

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE

AT CHENNAI

O. A. No. 68 of 2024

IN THE MATTER OF:
Kotha Rambabu and Ors

... Applicants

-Vs-

Irrigation Department (Water Resources),
Rep. by its Secretary,
Telangana and Ors


... Respondents

REPORT OF THE DISTRICT COLLECTOR, MAHABUBABAD (R-3)

S.No	DATE	DESCRIPTION	PAGE NO.
1.	24.04.2026	Report of the 3 rd Respondent – The District Collector, Mahabubabad	1
2.	13.03.2026	ANNEXURE - I Report of the Revenue Divisional Officer, Mahabubabad	3
3.	13.03.2026	ANNEXURE - II Report of the Tahsildar, Dornakal	5
4.	13.03.2026	ANNEXURE - III Report of the Deputy Executive Engineer, Irrigation Sub-Division No.1, Dornakal Mandal, Mahabubabad District	7
5.	07.04.2012	ANNEXURE - IV Go. Ms No. 168, MA & UD Department	18

PLACE: CHENNAI

DATE: 22.05.2026


H. YASMEEN ALI

Standing Counsel for the 3rd Respondent

REPORT OF DISTRICT COLLECTOR, MAHABUBABAD

(Respondent No. 2)

1. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai, has called for an Action Taken Report regarding the joint committee recommendations in the matter of encroachment and environmental concerns of Bandham Cheruvu at Dornakal Mandal.
2. Background of the Case
 - a. The application was filed by Sri Kotha Rambabu and other farmers of Dornakal Bandham Cheruvu Ayakattu.
 - b. The primary grievance relates to the encroachment of "Cheruvu Shikam" land (Tank-bed area) and the resulting impact on the local irrigation system.
3. Status of Legal Proceedings in the Hon'ble High Court
 - a. A related Writ Petition (W.P. No. 18204 of 2024) was filed by Sri Nunna Ramana and Smt. Nunna Bharathi in the Hon'ble High Court of Telangana.
 - b. The Hon'ble High Court, in its order dated October 28, 2024, directed that the respondents should not interfere with the possession of the petitioners' lands, as they were stated not to be part of Sy.No.292 of Bandham Kunta Cheruvu.
 - c. However, subsequent joint inspections revealed that while the petitioners' land is in Sy.No.300 (adjacent to the lake), their constructed compound wall falls within the Full Tank Level (FTL) of Bandham Kunta Cheruvu.
4. Action Taken on Joint Committee recommendations, the following actions have been implemented based on the Joint Committee's findings:


Sl. No	Joint Committee Recommendation	Action Taken Report
1	Restoration of the natural stream for water flow during the rainy season to prevent flooding.	A permanent arrangement has been made to dispose of floodwater during the rainy season to avoid flooding.
2	Action against encroachments to restore the buffer zone.	The Hon' ble High Court of Telangana has issued final orders in W.P No.18204 of 2024, directing the respondents not to interfere with the petitioner's possession of the

		subject lands. But as per the joint Inspection conducted with the revenue officials, it was noticed that the land of Writ Petitioner of WP No.18204 of 2024 is Sy.No.300 is adjacent to the Bandham Kunta Shikam Sy.No. 292 of Dornakal Revenue Village and further noticed that the Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall is fall under FTL of Bandham Kunta Cheruvu, it is irregular under GO.Ms.No.168, MA&UD Dept, Dated: 07.04.2012. (For lakes, tanks, Kunta / Shikam lands of 10 hectares or more, 30 meter buffer zone from the FTL boundary is mandated)
3	Restoration of the inlet and outlet of the lake.	Permanent inlet and outlet structures have been established for the Bandham Kunta Lake to manage water flow.

5. It is further submitted that the Irrigation Department (Deputy Executive Engineer, Dornakal Mandal, I & CAD Department) proposes to file a Writ Appeal against the orders passed in W.P. No. 18204 of 2024, dated 28.10.2024. During the joint inspection conducted by the Deputy Executive Engineer, Dornakal, along with Revenue officials, it was identified that the writ petitioner has constructed a compound wall within his patta land in Sy.No.300. However, the said compound wall falls within the Full Tank Level (FTL) area of Bandham Kunta Cheruvu, thereby rendering the construction irregular and in violation of G.O. Ms. No. 168, MA & UD Department, dated 07.04.2012, which mandates a buffer zone of 30 meters from the FTL boundary in respect of lakes, tanks, kunta/shikam lands measuring 10 hectares or more.

In view of the above, it is respectfully submitted that, the administration remains committed to enforcing the buffer zone requirements (30 meters for lakes over 10 hectares) as mandated by G.O.Ms.No.168.

Place: Mahabubabad
Dated: .04.2026


District Collector,
Mahabubabad
District Collector
Mahabubabad

3/5





GOVERNMENT OF TELANGANA
OFFICE OF THE REVENUE DIVISIONAL OFFICER::MAHABUBABAD

Kc. No.E1/2341/2025.

Date:13.03.2026.

From:
Smt.K.Krishnaveni, B.Sc, B.Ed.,
Revenue Divisional Officer,
Mahabubabad Division & District.

To,
The District Collector,
Mahabubabad.

Respected Madam,

Sub:- TGPCB-RO-WGL - NGT- Mahabubabad District & Division - Dornakal Mandal - Hon'ble NGT original Application No. 68 of 2024 (Earlier OA No. 761 of 2023 (PB)) - Action taken report on the Joint Committee recommendations - called for-submitted - Reg.

Ref:- 1.The Environmental Engineer, TPCB, Regional Office, Warangal.Lr.Rc.No.Gen/- PCB/RO-WGL/2025-689. Dtd:10.10.2025.
2. This Office Lr.Rc.No. E1/2341/2025. Dtd:16.10.2025.
3. The Tahsildar, Dornakal Lr.Rc.No.B/130/2026. Dtd:13.03.2026.

-o-o-

I invite kind attention to the references cited wherein, vide ref. 1st cited, it has been communicated to submit action taken report on the joint committee recommendations with regard to the Original Application No. 761 of 2023, which was registered by Hon'ble NGT, Southern Zone, Chennai based on the representation filed by Mr. Kotha Rambabu & others, farmers of Dornakal Bandham Ayakattu regarding encroachment of Cheruvu Sikhani land of Dornakal Bandham Ayakattu.

In this regard, vide ref. 2nd cited, action taken report on the joint committee recommendations have been called for from the Tahsildar, Dornakal. Accordingly, vide ref. 3rd cited, the Tahsildar, Dornakal has submitted that, the Deputy Executive Engineer, Irrigation Dornakal has submitted report wide 2nd reference cited and stated that, the Writ Petition No.18204 of 2024 filed by Sri Nunna Ramana S/o Ramaiah and Smt. Nunna Bharathi W/o Nunna Ramana in the HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD on Dornakal Bandham Cheruvu. The Hon'ble High Court issued a final order specifically stated in the report, dated 28.10.2024 that "the lands of the petitioners are not forming part of Sy.No.292 of BhandamKunta Cheruvu, this Court deems it appropriate to dispose of this writ petition directing the respondents not to interfere with the possession of the petitioners in respect of the subject lands". The copy of the final orders here with enclosed

Further the Tahsildar has reported that, the following recommendations were suggested by the joint committee, and necessary action was taken and made a permanent arrangement to dispose the flood water.

Sl.No	Joint Committee recommendations	Action taken report
1	The Irrigation department shall restore the natural stream for flow of water in raining season to avoid flooding	The permanent arrangement was made to dispose the flood water in rainy season to avoid flood.
2	Action taken shall be taken against the encroachment for restoring the buffer zone	The Hon'ble High Court of Telangana has issued final orders in W.P. No. 18204 of 2024, directing the respondents not to interfere with the petitioner's possession of the subject lands." But as

		per the Joint Inspection conducted with the Revenue officials, it was noticed that the land of Writ Petitioner of WP No.18204 of 2024 is Sy.No.300 is adjacent to the Bandham Kunta Shikam Sy.No.292 of Dornakal Revenue village and further noticed that the Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall is fall under FTL of Bandham Kunta Cheruvu it is irregular under the GO.Ms.No.168, MA & UD Dept., Dated: 07.04.2012. (For Lakes, Tanks, Kunta/Shikamlands of 10 hectares or more , 30 meter buffer zone from the FTL boundary is mandated)
3	Inlet and outlet of the lake shall be restored	To dispose the flood water in rainy season made a permanent Inlet & outlet to the Bandham Kunta lake.

Further reported that, the Writ Petitioner in WP No.18204 of 2024 deliberately showed that his survey numbers (Sy.No.300) and Shikam survey number (Sy.No.292) are different and obtained the above orders. As per the instructions of the Pollution Control board, the Deputy Executive Engineer, Irrigation Sub-division-01, Dornakal (M) along with Revenue Officials have inspected the Bandham Kunta Cheruvu and identified that Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall falls under FTL of Bandham Kunta Cheruvu, it is irregular under the GO.Ms.No.168, MA & UD Dept., Dated: 07.04.2012. (For Lakes, Tanks, Kunta/Shikam lands of 10 hectares or more, 30 meter buffer zone from the FTL boundary is mandated).

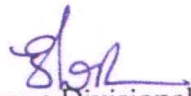
While mentioning the above, the Tahsildar has submitted that, the Deputy Executive Engineer, Irrigation Sub-division-01, Dornakal (M) has stated that a Writ Appeal in the above subject will be filed by them and will be taken necessary action accordingly.

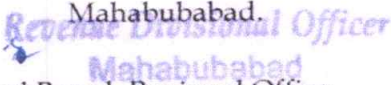
Therefore, I am submitting herewith the report of Tahsildar, Dornakal along with its connected documents for perusal and consideration and for taking further necessary action in the matter.

This is submitted for favour of kind information and further necessary action.

Yours faithfully,

Encl: As above.


Revenue Divisional Officer,
Mahabubabad.



Copy to the Environmental Engineer, Telangana Pollution Control Board, Regional Office, Warangal for favour of kind information.

R.C.No.B/ 130 /2026

From:

Sri.V.Raghava Reddy
Tahsildar,
Dornakal Mandal.

Office of the Tahsildar

Dornakal Mandal

Date:13 /03/2026.

To:

The Revenue Divisional Officer,
Mahabubabad.

Respected Madam,

Sub: Revenue Department – Mahabubabad District – Dornakal Mandal – Bandham Kunta Cheruvu – Hon'ble NGT Original Application No.68 of 2024 (Earlier OA No.761 of 2023 (PB)) – Joint Committee recommendations – Inspection regarding encroachment and buffer zone –Report submitted – Reg.

Ref: 1.Lr.Rc.No.Gen/PCB/RO-WGL/2025-689, Dt:28.11.2025 of the Environmental Engineer, TPCB, Regional Office, Warangal
2.Lr.No.DEE/ISD-1/DKL/_/2026, Dt.13 .03.2026 of the Deputy Executive Engineer, Irrigation Sub- Division No.01, Dornakal.

I invite kind attention to the subject and 1streference cited. The Hon'ble NGT Original Application No.68 of 2024 [Earlier OA.No.761 of 2023(PB)] on representation received from the Sri. Mr Kotha Rambabu & other farmers of Dornakal Bandham Cheruvu Ayacattu. The Joint Committee report submitted to the Hon'ble NGT, Chennai.

Further submitted that the Deputy Executive Engineer, Irrigation Dornakal has submitted report wide 2nd reference cited and stated that, the Writ Petition No.18204 of 2024 filed by Sri Nunna Ramana S/o Ramaiah and Smt. Nunna Bharathi W/o Nunna Ramana in the HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD on Dornakal Bandham Cheruvu. The Hon'ble High Court issued a final order specifically stated in the report, dated 28.10.2024 that the lands of the petitioners are not forming part of Sy.No.292 of BhandamKunta Cheruvu, this Court deems it appropriate to dispose of this writ petition directing the respondents not to interfere with the possession of the petitioners in respect of the subject lands. The copy of the final orders here with enclosed.

The following recommendations were suggested by the joint committee, and necessary action was taken and made a permanent arrangement to dispose the flood water.

