



The Andhra Pradesh Urban Areas (Development Amendment) Act, 1986

Act 27 of 1986

Keyword(s):

Capital Construction, Competent Authority, Development of Industries, Displaced Person, Land

Amendments appended: 13 of 1988, 7 of 1994, 12 of 1996, 13 of 1996, 3 of 1997, 12 of 2000, 9 of 2001, 15 of 2003 , 31 of 2006

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**THE ANDHRA PRADESH URBAN AREAS
(DEVELOPMENT) AMENDMENT ACT, 1986.
ACT No. 27 OF 1986 ***

[18th August, 1986].

An Act further to amend the Andhra Pradesh Urban Areas (Development) Act, 1975.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Andhra Pradesh Urban Areas (Development) Amendment Act, 1986. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, in the *Andhra Pradesh Gazette*, appoint.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975 (hereinafter referred to as the principal Act), for section 4, the following sections shall be substituted, namely :— Substitution of new sections for section 4, Act 1 of 1975.

4. (1) For any authority, the Government may, Appointment of Secretary, Chief Accounts Officer, Town Planner and Engineer. sanction a post of Secretary, a post of Chief Accounts Officer, a post of Town Planner and a post of Engineer who shall exercise such powers and perform such functions as may be prescribed or as may be determined by regulations made by the authority in this behalf or delegated to them by the Authority or the Chairman.

(2) Before sanctioning any post under sub-section (1), the Government shall consult the authority concerned.

(3) All the appointments to posts sanctioned under sub-section (1) shall be made by the Government.

*Received the assent of the Governor on the 16th August, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV-A, Extraordinary, dated the 26th July, 1986, at page 4.

(4) All the officers appointed under sub-section (3) shall, save as otherwise provided in the rules relating to the discipline and conducts of those officers be deemed, for all purposes, as officers of the Authority and shall, in the exercise of the powers and discharge of the duties under this Act, be subject to such control and direction of the Vice-Chairman as may be prescribed.

(5) The Government shall pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contribution, if any, towards the provident fund or pension-cum-provident fund of every officer appointed by the Government under sub-section (3).

Government's power to regulate the methods of recruitment, conditions of service, etc., of officers appointed under section 4.

4-A. (1) The Government shall have power—

(a) to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and disciplinary conduct of the officer appointed under section 4.

(b) to recover from the Authority concerned the whole of the salary and allowances paid to any such officer and such contribution towards such officer paid by the Government under sub-section (5) of section 4.

(2) The Government may at any time withdraw any officer appointed under section 4 and appoint another in his place.

Constitution of a urban Development authorities service for the State for any class of officers and employees of the Authorities.

4-B (1) Notwithstanding anything in this Act, or the rules made thereunder, the Government may, after consulting all the authorities by Notification constitute any class of officers or employees of the Authorities into a Urban development Authorities Service for this State.

(2) Upon the issue of a notification under subsection (1) of the Act, Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline, and conduct of the officers and employees of the Urban Development Authorities, service thereby constituted and such rules may vest jurisdiction in relation to such service in the Government or in such other Authority or Authorities as may be prescribed therein

3. In section 59 of the principal Act, in sub-section (1), clause (d) shall be omitted ^{Amendment of section 59.}

THE ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) (AMENDMENT) ACT, 1988.

ACT NO. 13 OF 1988*.

[20th April, 1988.]

An Act further to amend the Andhra Pradesh Urban Areas (Development) Act, 1975.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-ninth Year of the Republic of India as follows:-

1. This Act may be called the Andhra Pradesh Urban Areas (Development) (Amendment) Act, 1988. Short title

*Received the assent of the Governor on the 19th April, 1988. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 28th March, 1988, at page 4.

Insertion of
new section
18-A, Act-I
of 1975.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975 (hereinafter referred to as the principal Act), after section 18, the following section shall be inserted, namely:—

Central Act 1
of 1894,
"Acquisition
of land by
private nego-
tiations.

