used as a dwelling place, shall be so entered except with the consent of the occupier thereof, and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;(iii)sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove themselves to some part of the premises where their privacy will not be disturbed;(iv)due regard shall always be had, as far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the premises entered.

68. Notice of suit against Board.

- No person shall commence any suit against the Board or against any officer or servant of the Board or any person acting under the orders of the Board, for anything done or purporting to be done in pursuance of this Act, without giving to the Board, officer or servant or person two months' previous notice in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of.

69. Triennial valuation of assests and liabilities of the Board.

- The Board shall triennially have a valuation of its assets and liabilities made by a valuer appointed by the Government:Provided that it shall be open to the Government to direct a valuation to be made at any time it may consider necessary.

70. Power to make rules.

(1)The Government may, by notification in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes, namely:-(a)the allowances of members [and remuneration and conditions of service of the Chairman] [Inserted by Act No.4 of 1984.] under section 7;(b)the manner and form in which contracts shall be entered into under section 15;(c)the form of annual housing programme, budget and schedule of staff of officers and servants, particulars of housing schemes and other particulars to be contained in the programme under section 24;(d)the other manner of publication of the draft of the programme under section 25;(e)the form of notice under section 42;(f)the rate of interest under section 43;(g)the other matters to be decided by the Tribunal under section 48;(h)the procedure to be followed by the Tribunal under section 50;(i)the forms of notices under sections 52 and 53 and any other manner in which they may be served;(j)the manner in which damages under section 53 may be assessed;(k)the manner in which attachment and sale of movable property shall be made under section 53;(l)the

procedure to be followed by the competent authority and the appellate authority in proceedings under Chapter VI;(m)the conditions subject to which the Board may borrow any sum under section 62;(n)the manner of preparation, maintenance and publication of accounts under section 63;(o)the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 65;(p)the time at which and the form and manner in which statistics, returns, particulars and statements shall be submitted under section 66;(q)the manner in which the Board shall be superseded and reconstituted under section 81; and(r)any other matter which has to be or may be prescribed under this Act.(3)[Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall have effect only in such modified form or be of no effect, 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.] [Substituted by Act No.15 of 1962.]

71. Regulations.

- The Board may from time to time, with the previous sanction of the Government, make regulations consistent with this Act and with any rules made under this Act-(a)for the management and use of buildings constructed under any housing scheme;(b)the principles and procedure to be followed in allotment of tenements and premises;(c)for regulating the Board's procedure and the disposal of its business.

72. Power to make bye-laws.

(1)The Board may make bye-laws, not inconsistent with this Act, which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act.(2)A bye-law made under this section may provide that a contravention thereof shall be an offence.(3)No bye-law made by the Board shall come into force until it has been confirmed by the Government with or without modification.(4)All bye-laws made under this section shall be published in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].

73. Penalty for contravention of bye-laws.

- Whoever contravenes a bye-law made under section 72 shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

74. Penalty for obstructing etc.

- If any person-(a)obstructs or molests any person with whom the Board has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or(b)removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act,he shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

75. Penalty for contravention of any provision of Chapter VI and for obstructing lawful exercise of powers thereunder.

- Any person who contravenes any provision of Chapter VI or any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under that Chapter shall, on conviction, be punished with fine which may extend to one thousand rupees.

76. Authority for prosecution.

- Unless otherwise provided, no Court shall take cognizance of any offence punishable under this Act except on the complaint, or upon information received from, the Board or some person authorised by the Board by general or special order in this behalf.

77. Certain persons to be public servants.

- The Tribunal, the appellate authority, the competent authority and all members, officers and servants of the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

78. Protection of action taken under this Act.

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

79. Government s power of supervision.

(1)The Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, after giving an opportunity to the Board to state its objections, if any, to such directions and after considering the said objections. It shall be the duty of the Board to comply with such directions.(2)The Government may at any time for the purposes of satisfying itself as to the legality or propriety of any order passed by, or as to the regularity of the proceedings of the Board or officer subordinate to the Government or the Board acting in exercise of any power or authority conferred by this Act or the rules, bye-laws and regulations made

thereunder, call for and examine the record of any case pending before or disposed of by the Board or such officer and may pass such order with reference thereto as it thinks fit: Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

80. Default in performance of duty.

(1) If the Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix a period for the performance of that duty. (2) If in the opinion of the Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the Government, notwithstanding anything contained in section 7, to supersede and reconstitute the Board in the prescribed manner. (3) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be carried on by the Government or by such officer or officers as the Government may appoint for this purpose.

81. Dissolution of the Board.

(1) The Government may, by notification in the [Telangana Gazette] [Throughout the Act 'Official Gazette' wherever they occur substituted by 'Andhra Pradesh Gazette', (Act No.15 of 1962) and further 'Andhra Pradesh' substituted by 'Telangana' by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.], declare that with effect from such date as may be specified in the notification, the Board shall be dissolved. (2) With effect from the date specified in the notification under sub-section (1)-(a) all properties, funds, and dues which are vested in and realisable by the Board shall vest in and be realisable by the Government, (b) all liabilities enforceable against the Board shall be enforceable against the Government to the extent of the properties, funds and dues vested in and realised by the Government. (3) Nothing in this section shall affect the liability of the Government in respect of loans or debentures guaranteed under sub-section (5) of section 62.

81A. [Power to remove difficulties. [Inserted by Act No.15 of 1962.]

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order in the [Telangana Gazette], make such provisions not inconsistent with the purposes of this Act as appear to them to be necessary or expedient for removing the difficulty. (2) Every order made under sub-section (1) shall be laid on the Table of the Legislature for a period of fourteen days when the Legislature is in session.]

82. Repeal and Saving.

(1) The Hyderabad Labour Housing Act, 1952 (XXXVI of 1952), the Secunderabad Town Improvement Trust A' in, 1355 Fasli, and all rules, regulations and orders pertaining to the constitution, working and activities of the Hyderabad City Improvement Board and for the time being having the force of Law, are hereby repealed: Provided that the repeal shall not affect-(a) the

previous operation of any law so repealed or anything duly done thereunder, or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed: Provided further that subject to the preceding proviso, anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, byelaw or scheme framed under any such law shall be deemed to have been done or taken under this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act. (2) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Government for the purposes of the Hyderabad City Improvement Board and the Secunderabad Town Improvement Trust before and up to the date of establishment of the Board under this Act shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board, and all suits and other legal proceedings instituted or which may be instituted by or against the Government shall be continued or instituted by or against the Board, as the case may be. (3) All the assets entrusted to the Hyderabad City Improvement Board and the Secunderabad Town Improvement Trust and all the assets acquired for the purposes of the said City Improvement Board and Town Improvement Trust shall after the establishment of the Board under this Act vest in the Board for the purposes of this Act. (4) All applications made or proceedings instituted under the aforesaid laws shall be deemed to have been made or instituted under this Act and shall be disposed of as if this Act was applicable at the time when such application or proceeding was made or instituted. (5) All notifications issued before the date of the coming into force of this Act and all proceedings pending on that date for the acquisition of any immovable property or easement for the purposes of the Hyderabad City Improvement Board or the Secunderabad Town Improvement Trust shall be deemed to have been issued and to be proceedings for acquisition of such immovable property or easement for the purposes of the Board under this Act.