Sl.No	Joint Committee recommendations	Action taken report
	The Irritation department shall restore the natural stream for flow of water in raining season to avoid flooding	The permanent arrangement was made to dispose the flood water in rainy season to avoid flood.
	Action taken shall be taken against the encroachment for restoring the buffer zone	The Hon'ble High Court of Telangana has issued final orders in W.P. No. 18204 of 2024, directing the respondents not to interfere with the petitioner's possession of the subject lands." But as per the Joint Inspection conducted with the Revenue officials, it was noticed that the land of Writ Petitioner of WP No.18204 of 2024 is Sy.No.300 is adjacent to the Bandham Kunta Shikam Sy.No.292 of Dornakal Revenue village and further noticed that the Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall is fall under FTL of Bandham Kunta Cheruvu it is irregular under the GO.Ms.No.168, MA & UD Dept., Dated:

	07.04.2012. (For Lakes, Tanks, Kunta/Shikamlands of 10 hectares or more , 30 meter buffer zone from the FTL boundary is mandated)
Inlet and outlet of the lake shall be restored	To dispose the flood water in rainy season made a permanent Inlet & outlet to the Bandham Kunta lake.

The Writ Petitioner in WP No.18204 of 2024 deliberately showed that his survey numbers (Sy.No.300) and Shikam survey number (Sy.No.292) are different and obtained the above orders. As per the instructions of the Pollution Control board, along with Revenue Officials have inspected the Bandham Kunta Cheruvu and identified that Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall is fall under FTL of Bandham Kunta Cheruvu it is irregular under the GO.Ms.No.168, MA & UD Dept., Dated: 07.04.2012. (For Lakes, Tanks, Kunta/Shikam lands of 10 hectares or more, 30 meter buffer zone from the FTL boundary is mandated).

Finally he stated that ,As per the circumstances shown above, we will file the Writ Appeal in the above subject and will be taken necessary action accordingly.

Yours faithfully,



**Tahsildar
Dornakal Mandal**

GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT

Lr.No.DEE/ISD-1 /DKL/ 194 /2026

Date: 13.03.2026

From
Sri.J.Bhadru, M.Tech.,
Deputy Executive Engineer,
Irrigation Sub-Division No.01,
Dornakal(M).

To,
The Tahsildar,
Dornakal.

Sub :- TGPCB-RO-WGL-NGT- Mahabubabad District & Division -
Dornakal Mandal -Hon'ble NGT original Application No. 68 of 2024
(Earlier OA No. 761 of 2023 (PB)) -Action taken report on Joint
Committee recommendations-report submitted-Reg.

Ref:- 1. The Environmental Engineer, TPCB, Regional Office,
Lr.Rc.No.Gen /PCB/RO-WGL/2025-689. Dtd: 10.10.2025.
2. Tahsildar, Dornakal Vide Rc.No.B/751/2024 Dt:27.11.2025.

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I invite attention to the subject and 1st reference cited. The Hon'ble NGT Original Application No.68 of 2024 [Earlier OA.No.761 of 2023(PB)] on representation received from the Sri. Mr Kotha Rambabu & other farmers of Dornakal Bandham Cheruvu Ayacattu. The Joint Committee report submitted to the Hon'ble NGT, Chennai.

Further I submit that the Writ Petition No.18204 of 2024 filed by Sri Nunna Ramana S/o Ramaiah and Smt. Nunna Bharathi W/o Nunna Ramana in the HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD on Dornakal Bandham Cheruvu. The Hon'ble High Court issued a final order specifically stated in the report, dated 28.10.2024 that the lands of the petitioners are not forming part of Sy.No.292 of Bhandam Kunta Cheruvu, this Court deems it appropriate to dispose of this writ petition directing the respondents not to interfere with the possession of the petitioners in respect of the subject lands. The copy of the final orders here with enclosed.

The following recommendations were suggested by the joint committee, and necessary action was taken and made a permanent arrangement to dispose the flood water.

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	Action taken shall be taken against the encroachment for restoring the buffer zone	The Hon'ble High Court of Telangana has issued final orders in W.P. No. 18204 of 2024, directing the respondents not to interfere with the petitioner's possession of the subject lands." But as per the Joint Inspection conducted with the Revenue officials, it was noticed that the land of Writ Petitioner of WP

		No.18204 of 2024 is Sy.No.300 is adjacent to the Bandham Kunta Shikam Sy.No.292 of Dornakal Revenue village and further noticed that the Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall is fall under FTL of Bandham Kunta Cheruvu it is irregular under the GO.Ms.No.168, MA & UD Dept., Dated: 07.04.2012. (For Lakes, Tanks, Kunta/Shikam lands of 10 hectares or more , 30 meter buffer zone from the FTL boundary is mandated)
	Inlet and outlet of the lake shall be restored	To dispose the flood water in rainy season made a permanent Inlet & outlet to the Bandham Kunta lake.

The Writ Petitioner in WP No.18204 of 2024 deliberately showed that his survey numbers (Sy.No.300) and Shikam survey number (Sy.No.292) are different and obtained the above orders. As per the instructions of the Pollution Control board, I along with Revenue Officials have inspected the Bandham Kunta Cheruvu and identified that Writ Petitioner has constructed the compound wall in his patta land in Sy.No.300, but the compound wall is fall under FTL of Bandham Kunta Cheruvu it is irregular under the GO.Ms.No.168, MA & UD Dept., Dated: 07.04.2012. (For Lakes, Tanks, Kunta/Shikam lands of 10 hectares or more, 30 meter buffer zone from the FTL boundary is mandated).

As per the circumstances shown above, we will file the Writ Appeal in the above subject and will be taken necessary action accordingly.

Yours faithfully,

[Signature]

13/3/26

Deputy Executive Engineer,
Irrigation Sub-Division No.01,
Dornakal(M).

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 18204 OF 2024

Between:

1. Nunna Venkataramana, s/o Ramaiah Aged about 57 yrs., Occ.Agriculture Both r/o Uyyalavada (v) Dornakal (m) Warangal Dist.
2. Nunna Bharathi, w/o Venkataramana Aged about 52 yrs., Occ.Agriculture Both r/o Uyyalavada (v) Dornakal (m) Warangal Dist.

...PETITIONERS

AND

1. The State of Telangana, Rep by its secretary Irrigation Department, Secretariat, Hyderabad.
2. The Superintending Engineer, Irrigation, Sub-Division I, Dornakal, Mahabubabad District
3. The Executive Engineer, Irrigation Sub-Division I, Dornakal, Mahabubabad District.
4. SHO, PS Dornakal Mandal, Mahabubabad District
5. The District Collector, Mahabubabad District
6. The Revenue Divisional Officer, Mahabubabad District
7. The Tahsildar, Dornakal Mandal, Mahabubabad District
8. The Land Acquisition Officer, Mahabubabad District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate order or direction particularly writ of mandamus declaring the action of the respondents in dispossessing / interfering with the possession of the petitioners in respect of land admeasuring Ac. 6.02 gts. in Sy.No. 300/E and 300/A/1A situated at Dornakal, Mahabubabad District as illegal, arbitrary, violative of natural justice, contrary to Article 21 and 300-A of the Constitution of India, the provisions of Land Revenue Act and consequently direct the respondents not to interfere / dispossess the petitioners from the aforesaid land

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein not to interfere with the peaceful possession and enjoyment of the petitioners in respect of the land admeasuring Ac. 6.02 gts. in Sy.No. 300/E and 300/A/1A situated at Dornakal, Mahabubabad District

Counsel for the Petitioners: M/S. KANUMURI KALYANI

Counsel for the Respondent Nos.1 to 3: GP FOR IRRIGATION AND COMM AREA DEV

Counsel for the Respondent No.4: GP FOR HOME

Counsel for the Respondent NOs.5 to 7: GP FOR REVENUE

Counsel for the Respondent No.8: GP FOR LAND ACQUISITION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDYWRIT PETITION No.18204 of 2024ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

"...to issue appropriate order or direction particularly writ of mandamus declaring the action of the respondents in dispossessing / interfering with the possession of the petitioners in respect of land admeasuring Ac.6.02 gts in Sy.No.300/E and 300/A/1A situated at Dornakal, Mahabubabad District as illegal, arbitrary, violative of natural justice contrary to Articles 21 and 300A of the Constitution of India the provisions of Land Revenue Act and consequently direct the respondents not to interfere / dispossess the petitioners from the aforesaid land..."

2. Considered the submissions of the Sri Prabhakar, learned Senior Counsel appearing for the petitioner; Sri Laxmalla Sandeep, learned Assistant Government Pleader for Irrigation appearing for respondent Nos.1 to 3; learned Assistant Government Pleader for Home appearing for respondent No.4 and learned Assistant Government Pleader for respondent Nos.5 to 8.

3. It is stated that the petitioners are the pattadars and possessors of agricultural land admeasuring Ac.1-10 guntas and Ac.0.10 guntas in Sy.No.300/E; Ac.4.24 guntas in Sy.No.300/A situated at Dornakal Village and Mandal,

9. The District Collector, Mahabubabad District.

Warangal District, having purchased the same through various registered sale deeds and the respondent authorities have mutated their names in the revenue records and also issued pattadar passbooks and title deeds in their favour. It is further stated that on 09.07.2008 the respondent-authorities have interfered with the peaceful possession of the petitioners informing that Ac.1-19 ½ guntas in Sy.No.300/A was acquired under the provisions of the Land Acquisition Act, 1894 (for short, 'the Act') for the purpose of construction of a Summer Storage Tank; and on enquiry it was found notification under Section 4(1) of the Act was published in local dailies dated 21.6.2007 and the award was also passed by the Land Acquisition Officer on 17.6.2008 fixing the compensation. Aggrieved by the same, the petitioners have filed W.P.No.14995 of 2008 before this Court seeking a declaration that the notification under Section 4 (1) of the e Land Acquisition Act, 1894 (for short, 'the Act') dated 1.6.2007 as well as the consequential award dated 17.6.2008 passed by the 3rd respondent therein are arbitrary and illegal and the said writ petition was dismissed by order dated 09.09.2008; and aggrieved by the said order, the petitioners

have also filed W.A.No.1864 of 2008 before this Court and the same was disposed of recording the submissions of the learned Government Pleader for Land Acquisition that an award was passed in the names of the vendors of the appellants (petitioners herein) and a copy of the award under Section 12 (2) of the Act will be sent to the appellants (petitioners herein) to enable them to seek reference of the dispute before the competent civil Court under Section 18 of the Act and liberty is granted to the appellants (petitioners herein) to approach the competent civil Court. It is the case of the petitioners that the respondents have withdrawn the construction of the Summer Storage Tank on their lands and have confined the construction in the Government land forming part of Sy.No.290 and no Summer Storage Tank has been constructed in their lands, and they are in peaceful possession and enjoyment. The grievance of the petitioners is that disputing the nature of the subject lands, when the respondents have frequently interfered with their peaceful possession and caused inconvenience to their enjoyment, they have filed this writ petition.

4. The respondent No.5-the District Collector has filed a detailed report in proceedings vide RC.No.E5/412/0040/2024, dated 28.10.2024 before this Court, wherein it is stated that the Deputy Inspector of Survey, Mahabubabad, Dornakal, along with DEE, Irrigation, Sub-Division, Dornakal and the villagers (side pattadars) have re-surveyed (refixed) the land to an extent of Ac.50.29 guntas in Sy.No.292 duly issuing notices to the adjacent land owners and interested parties. It is further stated that in presence of the Assistant Director Survey and Land Records, the Deputy Inspector of Survey, Mahabubabad and Tahsildar, Dornakal Mandal, DEE Irrigation, Dornakal Sub-Division have conducted panchanama and prepared the location sketch showing the measurement with the area in detail. It is further stated that the land in Sy.No.300 which belongs to the petitioners was not merged in Sy.No.292 of Bhadamkunta Cheruvu and the copies of the report of the Assistant Director, Survey and Land Records along with notice issued by the Tahsildar, location sketch and panchanama are annexed to the said report.

5. Learned Assistant Government Pleader for Irrigation appearing for respondent Nos.1 to 3 submitted that as per the survey report, dated 28.10.2024, the Summer Storage Tank was constructed in Sy.No.292 and not on the patta lands of the petitioners; and the lands in Sy.No.300 which belongs to the petitioners were not merged in Sy.No.292 of Bhadamkunta Cheruvu.

6. In view of the above, as it is specifically stated in the report, dated 28.10.2024 that the lands of the petitioners are not forming part of Sy.No.292 of Bhadamkunta Cheruvu, this Court deems it appropriate to dispose of this writ petition directing the respondents not to interfere with the possession of the petitioners in respect of subject lands.