18A. Where the authority proposes to acquire any land otherwise than under the provisions of the Land Acquisition Act, 1894, it shall obtain the previous approval of the District Collector, therefor. While according his approval, the District Collector shall determine the value at which the land is to be acquired and every such acquisition shall be subject to the previous sanction of the Government as may be prescribed".

Insertion of
new section
20-A.

3. After section 20 of the principal Act, the following section shall be inserted, namely:—

20A. (1) Notwithstanding anything in section 20, the Government may effect the sale of their vacant lands by public auction on such terms and conditions as may be prescribed:

" Sale of
Government
lands by
public
auction and
their admin-
istration.

Provided that no such land shall be sold to or purchased by or on behalf of a co-operative society.

(2) The owners of the land purchased under sub-section (1) shall—

(a) form into a co-operative society; and

(b) submit a declaration to the Authority in such form and in such manner and containing such particulars as may be prescribed.

(3) The administration of every property of the owners of land specified in sub-section (1) shall be governed by such directions as may be given by the Government or the Authority from time to time and by the bye-laws framed by the co-operative society and as amended from time to time and a true copy of the bye-laws and the amendments thereto, if any

shall, as soon as they are made be filed with the Authority and be annexed to the declarations made under sub-section (2):

Provided that no such bye-laws or amendments thereto shall take effect until copies thereof are duly filed by with the Authority.

(4) The bye-laws shall conform to the directions given by the Authority from time to time and may provide for the following matters, namely:—

(a) the manner in which the association of the owners of vacant land is to be formed, the election of a Board of Managers from among the owners, the number of persons constituting the board, the number of members of such board to retire annually, the powers and duties of the board, the honorarium, if any, of the members of the board, the method of removal from the office of members of the board, the powers of the board to engage the services of a manager and delegation of powers and duties to such manager.

(b) manner of calling meetings of the owners of vacant lands and the quorum for such meetings.

(c) election of a President and for presiding over the meetings of the Board and of the association in the absence of the President;

(d) elections of a Secretary who shall keep minutes book wherein resolutions shall be recorded;

(e) election of a treasurer who shall keep the financial records and books of accounts;

(f) maintenance, repair and improvement of the common areas and facilities and payment therefor;

(g) manner of collecting from the owners their share of the common expenses; and

(h) any other matter considered to be necessary for the administration of the property.

THE ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) (AMENDMENT) ACT, 1994.

ACT No. 7 OF 1994.

[27th January, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) ACT, 1975.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Short title
Andhra Pradesh Urban Areas (Development) and
(Amendment) Act, 1994. Commencement

(2) It shall be deemed to have come into force on and from the 19th August, 1992.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975, in section 38, for sub-section (1), the following sub-section shall be substituted, namely:- Act 1 of 1975.

*Received the assent of the Governor on the 25th January, 1994. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 27th December, 1993 at Page 3.

"(1) Notwithstanding anything contained in this Act, where, for any reason, there is delay in the constitution or re-constitution of the Authority in accordance with the provisions of this Act, the Government may, by notification appoint a Special Officer to manage the affairs of the Authority under the Act, for a period which shall not exceed one year from the date of such appointment:

Provided that the Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods, so however the period of appointment of the Special Officer shall not, in the aggregate exceed two years."

Validation.

3. Notwithstanding anything contained in the principal Act, the continuance of the Special Officer appointed in G.O.Ms. No. 109, Municipal Administration Department dated the 19th February, 1992 beyond a period of six months shall not be deemed to be invalid or ever to have become invalid and accordingly,-

(i) anything done or any action taken by such Special Officer after the expiry of the said period of six months shall be deemed to have been validly done or taken as if such Special Officer has not ceased to hold office; and

(ii) the Special Officer appointed in the said Government order shall continue to hold office for a period of one year with effect from the 19th February, 1992 as if he has been appointed for a period of one year under sub-section(1) of section 38 of the principal Act as amended by this Act.

