

Draft Rules

The Telangana Rules for Enforcement on Un-authorized Developments

The Government vide Act No.11 of 2019, enacted the Telangana Municipalities Act,2019 for the areas under the Municipalities ,Municipal Corporations other than Greater Hyderabad Municipal corporation (GHMC).

Provisions have been made for development of land, Constructions of buildings and other related town planning activities in Municipalities and Municipal corporations vide section 172 to 193.

In exercise of powers vested in 238 of Telangana Municipalities Act, 2019, the Government hereby makes the following Amendments to the Building rules which were issued in G.O.Ms.No.168 MA&UD (M) Dept., dt:07-04-2012 read with G.O.Ms.No.245 MA dt:30-06-2012.

Amendment - I: In rule, 27 (a) of G.O.Ms.No. 168 MA dt:07-04-2012 shall be substituted with the following

1. SHORT TITLE, APPLICABILITY & COMMENCEMENT:

- i. These Rules may be called ‘The Telangana Rules for Enforcement on Unauthorised Development of Lands, Unauthorised Construction of Buildings and buildings in deviation to the approved plans - 2019.
- ii. These rules shall be applicable to the activities of Land Development/Layout and Buildings in the Areas covered in Urban Development Authorities, Municipalities and Municipal Corporations other than GHMC & HMDA.
- iii. All existing Rules, Regulations, Bye-laws, Orders that are in conflict or inconsistent with these Rules shall stand modified to the extent of the provisions of these Rules.

iv. They shall come in to force from the date of publication in the Telangana State Gazette

2. DEFINITIONS: in these Rules,

- i. **'Act'** means the Telangana Municipalities Act, 2019.
- ii. **'Commissioner'** means the Commissioner of respective Municipality/municipal Corporation.
- iii. **'Special Task Force'** means group of officers/manpower specially constituted under these rules for to detect and monitor unauthorized development of land/Constructions
- iv. **'Unauthorised Development/Construction'** means the development of land/making layout or building construction either not covered by any approval/sanction from Commissioner or deviated from the sanctioned plan/approved plan.

3. SPECIAL TASK FORCE (STF):

(a) There shall be a 'Special Task Force' for each district headed by District 'Collector'. The task force shall consist of following;

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| i. District Collector | - | Chairman |
| ii. Superintendent of police | - | Co-Chairmen |
| iii. Commissioner of concerned Municipality | - | Member |
| iv. Superintendent/Executive Engineer Public Health | - | Member |
| iv. Superintendent/Executive Engineer Irrigation | - | Member |
| v. Any other Officer nominated by STF/Govt | - | Member |
| vi. Commissioner of District Head Quarter ULB | - | Member convenor |

- (b) i. The STF shall constitute required number of Enforcement squads by evaluating the requirement depending on the quantum of Construction activity in the Municipalities/ Municipal Corporations in the District.

- ii. The STF shall allot the specific areas to the Enforcement squads in ULB for identification and demolition of unauthorized development/ constructions and shall shift the teams from one area to another area.
- iii. The STF shall have random inspections and review at least once in 15 days on enforcement actions.

4. ENFORCEMENT SQUAD:

- i. The Enforcement squad shall consists of
 - a. Inspector of Police --- Team Head
 - b. Deputy Executive Engineer
 - c. Town Planning Officer/ Asst. Director of Town Planning of Tahsildar
 - d. Other Technical and Non Technical Manpower as per requirement.

5. IDENTIFICATION AND COLLECTION OF DATA ON UNAUTHORIZED DEVELOPMENT/ CONSTRUCTIONS:

- i. The Commissioner shall provide the information relating to the building/layout permissions issued in each Municipality/Corporation to STF / Enforcement Squad.
- ii. The Enforcement squad shall regularly inspect the areas allocated to them in ULB and identify the unauthorized development/ constructions and report the same to the special task force along with photographs, in the manner as per prescribed in Annexure - I.
- iii. In Addition to the above provision, the Commissioner of respective Municipality/Municipal Corporation also shall have regular inspections to detect the unauthorized development/ constructions and inform the same to Enforcement Squad.