7. With the above observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

ell
SECTION OFFICER

//TRUE COPY//

To,

1. The secretary Irrigation Department, Secretariat, Hyderabad.
2. The Superintending Engineer, Irrigation, Sub-Division I, Dornakal, Mahabubabad District
3. The Executive Engineer, Irrigation Sub-Division I, Dornakal, Mahabubabad District.
4. SHO, PS Dornakal Mandal, Mahabubabad District
5. The District Collector, Mahabubabad District

6. The Revenue Divisional Officer, Mahabubabad District
7. The Tahsildar, Dornakal Mandal, Mahabubabad District
8. The Land Acquisition Officer, Mahabubabad District
9. One CC to M/S. KANUMURI KALYANI Advocate [OPUC]
10. Two CCs to GP FOR IRRI AND COMM AREA DEV ,High Cour. for the State of Telangana. [OUT]
11. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
12. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
13. Two CCs to GP for Land Acquisition, High Court for the State of Telangana at Hyderabad. [OUT]
14. Two CD Copies

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**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Municipal Administration and Urban Development Department – Andhra Pradesh Building Rules, 2012 – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (M) DEPARTMENT

G.O.Ms.No.168

Dated: 07.04.2012

Read the following:

1. G.O.Ms.No.483 M.A & U.D. Department, dated 24-08-1998
2. G.O.Ms.No.541 M.A & U.D. Department, dated 17-11-2000
3. G.O.Ms.No.33 M.A & U.D. Department, dated 03-03-2001
4. G.O.Ms.No.86 M.A & U.D. Department, dated 03-03-2006
5. G.O.Ms.No.171 M.A & U.D. Department, dated 19-04-2006
6. G.O.Ms.No.623 M.A & U.D. Department, dated 01-12-2006
7. G.O.Ms.No.17 M.A & U.D. Department, dated 10-01-2007
8. G.O.Ms.No.678 M.A & U.D. Department, dated 07-09-2007
9. G.O.Ms.No.736 M.A & U.D. Department, dated 03-10-2007
10. G.O.Ms.No.744 M.A & U.D. Department, dated 04-10-2007
11. G.O.Ms.No.279 M.A & U.D. Department, dated 01-04-2008
12. G.O.Ms.No.281 M.A & U.D. Department, dated 01-04-2008
13. G.O.Ms.No.302 M.A & U.D. Department, dated 15-04-2008
14. G.O.Ms.No.569 M.A & U.D. Department, dated 23-08-2008
15. G.O.Ms.No.249 M.A & U.D. Department, dated 16-03-2009
16. G.O.Ms.No.450 M.A & U.D. Department, dated 13-10-2010
17. G.O.Ms.No.34 M.A & U.D. Department, dated 22-01-2011
18. G.O.Ms.No.45 M.A & U.D. Department, dated 28-01-2011
19. G.O.Ms.No.82 M.A & U.D. Department, dated 21-02-2011

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ORDER:

1. In the references read above, Government have issued Comprehensive Building Rules and other related rules which are applicable to Municipal Corporations, Municipalities, Nagar Panchayats and areas covered by Urban Development Authorities in the State. These Building Rules are regulating the building activities in above areas.
2. Government consider that there is a need to bring comprehensive and uniform building stipulations in the State and therefore decided to issue Andhra Pradesh Buildings Rules.
3. A copy of this Order is available on the Internet and can be accessed at the address <http://goir.ap.gov.in/>.
4. The following notification shall be published in an Extraordinary issue of Andhra Pradesh Gazettee dated:09-04-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner, Printing, Stationery & Stores Purchase Department, Hyderabad
for Publication of the Notification in the Gazettee and furnish 1000 copies.

The Director of Municipal Administration, Hyderabad A.P, Hyderabad,

The Director of Town & Country Planning, A.P. Hyderabad,

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad,

The Metropolitan Commissioner,

Hyderabad Metropolitan Development Authority, Hyderabad,

All Vice Chairmen of Urban Development Authorities,

P.T.O.

All Municipal Commissioners in the State through Director of Municipal Administration, Hyderabad A.P, Hyderabad,
 The Chairman & Managing Director, APTRANSCO, AP, Hyderabad,
 The Commissioner & Inspector General of Registration & Stamps, A.P Hyderabad.
 The Managing Director, Hyderabad Metro Water Supply & Sewerage, Hyderabad.

Copy to:

The Law (A) Department, (2 copies)
 The Revenue (R&S) Department,
 The Energy Department.
 SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

NOTIFICATION

In exercise of the powers conferred by **Section 585 read with 592 of the Greater Hyderabad Municipal Corporation Act, 1955; Proviso under sub section (1) read with sub section (2) of Section 14, 32, 46 and 58 of the Andhra Pradesh Urban Areas (Development) Act, 1975; Section 56 (1) of Hyderabad Metropolitan Development Authority (HMDA) Act, 2008; Section 18 of the Andhra Pradesh Municipal Corporations Act, 1994; Section 326 of the Andhra Pradesh Municipalities Act, 1965 and Section 44 (1) of the Andhra Pradesh Town Planning Act, 1920 and in supersession of all the existing rules on the subject**, the Government of Andhra Pradesh hereby issue the following rules applicable to all Urban Development Authority areas and Urban Local Bodies together with Gram Panchayat areas in the State covered in Master Plans / General Town Planning Schemes / Outline Development Plans.

RULES**1. SHORT TITLE, APPLICABILITY & COMMENCEMENT:**

- (a) These Rules may be called '**The Andhra Pradesh Building Rules - 2012**'.
- (b) They shall apply to the building activities in the areas falling in;
 - (i) Hyderabad Metropolitan Development Authority (HMDA),
 - (ii) All Urban Development Authorities,
 - (iii) All Municipal Corporations,
 - (iv) All Municipalities,
 - (v) All Nagar Panchayats,
 - (vi) Gram Panchayat areas covered in Master Plans/General Town Planning Schemes notified under Andhra Pradesh Town Planning Act, 1920 and
 - (vii) Industrial Area Local Authority (IALA) / Special Economic Zone (SEZ) notified by Government.
- (c) These rules shall apply to all building activity. All existing rules, regulations, byelaws orders that are in conflict or inconsistent with these Rules shall stand modified to the extent of the provisions of these rules.
- (d) They shall come in to force from the date of publication in the Andhra Pradesh Gazettee.

2. DEFINITIONS: In these rules,

- (a) '**Competent Authority**' means:
 - (i) The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority in HMDA area exclusive of Greater Hyderabad Municipal Corporation (GHMC) Area,
 - (ii) The Commissioner, Greater Hyderabad Municipal Corporation (GHMC)

- (iii) The Vice Chairman of the respective Urban Development Authority.
 - (iv) The Director of Town & Country Planning in case of Municipal Corporations, Municipalities, Nagara Panchayats not covered in Urban Development Authorities and Gram Panchayat areas covered in Master Plans / General Town Planning Schemes notified under Andhra Pradesh Town Planning Act, 1920.
- (b) **'Enforcement Authority'** means:
- (i) The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority.
 - (ii) The Vice Chairman of the respective Urban Development Authority.
 - (iii) The Commissioner of respective Urban Local Body.
 - (iv) The Executive Authority of the Gram Panchayat.
 - (v) The Executive Authority of the Special Unit created as the case may be for the purpose of sanctioning and monitoring building and development activity, as applicable.
- (c) **'Group Development Scheme'** is reckoned as development of Residential Buildings in a Campus or Site of 4000sq.m and above in area and could be row houses, semi-detached, detached Houses, Apartment blocks or High-Rise buildings or mix or combination of the above.
- (d) **'Group Housing'** means the development of building having 5 or more multiple dwelling units and common services on a given site or plot in a single or multiple blocks without customary subdivision of land by way of individual plots.
- (e) **'Height of Building'** means height measured from the abutting road and in case of undulated terrain height can be considered as average of the corresponding ground level. The parapet wall, staircase head room, lift room, water tank are excluded from the height of the building.
- (f) **'High-Rise Building'** means a building with 18m or more in height. However, chimneys, cooling towers, boiler rooms, lift machine rooms, cold storage and other non-working areas in case of industrial buildings and water tanks and architectural features in respect of other buildings are excluded.
- (g) **'Parking Complex/Parking Lot'** means premises either built or open which is utilized purely for parking of vehicles permitted in specific areas.
- (h) **'Sanctioning Authority'** means:
- (i) The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority.
 - (ii) The Vice Chairman of the respective Urban Development Authority.
 - (iii) The Commissioner of respective Urban Local Body.
 - (iv) The Executive Authority of the Gram Panchayat.
 - (v) The Executive Authority of the Special Unit created as the case may be for the purpose of sanctioning and monitoring building and development activity, as applicable.
- (i) **'Transferable Development Right (TDR)'** means an award specifying the built up area an owner of a site or plot can sell or dispose or utilize elsewhere, in lieu of surrendering land free of cost which is required to be set apart or affected for public purpose as per the Master Plan or in road widening or covered in recreational use zone, etc. The award is in the form of a TDR Certificate issued by the Competent Authority.

Terms and expressions which are not defined in these Rules shall have the same meaning as in the respective rules / regulations / bye-laws of the respective local authorities and as defined in the National

Building Code as the case may be, unless the context otherwise requires.

3. RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF CERTAIN AREAS:

(a) Water Bodies

- (i) No building / development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands.

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

- (ii) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

(1) 100m from the boundary of the River outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m with in the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.

(2) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.

(3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;

(4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.

(5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

- (iii) Unless and otherwise specified in the Master Plan / Zonal Development Plan.

(1) In case of (ii) (1) & (2) above, the buffer zone may be utilised for road of minimum 12m width, wherever feasible.

(2) In case of (ii) (2) above, in addition to development of recreational / green belt along the foreshores, a ring road or promenade of minimum 12m may be developed, wherever feasible.

(3) The above buffer zone to be left may be reckoned as part of tot lot or organized open space and not for setback requirements.

- (iv) In case of Protection of Catchment area of Osmansagar and Himayatsagar lakes covered under the G.O.Ms.No.111 MA dated 08.03.1996, the restrictions on building and development activity imposed there in shall be applicable in Hyderabad Metropolitan Development Authority (HMDA) area.

- (v) In case of areas along the Sea Coast, the Coastal Regulation Zone (CRZ) regulations shall be followed.

(b) Railways

The distance between the Railway Property Boundary and the edge of the building shall be 30m as per Indian Railways Works Manual or as per No Objection Certificate (NOC) given by the Railway Authorities.

(c) Electrical Lines

- (i) In case of sites in the vicinity of High Tension Electricity Transmission Lines besides taking other safety precautions, a minimum safety distance (both vertical and horizontal) of 3m shall be maintained between the building and the High Tension Electricity

Lines and 1.5m shall be maintained between the building and the Low Tension Electricity Lines.

- (ii) In case of Electricity Tower lines, the land all along below the tower line shall be developed as green belt to an extent of the width of tower base and on either side of green belt there shall be a minimum of 10m wide roads or as defined in the Master Plan.

(d) **Airport**

(i) **Building Restrictions**

- (1) For building activity within the Restricted Zone / Air Funnel Zone near the airport, necessary clearance from the concerned Airport Authority shall be obtained.
- (2) The building heights and other parameters shall be regulated as per the stipulations of the Airport Authority of India as notified in Gazette of India Extraordinary (S.O.1589) dated 30-06-2008 and as amended from time to time by Ministry of Civil Aviation, Government of India.
- (3) Irrespective of their distance from the aerodrome, even beyond 22km limit from the Aerodrome Reference Point, no radio masts or similar installation exceeding 152m in height shall be erected except with the prior clearance from Civil Aviation Authorities.
- (4) In respect of any land located within 1000m from the boundary of Military Airport no building is allowed except with prior clearance from the concerned airport authority with regard to building height permissible and safe distance to be maintained between the building and boundary of the aerodrome.

(ii) **Other Structures**

- (1) No chimneys or smoke producing factories shall be constructed within a radius of 8km from the Airport Reference Point.
- (2) Slaughter House, Butcheries, Meat shops and Solid Waste Disposal Sites and other areas for activities like depositing of garbage which may encourage collection of high flying birds, like eagles and hawks, shall not be permitted within 10 km from the Airport Reference Point.
- (3) Within a 5km radius of the Aerodrome Reference Point, every structure/installation/building shall be designed so as to meet the pigeon/bird proofing requirement of the Civil Aviation Authorities. Such requirement may stipulate the prohibition of any cavity, niche, or other opening on the exterior of such building/installation/structure so as to prevent the nesting and habitation of pigeon or other birds.