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

THE ANDHRA PRADESH URBAN AREAS
(DEVELOPMENT) (AMENDMENT) ACT, 1996.

ACT No. 12 OF 1996.

[26th August, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
URBAN AREAS (DEVELOPMENT) ACT, 1975.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh in
the Forty-seventh Year of the Republic of
India as follows:-

1. (1) This Act may be called the Short title
Andhra Pradesh Urban Areas (Development) and
(Amendment) Act, 1996. commencement

*Received the assent of the Governor on the 26th
August, 1996. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 21st March, 1996 at Page 3.

(2) It shall be deemed to have come into force with effect from the 13th November, 1995.

Amendment of section 3, Act 1 of 1975. 2. In the Andhra Pradesh Urban Areas (Development) Act, 1975 (hereinafter referred to as the Principal Act) in section 3, for sub-section (5), the following shall be substituted, namely:-

"(5) The Chairman and every member of the Authority, other than ex-officio member, shall hold office during the pleasure of the Government".

Cessation of office of Chairman and members, etc. 3. (1) Notwithstanding anything contained in the principal Act and the rules, order, bye-laws or regulations made thereunder, the Chairman and every member of the Authority other than ex-officio members holding office before the commencement of this Act shall cease to hold such office forthwith.

(2) On such cessation, it shall be competent for the Government to reconstitute the Authority in accordance with the provisions of the principal Act.

Act to override other laws and bar of jurisdiction of Civil Courts. 4. The provisions of this Act shall have effect notwithstanding anything being in force and accordingly,--

(a) no suit or other proceeding shall be instituted, maintained or continued in any court for the continuance of any non-official Chairman, or as the case may be, a non-official member who ceased to hold office under this Act;

(b) no court shall enforce any decree or order directing the continuance of such Chairman or the members; and

(c) all proceedings pending in any court claiming such continuance shall abate.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall be laid before the Legislative Assembly of the State, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of making such order.

6. The Andhra Pradesh Urban Areas (Development) (Amendment) Ordinance, 1995 and the Andhra Pradesh Urban Areas (Development) (Third Amendment) Ordinance 1996 are hereby repealed.

Repeal of
Ordinance
16 of 1995
and Ordinance 11
of 1996.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

THE ANDHRA PRADESH URBAN DEVELOPMENT
(SECOND AMENDMENT) ACT, 1996.

ACT No. 13 OF 1996.

[26th August, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
URBAN AREAS (DEVELOPMENT) ACT, 1975.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh in
the Forty-seventh Year of the Republic of
India as follows:-

1. (1) This Act may be called the short title
Andhra Pradesh Urban Areas (Development) and
(Second Amendment) Act, 1996. commencement.

*Received the assent of the Governor on the 26th
August, 1996. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 21st March, 1996 at Page 3.

(2) It shall be deemed to have come into force on and from the 3rd February, 1996.

Amendment
of sec-
tion 28,
Act 1 of
1975.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975, in section 28, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:-

"Provided that the development charges may be levied at different rates for different institutions of use as may be prescribed from time to time to which the land, or as the case may be the building, is used."

Repeal of
Ordinance
10 of 1996.

3. The Andhra Pradesh Urban Areas (Development) (Second Amendment) Ordinance, 1996 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department..

THE ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) (AMENDMENT) ACT, 1997.

ACT No. 3 OF 1997.*

[26th March, 1997]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) ACT, 1975.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Short title Andhra Pradesh Urban Areas (Development) and com- (Amendment) Act, 1997. mencement.

* Received the assent of the Governor on 25th March, 1997. For Statement of Objects and Reasons, please see the A.P. Gazette Part IV-A Extraordinary dated 24th February, 1997 at F-3.

(2) It shall be deemed to have come into force on and from the 19th February, 1994.

Amendment 2. In the Andhra Pradesh Urban Areas of (Development) Act, 1975 in section 38, section 38. in sub-section (1), in the proviso for Act 1 of the words "in the aggregate exceed 1975. two years", the words "in the aggregate exceed six years" shall be substituted.