- iv. The STF shall receive the information on unauthorized development/ constructions through call centre, Mobile app, and toll free number.
- v. Soon after receiving the information/complaint, on unauthorized development/ constructions, the Enforcement squad shall inspect the site within 48 Hours, identify the deviations in case of sanctioned plan or unauthorised and take action for demolition.
- vi. The particulars of informants shall not be disclosed.
- vii. The informants shall be rewarded, if the information given is genuine.
- viii. The STF shall make wide publicity and awareness for furnishing grievances and complaints regarding unauthorized development/ constructions.

6. DEMOLITION OF UNAUTHORIZED DEVELOPMENT/ CONSTRUCTIONS.

- i. The STF shall hire the required man power, equipment and vehicles to take up the demolition of the unauthorized constructions/layouts and shall provide tabs/cameras to demolition squads to take proper photographs and videos before and after demolitions, as evidence to defend in case of any future legal issues.
- ii. Where ever, any buildings which has been commenced without obtaining the permission and carried out or completed in violation of sanctioned Plan, Special task force Enforcement squad shall take up the demolition of the unauthorized development /construction.

- iii. Before starting the demolition or sealing of unauthorized development /construction, a Panchanama shall be conducted duly recording the stage of construction, details of permission if any, violations and proposed action under proper photography and videographer. Further a copy of panchanama prepared in this regard shall be served on to the owner/Builder of the building.
- iv. In Addition to the above provision, the Commissioner of respective ULB shall also be responsible to identify and take up demolition of unauthorized development /construction through the Enforcement squad.

7. ACTION AFTER DEMOLITION:

- i. The Enforcement squad shall estimate cost for removal / demolition of unauthorized development /construction and the Commissioner shall take necessary steps to recover the cost incurred from the owner /developer who made such unauthorized developments.
- ii. The Commissioner shall inform the Registration Authority giving all the details so as to include them in the prohibitory register.
- iii. The Commissioner shall inform the concerned Electricity / Water supply departments to not to give any service connection of temporary or permanent to the respective property.

8. SEALING:

- i. The Enforcement squad / Commissioner shall take necessary action for sealing of unauthorized development /construction. A panchanama shall be conducted duly recording the status of the building, details violations and proposed action under proper photography / videography. Further a copy of panchanama prepared in this regard shall be served on to owner/Builder of the building.

- ii. In case of Constructions/Buildings if any portions remain for demolition, the premises shall be sealed to avoid any accidents.

9. EQUIPMENT AND VEHICLES:

- i. The STF shall purchase or hire the equipment required for detection and execution removal/demolition of unauthorised developments/constructions.
- ii. The sanction for vehicles to officers, manpower movement to the sites and engaging private agencies shall be authorised to the STF.

10. PENALTIES:

- i. **Penalty for unauthorized development /construction:**

The Commissioner shall file the charge sheet for prosecution under section of 180 of the Act against the person/persons who under takes or carries out construction or development in contravention of the statutory Master Plan or without permission ,approval or sanction or in contravention of any condition subject to which such permission, approval or sanction has been granted.

- ii. **Penalty for parking violations:**

In case of buildings where the area earmarked for parking is being put to other use, the Commissioner shall levy a penalty on the Owner or Developer, which may extend to twenty five percent (25%) value of the land or building including land in question as fixed by the Registration department which shall be in no case be less than fifty percent of said Amount .

11. LEGAL CASES:

- i. The Commissioner of respective Municipality/Municipal Corporation shall deal with all legal cases duly obtaining all information from the Special Task force.

- ii. The Enforcement squad shall extend all assistance wherever required for attending to legal matters related to it.
- iii. The STF shall review all court cases and implement the court orders/ interim orders issued in respect unlawful buildings/constructions/developments. Further, the Commissioner shall file necessary counters and written statements in respective courts and the cases are properly defended.

12. FUND:

- i. Initially, the Municipality / Municipal Corporations of respective districts shall provide required fund immediately for establishment of Task Force squad.
- ii. Each Municipality/Municipal Corporation shall contribute at least 5% of fee and charges collected towards approval of Land Development and Buildings to the STF annually.

13. REPORTS:

- i. The Enforcement squad and Commissioner shall submit fortnight reports to the District Collector/STF about details of action taken and in case of delays record the reasons for the same.
- ii. The STF shall study the action taken reports and review the action taken periodically.
- iii. The periodical reports on action taken on unauthorised constructions/ developments shall be submitted to Government by STF.