(e) **Provisions laid under Environmental Impact Assessment Notification-2006:**

As per the provisions laid under the EIA Notification S.O.1533, Dt.14.9.2006 and it's amendment dt.01.12.2009 issued by MOE&F, GOI and Notifications issued from time to time with reference to "Building / Construction Projects/ Area Development Projects and Townships" complying with the following threshold limits fall under category B and are **required to obtain prior Environmental Clearance (EC) from State Environmental Impact Assessment Authority (SEIAA), Ministry of Environment and Forests, Government of India.**

Building/Construction Projects/Area Development Projects and Townships		
Project / Activity	B Category with threshold limit	Conditions, if any
8(a) Buildings and Construction Projects	$\geq 20000\text{sq.m}$ and $< 1,50,000\text{sq.m}$ of built up area#	#(Built up area for covered construction; in case of facilities open to the sky, it will be the activity area
8(b) Townships and Area Development Projects	Covering an area $\geq 50\text{ha}$ and or built up area $\geq 1,50,000\text{sq.m}$ ++	++All Projects under Item8(b) shall be appraised as Category B1

(f) **Defense Establishments**

- (i) In case of Sites within 500m distance from the boundary of Defense Areas / Military Establishments prior clearance of Defense Authority shall be obtained.
- (ii) In case of Naval Science and Technological Laboratory (NSTL), Visakhapatnam, no building shall be allowed within a distance of 20m from the boundary wall of NSTL, Visakhapatnam.

(g) **Oil / Gas Pipelines**

In case of Sites in the vicinity of Oil / Gas pipelines, clearance distance and other stipulations of the Respective Authority shall be complied with. The Oil / Gas Authorities shall also specify the clearances required stretch wise to Local Body.

(h) **Heritage Structures**

- (i) In case of Sites located within the distance up to 100m from protected monuments as notified under Archeological Monuments and Ancient Sites and Remains Act 1955 and as amended no construction is allowed.
- (ii) For the Sites located within distance of above 100m and up to 200m from the protected monuments, the construction is allowed only after obtaining prior permission from the National Monument Authority.
- (iii) For the Sites located within the vicinity of any Heritage Structure notified as per the respective law, the prior clearance from the concerned authority shall be obtained.
- (iv) For the development / redevelopment of any notified Heritage Structure the stipulations as prescribed by the respective authority shall be followed.

(i) **Religious Structures**

- (i) In case of Sites located within a radius of 100m from the notified religious structure as given in the list in Annexure - VII / notified from time to time, the construction is allowed up to 10m height only.
- (ii) For the Sites located within a radius of above 100m and up to 300m from the notified religious structure as given in the list in Annexure - VII / notified from time to time, only non high rise structures are allowed.

(j) **Special Regulations for Banjara Hills & Jubilee Hills Areas of Hyderabad**

- (i) The following are the Special Regulations to maintain special characteristics of Banjara Hills and Jubilee Hills areas covered by Block 1 & 2, and part of Block No. 3 of Ward no. 8, of erstwhile Municipal Corporation of Hyderabad area of GHMC.

TABLE - I

Sl. No.	Type of the Building	Maximum Height
1.	Individual Residential Buildings/ Apartment Complexes	15m (Including Stilt floor)
2.	Commercial / Institutional Buildings	15m

- (ii) The building with height beyond 10m in these areas shall be permitted only if the plot abuts to a minimum of 12m wide road.
- (iii) In case of Jubilee Hills Co-operative House Building Society and Prashasan Nagar Co-operative House Building Society Layout, Jubilee Hills the height of the building is restricted to 10m excluding stilt with a maximum FAR of 1:1.
- (iv) In case of plots abutting Road No.1, 2 & 3 Banjara Hills and Road No.36 Jubilee Hills the building height shall be limited to 30m and further the said height relaxations are allowed only on plots where the land owners have surrendered their land in the past or will surrender their land free of cost to Municipal Corporation for road widening.
- (v) The setbacks shall be followed as per Table-III of rule-5 and also parking & other requirement shall be as per these rules.

4. REQUIREMENT OF APPROACH ROAD FOR BUILDING SITES / PLOTS:

- (a) The minimum abutting existing road width required for various uses of building activities shall be as given below.

TABLE - II

Category	Type / Use of Building Plot permissible	Minimum abutting existing road width required (in meters)
A	SITES IN OLD /EXISTING BUILT-UP AREAS /CONGESTED AREAS /SETTLEMENT / GRAM KHANTAM/ABADI (see Annexure-I)	
	All Residential (other than Group Housing) & Commercial Buildings with maximum permissible height of 10 m For other categories the Minimum road width shall be as given in B1 Category	9 *
B	SITES IN NEW AREAS / APPROVED LAYOUT AREAS	
B 1	Non-High Rise (Residential) Buildings including Group Housing (Cellar and / or Stilt as permissible + maximum up to 5 floors), Basic level social amenities like Nursery School,	9 **

	Primary School / Religious Place /Clinic / Dispensary / Diagnostic Laboratory	
B 2	High Rise Buildings / Complexes up to height of 24 meters, Non High Rise Group Housing (Cellars as applicable + 6 floors), Group Housing with more than 100 units, Group Development Scheme; Middle school / Tutorial institution / General Industry / Godown / Petrol / Diesel/ Gas Filling Station; High School, Junior College/ Commercial Complex, Computer units /Office Building, ITES Complex, Nursing Home /Hospital of not more than 20 beds / Community Hall/Function/Marriage Hall/ Assembly Hall/Cinema Theater; Service establishment / Workshop; Others not specified in the Table and all Non High-Rise buildings up to 18m height	12
B 3	General Degree and other non-professional College / Polytechnic, ITI; Professional College Campus; Multiplex Complexes, Shopping Malls (above 4000sq.m), Hospitals of more than 20 beds and all High-Rise buildings above 24m and up to 30 m height	18
B4	All High Rise Building above 30 meters will be permitted as per the Minimum Road width and setbacks as specified in Table-IV of rule-7	

- (b)*In case of Sites in Category-A, if a Site is abutting to a road which is less than 9m in width, a building may be permitted with a maximum height of 10m in such site, after leaving 4.5m from the Centre Line of such road for widening and the same shall be handed over to the Local Body and shall leave the prescribed setback as per Table-III after the said road widening portion. No relaxations are permissible in such cases.
- (c)**In case of Sites in Category-B, if a Site is abutting to a road which is less than 9m in width, Individual Residential Building may be permitted with a maximum height of 12m, after leaving 4.5m from the Centre Line of such road for widening and the same shall be handed over to the Local Body and shall leave the prescribed setback as per Table-III of rule-5 after the said road widening portion. No relaxations are permissible in such cases.
- (d)In case of Notified Slums / Economically Weaker Section (EWS) Buildings, the special regulations as notified by the Government from time to time shall be followed.
- (e)The sites in old / Existing Built-up Areas / Congested Areas / Settlement / Gram Khantam / Abadi (Annexure-I) and List of Areas Prohibited for High-Rise Buildings (Annexure-II) shall be notified by the Local Bodies in consultation with the Competent Authority. The Government may add to or delete from the list of the said areas.
- (f) In case of single plot sub-division approved by the competent authority, a means of independent access of minimum 3.6m pathway may be considered for Individual Residential Building and 6m for Non-High-Rise Group Housing Building.

5. PERMISSIBLE SETBACKS & HEIGHT STIPULATIONS FOR ALL TYPES OF NON-HIGH RISE BUILDINGS

(Buildings below 18m in height inclusive of Stilt / Parking Floor):

(a) The height of buildings permissible in a given site / plot shall be subject to restrictions given in **Annexure - I to II**.

(b) The minimum setbacks and permissible height as per **Table - III** and other conditions stipulated below shall be followed.

TABLE - III

Sl. No.	Plot Size (in Sqm) Above - Up to	Parking provision	Height (in m) Permissible Up to	Building Line or Minimum Front Setback to be left (in m)					Minimum setbacks on remaining sides (in m)
				Abutting Road Width					
				Up to 12 m	Above 12m & up to 18m	Above 18m & up to 24 m	Above 24m & up to 30m	Above 30m	
1	2	3	4	5	6	7	8	9	10
1	Less than 50		7	1.5	1.5	3	3	3	-
2	50-100	-	7	1.5	1.5	3	3	3	-
			10	1.5	1.5	3	3	3	0.5
3	100 - 200	-	10	1.5	1.5	3	3	3	1.0
4	200 - 300	Stilt floor	7	2	3	3	4	5	1.0
			10	2	3	3	5	6	1.5
5	300 - 400	Stilt floor	7	3	4	5	6	7.5	1.5
			12	3	4	5	6	7.5	2.0
6	400 - 500	Stilt floor	7	3	4	5	6	7.5	2.0
			12	3	4	5	6	7.5	2.5
7	* 500 - 750	Stilt floor	7	3	4	5	6	7.5	2.5
			12	3	4	5	6	7.5	3.0
			15	3	4	5	6	7.5	3.5
8	750 - 1000	Stilt + One Cellar floor	7	3	4	5	6	7.5	3.0
			12	3	4	5	6	7.5	3.5
			15	3	4	5	6	7.5	4.0
9	1000 - 1500	Stilt + 2 Cellar floors	7	3	4	5	6	7.5	3.5
			12	3	4	5	6	7.5	4.0
			15	3	4	5	6	7.5	5.0
			18**	3	4	5	6	7.5	6.0
10	1500 - 2500	Stilt + 2 Cellar floors	7	3	4	5	6	7.5	4.0
			15	3	4	5	6	7.5	5.0
			18**	3	4	5	6	7.5	6.0
11	Above 2500	Stilt + 2 or more Cellar floors	7	3	4	5	6	7.5	5.0
			15	3	4	5	6	7.5	6.0
			18**	3	4	5	6	7.5	7.0

- (c) Stilt Floor meant for parking is excluded from the permissible height in the above Table. Height of stilt floor shall not be less than 2.5m. In case of parking floors where mechanical system and lift are provided, height of such parking floor shall not be less than 4.5m.
- (d) *In case of commercial buildings proposed in plots having an extent of 500-750sq.m cellar floor for parking may be considered subject to condition that required parking shall be fulfilled as per Table-V of rule-13 and feasibility on ground.
- (e) **Buildings of height above 15m and below 18m in Sl.Nos.9, 10 and 11 above, shall be permitted only if such plots abut minimum 12m wide roads only.
- (f) **Other conditions:**
- (i) The setbacks are to be left after leaving the affected area of the plot / site, if any, for road widening.
 - (ii) Where a site abuts more than one road, then the front setback should be insisted towards the bigger road width and for the remaining side or sides, the setback as at Column-10 shall be insisted. In case of individual residential buildings the option is given to the applicant to propose front setback on one of the roads. In such case he shall not have access from the other side / sides. On the other side / sides the applicant can leave the setback either as per the required front setback based on the road width or to provide the side setback as given in Column-10.
 - (iii) A strip of at least 1m greenery / lawn along the frontage of the site within the front setback shall be developed and maintained with greenery.
 - (iv) For Plots above 300sq.m in addition to (iii) above, a minimum 1m wide continuous green planting strip in the periphery on remaining sides are required to be developed and maintained within the setback.
 - (v) For all residential / institutional / industrial plots above 750sq.m, in addition to (iii) and (iv) above, 5% of the site area to be developed as organized open space and be utilized as greenery, tot lot or soft landscaping etc., and shall be provided over and above the mandatory setbacks. Such organized open space could be in more than one location and shall be of a minimum width of 3m with a minimum area of 15sq.m at each location.
 - (vi) If the strip of greenery / lawn and the organized open space (tot lot) are not maintained, 10% of additional Property Tax every year would be imposed as penalty by the Sanctioning Authority till the condition is fulfilled.
 - (vii) In all plots 750sq.m and above, provision shall be made for earmarking an area of 3m X 3m for the purpose of setting of public utilities like distribution transformer, etc. within the owner's site subject to mandated public safety requirements.
 - (viii) In case of plots 300 - 750sq.m, it is permitted to transfer up to 1m of setback from any one side to any other side without exceeding overall permissible plinth area. The transfer of setback from front setback is not allowed.
 - (ix) In case of plots above 750sq.m, it is permitted to transfer up to 2m of setback from any one side to any other side without exceeding overall permissible plinth area, subject to maintaining of a minimum 2.5m setback on other side and a minimum building line. The transfer of setback from front setback is not allowed.
 - (x) For narrow plots having extent not more than 400sq.m and where the length is 4 times of the width of the plot, the setbacks on sides

may be compensated in front and rear setbacks so as to ensure that the overall aggregate setbacks are maintained in the site, subject to maintaining a minimum of side setback of 1m in case of buildings of height up to 10m and minimum of 2m in case of buildings of height above 10m and up to 15m without exceeding overall permissible plinth area. (This Rule shall not be applicable for made-up plots).

- (xi) Where the lighting and ventilation of a building is through the means of a chowk or inner courtyard or interior open space / duct, such open space shall be open to sky and of area at least 9sq.m and no side shall be less than 2m. Such open spaces / ducts may be allowed above still floor.
- (xii) The space between 2 blocks shall not be less than the side setback of the tallest block as mentioned in Table - III and this shall not be considered for organised open space (tot lot).
- (xiii) Where all the owners of sites along an abutting road come forward for widening of the road by undertaking preparation of a Road Development Plan which would improve circulation in the area and duly approved by the competent authority, and by leaving the area affected in the widening of such road free of cost and implement it within one year, then higher height of the corresponding widened road width would be considered for such sites.
- (xiv) Splay at road junctions, including 'Y' junctions shall be provided as follows. The area of such splay would be deemed to form part of the road junction.

Sl.No	Road Width (in m)	Splay / Offset (in m)
1	Less than 12	3 X 3
2	Above 12 up to 24	4.5 X 4.5
3	Above 24	6 X 6

- (xv) As per the provisions of the Andhra Pradesh Fire Service Act, 1999, Residential buildings of height more than 18 m, Commercial buildings of height 15m and above and buildings of public congregation like Educational Buildings, Cinema Theatres, Function Halls and other Assembly Buildings on plot area of 500Sq.m. and above or of height above 6m are required to obtain prior clearance from Andhra Pradesh State Disasters Response & Fire Services Department from fire safety point of view.
- (xvi) Stepped type buildings or incremental type buildings may be allowed only in respect of individual residential or educational / institutional buildings and such incremental development would be considered only after a minimum time period of 5 years.
- (xvii) For the purpose of these Rules, the following conversion from M.K.S. and F.P.S. system shall be reckoned for the **road widths only**:
- (1) 3m = 10ft (2) 6m = 20ft (3) 7.5m = 25ft (4) 9m = 30ft
 (5) 12m = 40ft (6) 15m = 50ft (7) 18m = 60ft (8) 24m = 80ft
 (9) 30m = 100ft (10) 45m = 150ft (11) 60m = 200ft.
- (xviii) All building applications for sanction of building permission for construction of above 10m height shall be accompanied with the following details:
- (a) Report of Soil Test / Geo-technical Investigation Report issued after personal inspection by Institution / Consultant empanelled with / licenced by the local authority.

- (b) Structural designs and drawings prepared duly taking the soil bearing capacity into consideration and certified by qualified Structural Engineer / Consultant Firm empanelled with / licenced by the local authority. The Structural Engineer / Consultant Firm is held responsible for defect in the design.
- (c) Building Plan and Application shall be invariably signed by the owner of the property, builder if any, the Architect and the Structural Engineer who designed the structure. They shall give their present and permanent addresses.
- (d) If the construction is being taken up by a builder, an attested copy of the registered agreement entered between the owner of the property and the builder shall be submitted. In case of any changes in the agreement at a later date, a copy of the same shall also be submitted to the local authority.
- (e) An undertaking on a Stamp Paper of Rs.100/- duly signed by the owner and builder specifying that no flat or built-up area shall be given possession to the purchaser / tenant unless they obtain the occupancy certificate from the local authority and provide all regular service connections.
- (f) Contractor / Builders / Developer / Owner shall submit All Risks Insurance Policy for the construction period.

6. RESTRICTIONS ON PROJECTIONS IN MANDATORY OPEN SPACES:

The following are the Restrictions on Projections in the mandatory open spaces / setbacks / interior open spaces:

- (a) Cornice, Chajjas / weather shades only of width not exceeding 60cm shall be allowed in the mandatory setbacks.
- (b) No balcony projections or corridor shall be permitted projecting within the mandatory open spaces / setbacks in case of non-high rise buildings. These, if provided for, shall be set back as per the minimum mandatory open spaces and the setbacks shall be clear from the edge of the balcony or corridor. However, a Portico or Canopy without access to the top may be considered in the front open space.
- (c) In case of Individual Residential Building in plots more than 300sq.m:
 - (i) In the front setback only a security guard booth of 2sq.m is allowed.
 - (ii) Septic tank, well may be allowed in the rear and side open spaces.
 - (iii) A setback of at least 1m from the property or boundary line of the plot shall be provided for these structures.
 - (iv) Parking sheds, generator room may be allowed in the rear and side open Spaces.
 - (v) The height of these accessory buildings shall not be more than 2.5m and shall not occupy more than 1/4th of the plot width. These shall be so located that they do not hinder the fire safety measures and operations.

7. REQUIREMENTS FOR HIGH RISE BUILDINGS:

(a) High Rise Buildings / Complexes

- (i) High Rise Buildings / Complexes shall be permissible only in areas other than those given in Annexure - I & II.
- (ii) The minimum size of plot for High Rise building shall be 2000sq.m.
- (iii) In respect of sites proposed for high rise buildings and affected in road widening where there is shortfall of the net plot size, up to 10% of such shortfall in net plot area would be considered with the proposed height and corresponding minimum all round setbacks.

- (iv) Every application to construct or reconstruct a High Rise building or alteration to existing High Rise building shall be made in the prescribed form and accompanied by detailed plans, floor plans of all floors along with complete set of structural drawings and detailed specifications duly certified by a qualified licenced structural engineer.
- (v) Prior Clearance from Airport Authority:
For any High Rise Building located in the vicinity of airports as given in the National Building Code, the maximum height of such building shall be decided in consultation with the Airport Authority and shall be regulated by their rules / requirements.
- (vi) Prior No Objection Certificate (NOC) from the Andhra Pradesh State Disasters Response & Fire Services Department:
For all High Rise Buildings prior No objection Certificate (NOC) from the Andhra Pradesh State Disasters Response & Fire Services Department shall be obtained and copy of the approved plan and No Objection Certificate (NOC) issued by the said department shall be enclosed along with the building application.
- (vii) In every high rise building site, an organized open space shall be utilized as greenery, tot lot or soft landscaping, etc. shall be provided over and above the mandatory setbacks to be left in and around the building. This space shall be at least 10% of total site area at ground level open to sky and shall be a minimum width of 3m. This may be in one or more pockets with minimum area of 50sq.m at each location.
- (viii) In addition to the above, a minimum of 2m wide green planting strip in the periphery on all sides within the setbacks are required to be developed and maintained.
- (ix) Buildings abutting major road of 30m and above width shall be permitted only after providing black-topped service roads of minimum 7m width with minimum 2 Lane carriageway with in the defined right of way. It will be the responsibility of the developer / builder / owner to provide the above service road of the standards fixed by the Sanctioning Authority at his own cost. The Sanctioning Authority may consider sanctioning building permission if the developer / builder / owner deposits the full cost for laying such service road to the Sanctioning Authority. The amount so levied and collected shall be maintained in a separate exclusive account by the Sanctioning Authority and utilized only for this purpose.
- (x) The minimum abutting road width and all round open space / setback for High Rise Building / Complex shall be as follows:

TABLE - IV

Height of building (in meters)		Minimum abutting road width required (in meters)	Minimum all-round open space on remaining sides (in meters) *
above	Up to		
1	2	3	4
-	21	12	7
21	24	12	8
24	27	18	9
27	30	18	10
30	35	24	11
35	40	24	12
40	45	24	13
45	50	30	14
50	55	30	16
After 55m 0.5m additional setback for every 5m of height shall be insisted			

- (xi) * The front open space shall be on the basis of the abutting road width and shall be either as given in Col. 4 of above Table - IV or the Building Line given in Table - III of rule-5 whichever is higher.
- (xii) The open space to be left between two blocks shall be equivalent to the open space mentioned in Col. 4 of above Table - IV and this shall not be considered for organized open space (Tot lot).
- (xiii) In case of high rise buildings up to 30m height, it is permitted to transfer up to 2m of setback from one side to the other side, which needs to be uniform at any given point, subject to maintaining of minimum setback of 7m on all sides subject to not exceeding the permissible / allowable plinth area.
- (xiv) The balcony projection of up to 2m may be allowed projecting onto the open spaces for upper floors from 6m height onwards.
- (xv) Where the lighting and ventilation of a building is through the means of a chowk or inner courtyard or interior open space/duct, such open space shall be open to sky and area of at least 25sq.m and no side shall be less than 3m.

(b) Tower and Podium Type Building:

- (i) Height of the building shall be allowed up to 50m.
- (ii) For Podium, i.e., Ground plus first floor: around setbacks shall be 7m.
- (iii) For Tower block: The coverage and around setbacks shall be minimum 50 % of the Podium Block, and shall be atleast 3m from the Podium edge on all sides,
- (iv) The fire safety and fire escape measures for the Tower Block shall be independent of the Podium Block.

(c) "Stepped Type" or "Pyramidal Type" Building:

Such type of High Rise Building blocks may be allowed for heights above 30m with the following open space requirements:

- (i) At Ground level: Minimum 9m all round open space for the first five floors.
- (ii) At Upper floors: Increase of 1m all round open space or more, for every 5 upper floors or 15m height or part thereof, over and above the ground level open space of minimum 9m.

(d) Multiplex Complexes:

In case of Multiplex Complexes, "The Andhra Pradesh Rules for Construction and Regulation of Multiplex Complexes, 2007" issued vide G.O.Ms.No. 486, Dt.07.07.2007 shall be followed (Annexure-III).

(e) Hospital Buildings with more than 30m height

In case of Hospital Buildings with more than 30m height, "The Andhra Pradesh Fire Prevention and Safety measures in High Rise Hospital Buildings (above 30m height) Rules 2011" issued vide G.O.Ms.No.2, Dt.03.01.2011 shall be followed (Annexure-IV).

8. GROUP DEVELOPMENT SCHEMES:

- (a) The minimum site / plot area shall be 4000sq.m.
- (b) The minimum abutting existing road width shall be 12m and black topped.
- (c) If the site is not abutting to an existing road, the proposals should be promoted with the immediate improvement of the accessibility of the site from the nearest main road by way of an approved Road Development Plan by the Competent Authority with a minimum width of 12m which

should be implemented by the Licenced Developer within a period of three years.

- (d) Group Development Schemes shall be considered where the site is developed together with construction of building and all amenities and facilities and not disposed as open plots.
- (e) All such applications shall in addition to the requirements under these Rules be accompanied by the provisional plans of.
- (i) A Services and Utilities Plan as per standards for water supply system, drainage and storm water disposal system, sewerage system, rain water harvesting structures, and for other utilities.
 - (ii) A Landscaping plan including rain water harvesting / water recycling details.
 - (iii) Parking & Internal Circulation Plan along with common pool parking area plan, if any.
- (f) The above shall be drawn to suitable scale with relevant details.
- (g) Minimum of 10% of site area shall be earmarked for organised open space and be utilised as greenery, tot lot or soft landscaping, etc. and shall be provided over and above the mandatory setbacks. Such open space shall be open to sky with a minimum width of 3m. This may be in one or more pockets with minimum area of 50sq.m at each location.
- (h) No additional or proportionate open space charges need to be levied in such schemes.
- (i) These shall not be applicable in case of Government sponsored Housing Scheme / approved Non Government Organisations (NGOs) or private schemes, and the guidelines and requirements as given in the National Building Code for Low Cost Housing / Government orders shall be followed.
- (j) The Building setbacks shall be as per the type of housing & requirements given above for the said type of housing and as per Table - III of rule-5 and Table - IV of rule-7. The open space to be left between two blocks also shall be equivalent to the setback mentioned in Column -10 of Table-III of rule-5 and Column - 4 of Table- IV of rule-7 as the case may be.
- (k) A thorough public access road of 12m width with 2-lane black-topped is to be developed within the applicant's site on any one side at the periphery / as per suitability and feasibility for the convenience of accessibility of other sites and lands located in the interior. This condition would not apply if there is an existing abutting peripheral road on any side.
- (l) In case of blocks up to 12m height, access through pathways of 6m width branching out from the internal roads / loop road would be allowed. All internal roads and pathways shall be developed with good design, practices, good built environment and standards.
- (m) Road requirements:
- 9m to 18m for main internal approach roads;
 - 9m for other internal roads and also for looped roads.
 - 8m for cul-de-sacs roads (with a minimum radius 9m.) between 50-100m length.
- (n) All roads and open spaces mentioned in this Rule shall be handed over to local body at free of cost through a registered gift deed before issue of occupancy certificate. The society / association may in turn enter into agreement with the local authority for utilizing, managing and maintaining the roads and open spaces. In case of any violation or encroachment, the local authority shall summarily demolish the

encroachments and resume back the roads and open spaces and keep it under its custody.

9. ROW TYPE HOUSING / ROW TYPE SHOPPING PRECINCTS:

- (a) Row Houses shall abut internal roads only.
- (b) Minimum site area shall be not less than 1000sq.m.
- (c) Minimum size of individual plot shall be 50sq.m.
- (d) Maximum plot size shall be 125sq.m.
- (e) Number of plots in a row shall not be more than 8.
- (f) Separation between two blocks shall not be less than 6 m which may be an open space or an alley/pedestrian plaza.
- (g) Only internal staircase is allowed.
- (h) Minimum width of internal roads: 9m.
- (i) Internal cul-de-sac road 6m with maximum length 50m is allowed.
- (j) Minimum open space : 10 % of site area.
- (k) Height permissible:
 - i. Ground + 1 floor or 7m in plot area up to 100sq.m.
 - ii. Ground + 2 floors or 10m in plot area of above 100sq.m.
- (l) Minimum setbacks: Front 3m ; Rear 1.5m.
- (m) The setbacks in a row can be interchangeable.
- (n) In case of row type shopping precincts, back to back shops with above front setback of 3m would be allowed.
- (o) In case of very large projects more than 5 acres, common amenities and facilities like shopping center, community hall/club house etc. are required to be provided in minimum 5 % of the site area.
- (p) In case of Row Type Shopping Precincts, common basement parking in one or more levels would be permissible subject to conditions mentioned in Rule -13.

10. CLUSTER HOUSING

- (a) Minimum site area shall be not less than 1000sq.m.
- (b) Minimum plot size 25sq.m with maximum number of 20 houses in a cluster.
- (c) Minimum size of cluster open space 36sq.m with a minimum width of 6m.
- (d) Height permissible 2 floors or 6m.
- (e) Minimum access road 9m.
- (f) Internal access may be through pedestrian paths of 6m.
- (g) Minimum space between two clusters shall be 6m which may be utilised as pathway / alley.
- (h) Building setbacks: No setbacks are needed for interior clusters as the lighting and ventilation is either from the central open space of cluster and the surrounding pedestrian pathway / access road of the cluster. However, interior courtyards may be provided for larger plots and building areas to facilitate lighting and ventilation. For end clusters sides that are abutting peripheral thoroughfare roads or property boundary, setback / building line shall be as per Table - III of rule-5.
- (i) In case of very large projects more than 5 acres, common amenities and facilities like shopping center, community hall/club house etc. are required to be provided in minimum 5 % of the site area.

11. PROVISIONS FOR ECONOMICALLY WEAKER SECTION (EWS) / LOW INCOME GROUP (LIG) HOUSING CATEGORY

- (a) In case of areas falling in Hyderabad Metropolitan Development Authority (HMDA), Visakhapatnam Urban Development Authority (VUDA), Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority

(VGTMUDA) where the proposed site area for residential projects is 4000sq.m and above, the developer shall provide at least 20% of developed land for Economically Weaker Sections (EWS) and Low Income Groups (LIG) housing in such projects.

- (b) In case of areas falling in Municipal Corporations and the Urban Development Authorities in the State except Greater Hyderabad Municipal Corporation, Greater Visakhapatnam Municipal Corporation, Vijayawada Municipal Corporation, Guntur Municipal Corporation, HMDA, VUDA, VGTMUDA areas where the proposed site area for residential projects is 3000sq.m and above, the developer shall provide at least 20% of developed land for Economically Weaker Sections (EWS) and Low Income Groups (LIG) housing in such projects.
- (c) In case of areas falling in Municipalities / Nagar Panchayats constituted under the provisions of the Andhra Pradesh Municipalities Act, 1965 and excluding the Municipalities which are within the jurisdiction of any Urban Development Authority where the proposed site area for residential projects is 2000sq.m and above, the developer shall provide at least 20% of developed land for Economically Weaker Sections (EWS) and Low Income Groups (LIG) housing in such projects.

12. BUILDINGS WITH CENTRAL COURTYARD FOR COMMERCIAL USE:

- (a) 'U' type commercial buildings with central courtyard are allowed with a minimum plot area of 2000sq.m with the following conditions:
- (b) The Front setback shall be as per Table-III of rule-5 & Table-IV of rule-7 for Non High Rise & High Rise buildings respectively.
- (c) The minimum open space / setback on sides and rear except front, shall be
- 2m for building height up to 15m;
 - 3m for building height up to 18m;
 - 7m in case of high rise buildings up to 30m height and buildings coming under purview of Andhra Pradesh Fire Services Act-1999.
- (d) The area so saved is transferred to the central area / space or court yard;
- (e) The depth of such courtyard shall be at least 50% of the average building depth and the minimum width shall be 10m.

13. PARKING REQUIREMENTS:

- (a) In all Buildings provision shall be made for parking spaces as per the following requirements:

TABLE - V

Sl. No.	Category of building/ activity	Parking area to be provided as percentage of total built up area					
		HMDA Area		All Municipal Corporations & UDA Areas		Municipalities/ N.Ps/ G.Ps. other than UDA Areas	
		GHMC	Municipalities/ N.Ps/ G.Ps. in HMDA Area	All Municipal Corporations	Municipalities/ N.Ps/ G.Ps. in UDA Areas	Selecti on & Special Grade Municipalities	Other Municipal ities/ N.Ps/ G.Ps.
1	2	3	4	5	6	7	8
1	Multiplexes	60	50	60	50	60	50

2	Shopping Malls (above 4000 sq.m), Information Technology Enabling Services Complexes	60	50	50	40	40	30
3	Hotels, Restaurants, Lodges, Cinema halls, Business buildings, Other Commercial buildings, Kalyana Mandapams, Offices, & High-Rise Buildings / Complexes of Non Residential Category	40	30	30	25	25	25
4	Residential Apartment Complexes, Hospitals, Institutional buildings, Industrial buildings, Schools, Colleges, Other Educational Buildings & Godowns & Others	30	20	20	20	20	20

- (b) The parking spaces may be provided in
- (i) Basements or cellars (one or more) / multi-level (allowed for plots 750sq.m and above only) or
 - (ii) Stilt floor or in upper floors (at any level) or
 - (iii) The Open space over and above the setbacks i.e. after leaving the setbacks to be left around the building with adequate vehicular access, aisle, drives, ramps required for maneuvering of vehicles, or
 - (iv) Common pool parking area (in the case of Group Housing Scheme / Cluster Housing / Row Housing Schemes).
 - (v) Any of the above or all the above or combination of the above.
 - (vi) Wherever Mechanical system and car lifts are proposed enabling two tier parking, the required parking is computed accordingly.
- (c) The other aspects for providing parking spaces are:
- (i) Misuse of the area specified for parking of vehicles for any other use shall be summarily demolished / removed by the Enforcement Authority.
 - (ii) The parking spaces should be efficiently designed and clearly marked and provided with adequate access, aisle, drives and ramps required for maneuvering of vehicles.
 - (iii) Cellar floor shall be used only for parking and not for any habitation purpose. There shall be ventilation to cellars with not less than 2.5% of each cellar floor area.

- (iv) In respect of Apartment Complexes / Building / Block of residential nature, in sites up to 750sq.m the Parking requirement shall be deemed to be met if the entire stilt floor is left for parking.
- (v) Common and Continuous cellar parking floors between adjoining buildings would be allowed depending upon structural safety aspects, mutual agreement between owners, etc.
- (vi) In the Stilt floor a watchman room and 2 toilets (W.C), with maximum built up area of 25sq.m may be allowed. Such space shall not be disposed and shall be part of common facility of the complex. For the sites above 750sq.m area it is permitted subject to fulfillment of parking requirement as per Table-V.
- (vii) For parking spaces in basements and upper floors, at least two ramps of minimum 3.6m width or one ramp of minimum 5.4m width and adequate slope 1 in 8 shall be provided. Such ramps shall not be allowed in mandatory setbacks including building line, however they may be permitted in the side and rear setbacks after leaving minimum 7m of setback for movement of fire-fighting vehicles. Access to these may also be accomplished through provisions of mechanical lifts.
- (viii) The minimum width of the drive way shall be 4.5m.
- (ix) In case where the permissible set back is less than 4.6m the pillars position in stilt floor shall be so designed that there shall be clear space of 3.6m (excluding Greenery) is available for movement of vehicles.
- (x) Cellar shall be with a setback of at least 1.5m in the sites of extent of up to 1000sq.m, 2m in the sites of extent of more than 1000sq.m and up to 2000sq.m, and 3m in the sites of extent of more than 2000sq.m from the property line. In case of more than one cellar, 0.5m additional setback for every additional cellar floor shall be insisted.
- (xi) Up to 10% of cellar may be utilised for utilities and non-habitation purpose like A/C Plant room, Generator room, Sewerage Treatment Plant (STP), Electrical installations, Laundry, etc,
- (xii) Visitors' parking shall be provided with minimum 10% of the parking area mentioned in Table-V and may be accommodated in the mandatory setbacks other than front setback where ever such setbacks are more than 6m (excluding green strip).How ever this is not permissible in case of transfer of setback. The Visitors' Parking facility shall be open to all visitors which shall be properly demarcated on ground.

14. ENCOURAGEMENT FOR PROVISION OF PARKING COMPLEXES

To encourage parking complexes, Parking lots and enclaves, owners who develop parking complexes / parking lots, the following incentives would be considered:

- (a) Equivalent built up area of such Parking Complex / or area of Parking lot as the case may be would be considered as Transferable Development Right by the Competent Authority.
- (b) In an existing area/locality where an owner or two or more owners come together and develop combined or Common Parking Complex, Pedestrian Plaza / Subway, or improve / facilitate additional access by linking with surrounding roads etc for public usage are provided, as part of their premises / land development / improving the urban design aspects, additional bonus built up area / Transferable Development Right (TDR) would be considered by the sanctioning authority.

- (c) The setbacks for Parking Complexes shall be as follows:
front setback – as per building line in Table-III of rule-5.
Setbacks on remaining sides – 50% of setbacks given in Table-III of rule-5.
- (d) No fees and other charges shall be charged by the Sanctioning Authority for the area / floors developed as Parking Complex / Parking lot;
- (e) A moratorium on property tax for 5 years would be considered;
- (f) For the next 5 years – Property Tax shall be levied on the lowest slab of residential category.
- (g) Such parking complexes may be permitted along main commercial roads, City Centers, close to Bus Stations, Railway Stations and any Public Transport System so as to encourage parking facility, etc. Access to these parking spaces in such Complexes may be accomplished through provision of mechanical lifts. Such areas may be identified by the sanctioning authority and notified to public every year.

15. COMPLIANCE OF NATIONAL BUILDING CODE PROVISIONS FOR AMENITIES AND FACILITIES IN ALL BUILDINGS

(a) Non High Rise Buildings

- (i) The building requirements and standards other than heights and setbacks specified in the National Building Code - 2005 shall be complied with.
- (ii) Such buildings shall be undertaken by owners by engaging registered architect, licenced builders / developers and licenced structural engineers. The designs and building plans shall be countersigned by the owner, licenced developer, registered architect, licenced engineer and a qualified & licenced Structural Engineer who shall be responsible for the supervision, structural safety, fire safety and specifications compliance of such buildings.
- (iii) The work of the building services like sanitation, plumbing, fire safety requirements, lifts, electrical installations, and other utility services shall be executed under the planning, design and supervision of qualified and competent technical personnel.
- (iv) The parking requirements shall comply as given in these rules. The parking facilities and vehicles driveways etc. shall be maintained to the satisfaction of the Sanctioning Authority.
- (v) All Public and Semi-Public Buildings and Institutional Buildings shall be designed and constructed to provide facilities to the Specially Enabled Persons as prescribed in the National Building Code of India as given in Annexure - V.
- (vi) In all Buildings, the requirements of parts of the building like size and area requirements of habitable rooms, kitchen, bathrooms and Water closets, other areas, corridor and staircase widths, service ducts, etc. shall conform to the National Building Code of India.
- (vii) Rain Water Harvesting Structures shall be provided as given in G.O.Ms.No.350 MA, Dated. 09.06.2000 (Annexure-VI).
- (viii) Provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 shall be complied in such sites and schemes where ever applicable.
- (ix) Buildings shall be designed for compliance with earth quake resistance and resisting other natural hazards. The Completion Certificate shall mention that the norms have been followed in the design and construction of buildings for making the buildings resistant to earthquake, compliance with structural safety and fire safety requirements.