Validation. 3. Notwithstanding any thing contained in the principal Act, the continuance of the Special Officer, Puttaparthi Urban Development Authority appointed in G.O.Ms.No. 109, Municipal Administration Department, dated the 19th February, 1992 beyond a period of two years shall not be deemed to be invalid or ever to have become invalid and accordingly;-

(i) anything done or any action taken by such Special Officer after the expiry of the said period of two years shall be deemed to have been validly done or taken as if such Special Officer has not ceased to hold office; and

(ii) the Special Officer appointed in the said Government order shall continue to hold office for a period of four years with effect from the 19th February, 1994 as if his appointment has been extended for a period of four years from that date.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs and Justice,
Law Department.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 27th April, 2000 and the said assent is hereby first published on the 28th April, 2000 in the Andhra Pradesh Gazette for general information.

ACT NO. 12 OF 2000

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
URBAN AREAS (DEVELOPMENT) ACT, 1975.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the ¹⁵⁷ Andhra Pradesh Urban Areas (Development) (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on and from the 19th February, 1998.

Amendment of section 38. Act I of 1975. 2. In the Andhra Pradesh Urban Areas (Development) Act, 1975, in section 38, in sub-section (1), in the proviso for the words "in the aggregate exceed six years" the words "in the aggregate exceed two years", shall be substituted.

Validation. 3. Notwithstanding anything contained in the principal Act, the continuation of the Special Officer, Puttaparthi Urban Development Authority appointed in G.O.Ms.No. 109, Municipal Administration Department, dated the 10th February, 1992 during the period from 19th February, 1998 to the 4th April, 1998 shall not be deemed to be invalid or ever to have become invalid and accordingly,--

(i) anything done or any action taken by such Special Officer during the said period shall be deemed to have been validly done or taken as if such Special Officer has not ceased to hold office; and

(ii) the Special Officer appointed in the said Government Order shall continue to hold office with effect from the 19th February, 1998 as if his appointment has been extended upto 4th April, 1998, the date on which the Sri Satya Sai Urban Development Authority was constituted in G.O.Ms.No.139, M.A. & U.D. Department, dated 4-4-1998 in supercession of the orders issued in G.O.Ms. No.109, M.A., dated 19-2-1992.

G. BEAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

According to sub-section (1) of section 38 of the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act No.1 of 1975) where for any reason, there is delay in the constitution or reconstitution of the Urban Development Authority, the Government may appoint a Special Officer to manage the affairs of the Authority for a period which shall not exceed one year from the date of such appointment. The proviso to sub-section(1) of section 38 of the said Act provides that the said period may extend beyond one year. Therefore, the period of Special Officer in Sri Satya Sai Urban Development Authority, Puttaparthi was extended from time to time upto 6 years due to administrative reasons. It is felt that the term of six years is too long and it is decided to reduce the maximum period to 2 years. Hence, the Government have decided to amend the proviso to sub-section(1) of section 38 of the Andhra Pradesh Urban Areas (Development) Act, 1975 suitably.

Whereas, the Andhra Pradesh Urban Areas (Development) (Amendment) Bill, 1999 has been introduced in the Legislative Assembly of the State on the 27th March, 1999 as Legislative Assembly Bill No. 10 of 1999, the same has lapsed due to dissolution of the Tenth Legislative Assembly.

The Bill seeks to give affect to the above decision.

N. Md. FAROOK,
Minister for Municipal Admini-
stration and Urban Development.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 7th April, 2001 and the said assent is hereby first published on the 10th April, 2001 in the Andhra Pradesh Gazette for general information.

ACT No. 9 of 2001.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH URBAN AREAS (DEVELOPMENT) ACT, 1975.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh Urban Areas (Development) (Amendment) Act, 2001. Short title extension Commence

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect from the 2nd November, 2000.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975, (hereinafter referred to as the Principal Act) in section 2, - Amendment of Section 2 of A.P. Act 1 of 1975.

(i) for clause(b), the following clause shall be substituted, namely:-

"(b) 'authority' means an Urban Development Authority constituted under sub-section(1) of section 3 or a Special Area Development Authority constituted under sub-section(1) of section 3-A for a development area under this Act,";

(ii) for clause(m), the following clause shall be substituted, namely:-

"(m) 'regulation' means a regulation made under this Act by an Urban Development Authority constituted under sub-section(1) of section 3 or by a Special Area Development Authority constituted under sub-section(1) of section 3-A for the concerned development area;".

Insertion of
Section 3-A.

3. After section 3 of the principal Act, the following section shall be inserted, namely:-

<p>"Constitution of a Special Area Development Authority.</p>	<p>3-A (1) The Government may constitute a Special Area Development Authority for any area in the State of Andhra Pradesh as a Special case whether such an area is classified as an urban area or otherwise, in the interest of specific development objectives that may be conducive to the overall planned development of the State.</p>
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(2) Save as otherwise specified under this Act, the area comprised within the jurisdiction of a Special Area Development Authority shall be deemed to be a Development Area notified under section 13 of this Act.

(3) The Government may, by, notification constitute a Special Area Development Authority for any part of a Development Area for which an Urban Development Authority was already constituted provided that the area so comprised within the jurisdiction of the Special Area Development Authority shall be deemed to have been excluded from the jurisdiction of the said Urban Development Authority under section 13(2)(a) of this Act.

(4) Notwithstanding anything contained in this Act, or in any law for the time being in force, where any corporation or company is formed by the Government for the development of any particular area; the Government may, by, notification declare such company or corporation to be also a Special Area Development Authority and the said area as a Development Area under this Act."

4. The Andhra Pradesh Urban Areas (Development) (Amendment) Ordinance, 2000 is hereby repealed.

Repeal of
Ordinance
12 of 2000.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

The Government have constituted Urban Development Authorities for major towns and cities of the State. In recent times it is felt that the provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975, namely, the requirement of preparing Master Plan, enforcing zoning regulation and integrated planning and control encompassing conservation of nature, natural resources and man made heritage must be extended to many other areas of the state even though all such areas may not have a large urban population or may not be in the vicinity of large cities.

2. It is, therefore, proposed to create Special Urban Development Authorities which will help in achieving special objectives of orderly growth and environmental up-gradation in priority areas. This will also be useful in carving out selected areas out of the jurisdiction of existing Urban Development Authorities, which need special planning controls and a high level of infrastructural and managerial input. Such areas also can be notified as Special Area Development Authorities to make them either special investment zones, special tourist areas or an exclusive enclave with international norms. Such high standards of development may not be achievable for the whole of the metropolitan or urban areas for the present but creation of such enclaves and their successful operation will catch the imagination of people and will eventually help in extending similar discipline, efficiency and managerial excellence to the entire cities.

3. To achieve the above objects, Government have decided to amend the Andhra Pradesh Urban Areas (Development) Act, 1975 suitably.

4. As the Legislative Assembly of the State was not then in session having been prorogued and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Urban Areas (Development) (Amendment) Ordinance, 2000 (A.P. Ordinance 12 of 2000) has been promulgated by the Governor on the 31st October, 2000.

This Bill seeks to replace the said Ordinance.

N. Md. FAROOK,
Minister for Municipal
Administration and Urban
Development.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 22nd October, 2003 and the said assent is hereby first published on the 24th October, 2003 in the Andhra Pradesh Gazette for general information:-

ACT No. 15 OF 2003

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH URBAN AREAS (DEVELOPMENT) ACT,
1975.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of the Republic of India as follows:

Short
title and
Commencement.

1. (1) This Act may be called the Andhra Pradesh Urban Areas (Development) (Amendment) Act, 2003.

(2) It shall be deemed to have come into force with effect from the 5th February, 1996.