- (x) In case of Group Housing Buildings where there are 100 units and above, a minimum 3% of the total built up area shall be planned and developed for common amenities and facilities like convenient shopping, committee hall / club house, crèche, gymnasium etc. as per National Building Code of India (NBC)-2005. Amenities block shall not be part of the residential blocks. However in case of single apartment block, amenities can be provided in the same block.
 - (xi) In case of Group Housing Buildings where there are 100 units and above, buildings proposed for Nursing Homes, Hospitals and Hotels provision for Solar Water Heating System and Solar Lighting System in the building and in the site for outdoor lighting, etc. shall be made and the applicant shall give a bank guarantee to this effect to the sanctioning authority for compliance of the same.
 - (xii) In case of Group Housing Buildings where there are 100 units and above, Nursing Homes, Hospitals and Hotels provision for Recycling of Water shall be made.
- (b) **High Rise Buildings: in addition to the above the following conditions shall also be complied with**
- (i) In addition to the required staircases and lifts, there shall be at least one fire escape staircase and lift. These staircases and lifts shall be got certified from the manufacturer's authorized service technical personnel from time to time.
 - (ii) Such buildings shall be undertaken by owners by engaging registered architect, licenced builders / developers and licenced structural engineers. The designs and building plans shall be countersigned by the owner, licenced developer, registered architect, licenced engineer and a qualified & licenced Structural Engineer who shall be responsible for the supervision, structural safety, fire safety and specifications compliance of such buildings.
 - (iii) Provision for power generator shall be made.
 - (iv) These buildings shall be planned, designed and constructed to ensure fire safety requirements are met and maintained and shall comply in accordance with the Fire Protection Requirements of National Building Code of India (NBC)-2005 / Andhra Pradesh Fire Services Act, 1999.
 - (v) The facilities for providing fire protection and firefighting facilities in such buildings should be in compliance with the stipulations laid down and clearance issued by the Andhra Pradesh State Disasters Response & Fire Services Department from time to time. No Objection Certificate (NOC) from the Andhra Pradesh State Disasters Response & Fire Services Department shall be obtained from time to time regarding the fire safety requirements and facilities installed. The designs and installations regarding fire protection and safety measures including exit requirements and smoke containment and smoke management measures shall be undertaken through a fire engineer / fire consultant.
 - (vi) Buildings shall be designed for compliance with earth quake resistance and resisting other natural hazards. The Completion Certificate shall mention that the norms have been followed in the design and construction of buildings for making the buildings resistant to earthquake, compliance with structural safety and fire safety requirements.

16. CONCESSIONS IN ROAD WIDENING CASES:

- (a) Where any land or site or premises for building is affected in the Statutory Plan / Master Plan Road or Circulation network or a road required to be widened as per Road Development Plan, such area so affected in the road or circulation network shall be surrendered free of cost to the Sanctioning Authority by the owner of land. No development permission shall be given unless this condition is complied with.

- (b) Upon surrendering such affected area the owner of the site would be entitled to a Transferable Development Right (TDR) as given in Rule-17.

OR

The owner shall be allowed to construct an extra floor with an equivalent built area for the area surrendered subject to mandated public safety requirements.

OR

The owner shall be allowed to avail concessions in setbacks including the front set-back (subject to ensuring a building line of 6m in respect of roads 30m and above, 3m in respect of roads 18m and below 30m and 2m in respect of roads less than 18m and subject to ensuring minimum side and rear setback of 2m in case of building of height up to 12m and 2.5m in case of buildings of height above 12m and up to 15m and 3m for buildings of height above 15 and up to 18m).

- (c) The extent of concessions given shall be such that the total built up area after concession shall not exceed the sum of built up area allowed (as proposed) on total area without road widening and built up area equivalent to surrendered area.
- (d) In case of plots less than 750sq.m in addition to concessions in setbacks and height, the cellar floor may be allowed keeping in view of its feasibility on ground.
- (e) In case of High Rise Buildings the concessions in setbacks, other than the front setback would be considered subject to maintaining minimum clear setback of 7m on the sides and rear side and such minimum setback area shall be clear without any obstructions to facilitate movement or fire fighting vehicles and effective firefighting operation.
- (f) The above concessions shall be considered at the level of Sanctioning Authority / Competent Authority. The Sanctioning Authority / Competent Authority may consider any other concession as deemed fit with the prior approval of Government.

17. GRANT OF TRANSFERABLE DEVELOPMENT RIGHT:

- (a) Transferable Development Right" (TDR) can be awarded only when such lands are transferred to the local body / Urban Development Authority as the case may be by way of registered gift deed. The award would be in the form of a TDR certificate issued by the Competent Authority / Sanctioning Authority.
- (b) Grant of TDR can be considered by the Competent Authority / Sanctioning Authority for the following areas subject to the owners complying with the conditions of development above, as per the following norms:
- (i) **For the Master Plan Road / Road Development Plan undertaken and developed:** equivalent to 200% of built up area of such area surrendered. **For conservation and development of lakes / water bodies / nalas foreshores & Recreational buffer development with greenery, etc:** equivalent to 100% of built up area of such recreational buffer area developed at his cost.

- (ii) **For Heritage buildings and heritage precincts maintained with adaptive reuse:** equivalent to 100% of built up area of such site area.
- (c) The TDR may be arrived at on the basis of relative land value and equivalent amount in both export and Import areas, as per the Registration Department records. The Competent Authority shall have the discretion in the matter of applicability of TDR. The TDR shall not be allowed in unauthorized buildings / structures / constructions and shall be considered only after the land is vested with the local authority / UDA. The TDR certificate issued would be valid or utilized / disposed only within the concerned local body area and as per guidelines and conditions prescribed.
- (d) **GUIDELINES ON TRANSFERABLE DEVELOPMENT RIGHT:**
In order to adopt uniform guidelines throughout the State the following conditions and guidelines are prescribed.
- (i) As and when the owner of the building intends to construct the building in the remaining area of the site, he is entitled to construct the building as per the provisions of these Building Rules. In the event the owner doesn't take up any construction, the owner is entitled for TDR which can be used / disposed depending on convenience.
- (ii) A composite Register shall be maintained by the Sanctioning Authority as per the proforma enclosed at Annexure -VIII on the award of TDR and its sale / disposal and utilization. A responsible officer shall be the custodian of the Register.
- (iii) At the time of sale / disposal / utilization of a particular TDR, the utilization details of the sale / disposal need to be entered at relevant columns in the register and that therefore the relevant file need to be referred to the custodian of the Register for making necessary entries in the register. The custodian is held responsible to enter relevant details in the register and also to enter utilization details in the TDR. When TDR Certificate is sold / utilized totally, the same shall be surrendered by the owners and the custodian shall take possession of the Certificate and make necessary entries in the register. As per Government Orders, TDR award is to be arrived on the basis of relevant land value at both export and import areas as per prevailing Registration value.
- (iv) TDR can either be sold or can be utilized by the same owner depending on convenience.
- (v) TDR can be allowed to be utilized for construction of one additional floor over the normal permissible floors without insisting additional setbacks subject to compliance of other norms.
- (vi) Every TDR sold or disposed shall be accompanied by a prescribed agreement on Rs.100/- non-judiciary stamp paper between the person disposing the TDR and the person who intend to utilize the TDR. Draft agreement as per Annexure - XI.
- (e) **DOCUMENTS REQUIRED WITH APPLICATION FOR GRANT OF TRANSFERRABLE DEVELOPMENT RIGHT CERTIFICATE:**
Application to be made by owner in the prescribed format giving the following details:
- (i) Name of the owner with clear address, contact phone number, etc.
- (ii) Copy of the ownership documents along with clear site plan and location plan.

- (iii) Site Plan showing the land surrendered, its extent, location with dimensions.
- (iv) Building permission Plan for the site by the urban local body.
- (v) Details of Building permission granted / applied for like use or purpose of building, number of floors permitted, all-round setbacks, floor area permitted and utilized, parking area permitted; etc.
- (vi) Whether already benefit of relaxations been utilized for the site?
- (vii) Whether any Court case is pending against Urban Local Body?
- (viii) Land value of the site where TDR is to be availed (latest copy from concerned Sub Registrar to be enclosed)
- (ix) TDR admissible in terms of sq.m and equivalent land value.

18. URBAN DESIGN AND ARCHITECTURAL CONTROL

For certain areas as well as sites abutting major roads of 30m and above, the Competent Authority may enforce urban design and architectural control. These shall be detailed out keeping in view the development conditionalities and requirements given in these Regulations and the National Building Code norms. For this purpose, urban design and architectural control sheets / Plans approved by the Competent Authority shall be complied with.

19. BUILDING PERMIT / LICENSE FEES

- (a) The Sanctioning Authority shall along with the Building Application levy and collect 2% of the Building Permit / License fees, subject to a maximum of Rs.10,000 as initial fees. The balance Building Permit / License Fees together with other fees and Charges shall be levied and collected before the issue of permission / sanction.
- (b) In case of rejection of building application, the above initial fees would be forfeited.
- (c) No fees and charges would be levied for parking spaces provided in any floor.
- (d) The permission is valid for 5years in case of High Rise Buildings & Group Development Schemes and 3years in case of Non High Rise Buildings subject to condition that the construction shall be commenced within 18months. The permission can be revalidated for another 2years on payment of building permit fee.

20. LEVY OF SPECIAL FEES AND OTHER PROVISIONS FOR CERTAIN AREAS:

The Sanctioning Authority with the specific approval of the Government may, when implementing such Projects, levy Special fees and other fees / charges for lands / sites / premises abutting or in the vicinity of the Ring Road or other highways / major roads or the Mass Rail Transit System / Light Rail Transit System / Multi Modal Transit System / Bus Rapid Transit System route indicated in the Master Plan, at the rates and procedure prescribed by the Government.

21. CITY LEVEL INFRASTRUCTURE IMPACT FEES APPLICABLE IN CERTAIN CASES:

- (a) With a view to ensure development of City Level Infrastructure facilities and the City Level Infrastructure Impact Fees shall be levied as given in the table below:

TABLE - VI

Areas	Height (No. of Floors), Use of the Building and Rate in Rs. per sq. m of Built Up Area							
	Above 15 m & up to 7 floors		Above 7 floors & up to 10 floors		Above 10 floors & up to 17 floors		Above 17 floors	
	Residential	Commercial, Offices, ITES, Institutional, Educational & Others (except Industrial)	Residential	Commercial, Offices, ITES, Institutional, Educational & Others (except Industrial)	Residential	Commercial, Offices, ITES, Institutional, Educational & Others (except Industrial)	Residential	Commercial, Offices, ITES, Institutional, Educational & Others (except Industrial)
1	2(a)	2(b)	3(a)	3(b)	4(a)	4(b)	5(a)	5(b)
HMDA Area								
GHMC	500	1000	750	1500	1500	2500	3000	5000
Municipalities	250	500	500	1000	1000	2000	2000	4000
G.P Areas	175	250	350	500	750	1000	1500	2000
UDA Areas								
Municipal Corporations	350	500	500	1000	1000	2000	2000	3000
Rest of the UDAs	175	350	350	500	750	1000	1500	2000
Other than UDA Areas								
Municipal Corporations	350	500	500	800	1000	1500	2000	2000
Municipalities Sel/Spl/1 st grade	150	350	250	500	400	1000	800	1500
2 nd /3 rd /N.Ps/G.Ps	100	200	200	300	300	500	500	1000

- (b) For The first 15m height of the building (excluding stilt floor) there will be no levy of City Level Impact Fee.
- (c) In case of Multiplexes the rates given in the Multiplex Rules shall be applicable.
- (d) The Government may revise the above rates from time to time.
- (e) The above rates shall not be applicable for Government Departments and Public Agencies like Urban Development Authority, Andhra Pradesh Industrial Infrastructure Corporation (APIIC), Local Bodies and Hyderabad Metropolitan Water Supply & Sewerage Board (HMWSSB). This exemption shall not be applicable for commercial projects taken up by such agencies.
- (f) The amount levied and collected under the above Rule shall be credited and maintained in a separate escrow account by the concerned sanctioning authority and 50% of it shall be utilised for development of infrastructure in the same area and balance amount is to be utilised towards improvement of city level capital infrastructure in the area. An Infrastructure Plan and Action Plan for implementation is required to be undertaken by the Competent Authority and the said Fund is utilised accordingly.

22. INCENTIVES FOR OWNERS LEAVING MORE SETBACKS / INSTALLING SOLAR HEATING SYSTEM / LIGHTING / RAIN WATER HARVESTING / RECYCLING OF WASTE WATER:

The following incentives in terms of rebate in Property Tax will be given by the local authority for owners or their successors-in-interest who:

- (i) Install and use solar heating and lighting system: 10% rebate.
- (ii) Undertake both recycling of waste water and rain water harvesting structures: 10% rebate.

23. TECHNICAL APPROVAL FROM THE COMPETENT AUTHORITY

- (a) Hyderabad Metropolitan Development Authority (HMDA) / Urban Development Authority (UDA) Areas:

In case of areas falling under the jurisdiction of HMDA / UDA, the development control powers shall be as per the delegation issued by the concerned HMDA / UDA from time to time.

- (b) **Areas not covered under HMDA / UDA Areas:**

- (i) Where the Town Planning Section Head is below the cadre of Deputy Director, the Sanctioning Authority is empowered to sanction the building permission up to 10m height in plot area up to 300sq.m, in the sites where the proposed activity is permissible in normal course as per Zoning Regulations.

If the site area is above 300sq.m and up to 1000sq.m. prior Technical Approval from the concerned Regional Deputy Director shall be obtained where the proposed activity is permissible in normal course as per Zoning Regulations.

- (ii) Where the Town Planning Section Head is in the cadre of Deputy Director or above, the Sanctioning Authority is empowered to sanction the building permission in plot area up to 1000sq.m, in the sites where the proposed activity is permissible in normal course as per Zoning Regulations.

- (iii) Other than (i) & (ii) above the proposals of building approvals shall be submitted to The Director of Town and Country Planning for prior Technical Approval.

- (iv) In the Gram Panchayat areas covered under sanctioned General Town Planning (GTP) Scheme the Sanctioning Authority is empowered to sanction the individual residential building permission up to 10m height in plot area up to 300sq.m, in the sites where the proposed activity are permissible in normal course as per Zoning Regulations. In respect of other cases prior Technical Approval shall be obtained from the Competent Authority i.e. Director of Town & Country Planning.

- (v) In Case of Group Development, Group Housing Schemes like Cluster Housing / Row Housing / Semidetached Housing Schemes and Gated Community, Technical approval from the Competent Authority is required to be obtained.

24. HIGH RISE BUILDING COMMITTEE

The following committees shall be constituted for scrutiny of High Rise Building applications.

- (a) Greater Hyderabad Municipal Corporation (GHMC)/Greater Visakhapatnam Municipal Corporation (GVMC)/Vijayawada Municipal Corporation (VMC).
 1. Chief City Planner / Town Planning Section Head : Member Convener
 2. Engineering Section Head : Member
 3. Director of Town & Country Planning (DT&CP) or his nominee : Member
 4. Town Planning Section Head of Urban Development Authority (UDA) or his nominee : Member

The Committee shall give the recommendations to the Commissioner.

- (b) Hyderabad Metropolitan Development Authority (HMDA)/All Urban Development Authorities (UDA) (Other than the area covered in "a" above.)

1. Head of the Town Planning wing of concerned UDA -Member Convener
2. Town Planning Section Head or his nominee of concerned ULB -Member
3. Engineering Section Head of concerned UDA / ULB -Member
4. Director of Town & Country Planning or his nominee. -Member

The Committee shall give the recommendations to the Metropolitan Commissioner / Vice Chairman.

- (c) Other Municipal Corporations / Municipalities / Nagar Panchayats. (Other than the area covered in (a) & (b) above i.e. DT&CP Jurisdiction)

1. Commissioner of concerned ULB -Member
2. Regional Deputy Director of Town Planning -Member
3. Superintendent Engineer Public Health -Member
4. Town Planning Section Head of concerned ULB -Member Convener
5. Senior Practicing Architect / Planner nominated by DT&CP -Member

The Committee shall give the recommendations to the Director of Town & Country Planning.

- (d) Gram Panchayats covered in Sanctioned Master Plan Area. (Other than the area covered in (a), (b) & (c) above i.e. DT&CP Jurisdiction)

1. Regional Deputy Director of Town Planning (RDDTP) -Member Convener
2. Superintendent Engineer Public Health -Member
3. Senior Practicing Architect / Planner nominated by DT&CP -Member

The Panchayat Secretary shall submit the proposal through the concerned Regional Deputy Director of Town Planning (RDDTP) to place before the committee and the committee shall give the recommendations to the Director of Town & Country Planning.

The guidelines for Nomination of Senior Practicing Architect / Planner shall be followed as mentioned in Annexure - XII.

25. COMPLIANCE BY OWNER FOR ENSURING CONSTRUCTION IS UNDERTAKEN AS PER SANCTIONED PLAN:

- (a) The owner and builder / developer shall give an Affidavit duly notarized to the effect that in the case of any violation from the sanctioned building plan, the Enforcement Authority can summarily demolish the violated portion.
- (b) In respect of Apartment Buildings, the owner or builder shall give a Declaration duly specifying the number of floors permitted, along with the extent of each floor. In case of any violation with regard to the Declaration, the Enforcement Authority can demolish the violations.
- (c) Before release of the building sanction by the sanctioning authority, the owner of the plot / site is not only required to produce the original Sale Deed, registered under the provisions of the Indian Registration Act, 1908 / Certified copy issued by Stamps and Registration Department for the perusal of the sanctioning authority and cross verification with the attested copy submitted with the building application.
- (d) The owner is required to hand over 10% of the built-up area in the ground floor or first floor or the second floor, as the case may be, to the sanctioning authority by way of a Notarised Affidavit. In respect of row houses / detached houses / cluster housing 5% of the units shall be handed over by way of notarized affidavit to the sanctioning authority. The Notarised Affidavit shall be got entered by the sanctioning authority in the Prohibitory Property Watch Register of the Registration Department. Then only the Building sanction will be released.

- (e) Individual buildings in plots up to 200sq.m with height up to 7m in respect of Municipal Corporations including Greater Hyderabad Municipal Corporation (GHMC) and 300sq.m with height up to 7m in respect of Municipalities / Nagar Panchyats are exempted from the conditions (c) & (d) above.

26. OCCUPANCY CERTIFICATE:

- (a) Occupancy Certificate shall be mandatory for all buildings. No person shall occupy or allow any other person to occupy any building or part of a building for any purpose unless such building has been granted an Occupancy Certificate by the Sanctioning Authority. Partial Occupancy Certificate may be considered by the Sanctioning authority on merits i.e. flats / units or area within a complex which have fulfilled all the requirements in addition to basic facilities like lifts water supply, sanitation, drainage, roads, common lighting etc. However, in respect of individual buildings in plots up to 100sq.m with height up to 7m obtaining Occupancy Certificate is optional.
- (b) The owner shall submit a notice of completion through the registered architect and licenced builder / developer along with prescribed documents and plans to the Sanctioning Authority. The Sanctioning Authority or the person authorized, on receipt of such notice of completion shall undertake inspection with regard to the following aspects:
- (i) *No. of Floors.
 - (ii) External setbacks.
 - (iii) Usage of the building.
 - (iv) Parking space provision.
 - (v) Abutting road width
- * The total height of the building may vary to a maximum of 1m with no change in the permitted number of floors subject to compliance of fire service norms.
- (c) The Sanctioning Authority shall communicate the approval or refusal of the Occupancy Certificate within 15days or may issue the same after levying and collecting compounding fee, if any. If the authority fails to issue the occupancy certificate within the above stipulated period the responsibility shall be fixed with the concerned officer who fails to process the file.
- (d) The Sanctioning Authority is empowered to compound the offence in relation to setbacks violations (other than the front setback) in respect of non high rise buildings only up to 10%, duly recording thereon the violations in writing. The rate of Compounding fee shall be equivalent to one hundred percent of the value of the land as fixed by the Registration Department at the time of compounding for the violated portion and the Government may revise this rate from time to time. Compounding of such violation shall not be considered for buildings constructed without obtaining any sanctioned plan.
- (e) For all high rise buildings, the work shall be subject to inspection by the Andhra Pradesh State Disasters Response & Fire Services Department and the Occupancy Certificate shall be issued only after clearance from the Andhra Pradesh State Disasters Response & Fire Services Department with regard to Fire Safety and Protection requirements.
- (f) The sanctioning authority shall ensure that all public and semi public buildings are constructed disable friendly and provide facilities for specially enabled persons as per National Building Code -2005 of India while issuing occupancy certificate.
- (g) The functional/line agencies dealing with electric power, water supply, drainage and sewerage shall not give regular connections to the building unless such Occupancy Certificate is produced, or alternatively may

charge 3 times the tariff till such time Occupancy Certificate is produced. This condition shall also be applicable to all unauthorized constructions and buildings constructed without sanctioned building plan. In addition to the above, the Local Body shall collect every year two times the property tax as penalty from the owner / occupier.

- (h) The Registration Authority shall register only the permitted built up area as per the sanctioned building plan and only upon producing and filing a copy of such sanctioned building plan. On the Registration Document it should be clearly mentioned that the registration is in accordance with the sanctioned building plan in respect of setbacks and number of floors.
- (i) The financial agencies / institutions shall extend loan facilities only to the permitted built up area as per the sanctioned building plan.

27. ENFORCEMENT

- (a) In addition to the enforcement powers and responsibilities given in the respective laws of the local authority, in respect of these Rules:
 - (i) The Enforcement Authority concerned shall be wholly and severally responsible for ensuring and maintaining the right of way / width of the road and building restrictions as given in these Rules.
 - (ii) The Enforcement Authority shall summarily remove any violation or deviation in building construction in maintaining the road widths and building line.
 - (iii) In respect of apartment complexes, shopping complexes and all high rise buildings, periodical inspections shall be carried out indicating the stage of work with reference to sanctioned plan. In case of any deviations from the sanctioned plan, necessary action shall be taken as per rules.
 - (iv) Any person who whether at his own instance or at the instance of any other person or anybody including the Government Department undertakes or carries out construction or development of any and in contravention of the statutory master plan or without permission, approval or sanction or in contravention of any condition subject to which such permission or approval or sanction has been granted shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to ten percent of the value of land or building including land in question as fixed by the Registration Department at the time of using the land or building. Provided that the fine imposed shall, in no case be less than fifty percent of the said amount.

(b) Constitution of Town Planning and Building Tribunal:

The Government shall constitute a Town Planning and Building Tribunal for dealing with all town planning, enforcement and building issues by making necessary amendments to the corresponding Acts if required.

(c) Constitution of Building Ombudsman:

The Government may constitute a Building Ombudsman for dealing with all complaints of building violations, shortfall in building standards, services and specifications and safety aspects. The Government shall separately work out the procedure, role and details of the functioning of the Building Ombudsman.

28. LIMITATIONS OF BUILDING SANCTION:

Sanction of building permission by the Sanctioning Authority shall not mean responsibility or clearance of the following aspects:

- (a) Title or ownership of the site or building.
- (b) Easement Rights.

- (c) Structural Reports, Structural Drawings and structural aspects.
 - (d) Workmanship, soundness of structure and materials used,
 - (e) Quality of building services and amenities in the construction of building.
 - (f) Other requirements or licences or clearances required for the site / premises or activity under various other laws.
- 29. LICENSING OF REAL ESTATE COMPANIES, DEVELOPERS, BUILDERS, TOWN PLANNERS, ENGINEERS & OTHER TECHNICAL PERSONNEL MANDATORY:**
- (a) The Licencing of Real Estate Companies, Developers & Builders shall be in accordance with the rules as per Annexure - IX.
 - (b) The Licencing of Architects, Engineers, Supervisor, Surveyor and Structural Engineer & Town Planners shall be as per the Annexure - X.
 - (c) No developer / builder / real estate firm or company / engineer / town planner/other technical personnel shall be allowed to undertake development/do business / practice in a Municipal Corporation / Urban Development Authority / Municipality / Nagar Panchayat Area unless they are licenced with the sanctioning authority of the respective area.
 - (d) Architects shall be required to be registered with the Council of Architecture.
 - (e) The engaging of the services of a licenced developer / builder shall be mandatory for Apartment Buildings, Group Housing, all types of Group Development Schemes, all High-Rise Buildings and all Commercial Complexes.
Developments undertaken for construction of individual residential houses, educational/institutional/industrial buildings and developments undertaken by public agencies are exempted from the above condition.
 - (f) Any developer / builder undertaking development or any firm doing property business in any Municipal Corporation / Urban Development Authority / Municipality / Nagar Panchayat or soliciting property sale/transactions or advertising as such in case of above, shall necessarily mention the details of it's licence number, licence number of the licenced developer to whom the approval is given by the said Municipal Corporation / Urban Development Authority / Municipality / Nagar Panchayat, together with the permit number and it's validity for information and verification of public / prospective buyers.
 - (g) Absence of the above or suppressing of the above facts or in the case of other licences and other technical personnel who violate the conditions would invite penal action including debarring of the real estate firm / development firm / company from practice in the local authority area for 5 years besides prosecution under the relevant laws / code of conduct by the sanctioning authority.
 - (h) Any licenced developer / builder / other technical personnel who undertake construction in violation of the sanctioned plans shall be black-listed and this would entail cancellation of their licence besides being prosecuted under the relevant laws / code of conduct.

**B.SAM BOB,
PRINCIPAL SECRETARY TO GOVERNMENT.**

SECTION OFFICER.