Amendment of
section 28, Act
1 of
1975.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975 in section 28, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:-

“Provided that such rates of development charges shall not exceed rupees one hundred and twenty five per square meter in the case of development of land and rupees forty per square meter in the case of development of building.”

Validation

3. Notwithstanding any thing contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, the notification issued in G.O.Ms.No. 51 M.A. & U.D. Department, dated the 5th February, 1996 under sub-section (1) of section 58 of the Andhra Pradesh Urban Areas (Development) Act, 1975 amending the Urban Development Authority (Hyderabad) Rules, 1975 as it stood immediately before the commencement of the Andhra Pradesh Urban Areas (Development) (Amendment) Act, 2003 fixing and collecting of the development charges, shall be and shall be deemed always to have been, validly issued under the provisions of the principal Act as amended by the Andhra Pradesh Urban Areas (Development) (Amendment) Act, 2003 and accordingly:-

(a) all acts, proceedings or things done or taken by the State Government or by any officer of the State Government or by any other authority in connection with the levy and collection of such development charges shall for all purposes be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceedings shall be instituted maintained or continued in any Court, Tribunal or before any authority for the refund of any such development charges; and

(c) no Court shall enforce any decree or order directing the refund of any such development charges.

4. The Andhra Pradesh Urban Areas (Development) (Amendment) Ordinance, 2003 is hereby repealed.

Repeal of
Ordinance
6 of
2003.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

According to first proviso to Sub-section (2) of Section 28 of the Andhra Pradesh Urban Areas (Development) Act, 1975, as amended by Act 13 of 1996 the development charges may be levied at different rates for different institutions of use as may be prescribed from time to time to which the land, or as the case may be the building is used. In pursuance of the aforesaid provision Government have framed rules in G.O.Ms.No. 51, M.A. & U.D. (M.A.) dated 05-02-1996 prescribing development charges.

The said amendment and the rules issued thereunder has been challenged by the Siddhartha Academy of General and Technical Education, Vijayawada in High Court in W.P.No. 3448/97 and the High Court of Andhra Pradesh relying on the judgment of the Supreme Court in Corporation of Calcutta Vs. Liberty Cinema (AIR 1965 SC 1107) has struck down the said provision as void and *Ultra Vires* on the ground that section 28 of the said Act has been amended, without fixing any maximum limit in the said section.

To over come the aforesaid difficulty, Government have decided to amend section 28 of the said Act suitably and also to validate the levy and collection of the development charges made in accordance with the rules issued in G.O.Ms.No. 51, M.A. & U.D. (M.A.) Dated 05-02-1996.

As the Legislative Assembly was not then in session having been prorogued and to give effect to the above decision the Andhra Pradesh Urban Areas (Development) (Amendment) Ordinance 2003 (Andhra Pradesh Ordinance 6 of 2003) has been promulgated by the Governor on the 7th August, 2003.

This Bill seeks to replace the said Ordinance.

B.V. MOHAN REDY,
*Minister for Municipal Administration
and Urban Development.*

Short
title
and
commen-
cement.

1. (1) This Act may be called the Andhra Pradesh Urban Areas (Development) (Amendment) Act, 2006.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amend-
ment of
section
28,
Act 1 of
1975.

2. In the Andhra Pradesh Urban Areas (Development) Act, 1975 in section 28, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:-

“Provided that such rates of development charges shall not exceed rupees three hundred per square meter in the case of development of land and rupees one hundred and twenty five per square meter in the case of development of building”.

T. MADAN MOHAN REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

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ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 42] HYDERABAD, TUESDAY SEPTEMBER 19, 2006

**ANDHRA PRADESH ACTS, ORDINANCES
AND REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 17th September, 2006 and the said assent is hereby first published on the 19th September, 2006 in the Andhra Pradesh Gazette for general information:-

ACT No. 31 OF 2006

**AN ACT TO AMEND THE ANDHRA PRADESH URBAN
AREAS (DEVELOPMENT) ACT 1975.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-seventh Year of the Republic of India as follows: