



VIJAYAWADA MUNICIPAL CORPORATION

GUIDELINES FOR COMPULSORY REGULATION OF UNAPPROVED AND ILLEGAL LAYOUTS IN MUNICIPAL AND URBAN DEVELOPMENT AUTHORITY AREAS

1. Introduction:

The level of urbanization in Andhra Pradesh has been accelerating since 1961. The urban population which stood at 6.27 millions in 1961 increased to 20.05 millions in 2001 with corresponding urbanization level increasing from 17.44 percent in 1961 to 27.08 percent in 2001. The state's urban population grew by 43.24 percent during 1981-91 as against 36 percent for the Country. A few major cities in Andhra Pradesh are suffering under the pressure of uneven economic development and rapid population growth as a result of both migration and natural increase in population. The rapid economic growth taking place in Andhra Pradesh is likely to further increase the urban population in a significant manner. In this process of economic growth it is noticed that, among other things, a large number of unapproved and illegal layouts are cropping up in all urban areas.

2. Background:

The rapid urbanization has put tremendous pressure on lands in urban areas. Government have in the past brought out a scheme for regularization of such unapproved layouts but this was met with limited success since it was a voluntary scheme with onus on the plot owners and there were no deterrent provisions against the owners who have not come forward for regularization. It is also observed that there are numerous unapproved and illegal layouts in all urban areas which are not only in violation of Master Plan and Layout Rules but also deficient in layout norms and development standards and lacking in basic civic amenities like proper roads and connectivity, water supply, drainage, street lights on account of which frequent complaints are received from the public. Such substandard and unapproved subdivision of land into building plots is not only defeating the purpose of planned development but also affecting the planned extension of services and civic amenities by urban local bodies

3. Rules for Regulation of Unapproved Layouts:

Government with a view to bring all these unplanned areas into the fold of planned development and to arrange basic facilities in these areas has come up with a pragmatic solution namely Regulation of Unapproved and illegal layouts.

To give effect to the above policy, Government have issued Statutory Rules for implementation of compulsory disclosure scheme for Regulation of Unapproved and illegal layouts (herein after called **Layout Regulation Scheme (LRS)**). This scheme is intended to help the people to bring such unapproved layouts into the planning fold by getting them regulated and to enable them to get building permission.

4. Objectives:

1. To bring all unauthorized Layouts/subdivisions in to planning frame work and regulate the development.
2. To facilitate the implementation of Master Plan.
3. To improve the circulation pattern of roads.
4. To provide relief to the several persons who have purchased plots without awareness about layout regulations/layout permissions.

5. Applicability of the scheme:

The Scheme is applicable in the following cases

- i. It is applicable to the plots in unapproved layouts which are located within Urban Development Authority Area, Municipal Corporations, Municipalities and Gram Panchayats falling in Master Plan limits of respective Municipalities in Andhra Pradesh.
- ii. It is applicable to the plots in unapproved layouts which are registered prior to date of notification of the Rules in A.P Gazette.

6. LRS is not applicable in the following cases.

- i. Encroachment on Government Lands.
- ii. Surplus land declared under Urban Land Ceiling Regulation Act /Agricultural Land Ceiling Act / Lands resumed under A.P. assigned lands (POT) Act.
- iii. Tank beds and Sikhams lands.
- iv. Areas covered under G.O. Ms. No. 111 MA dt. 8.3.1996 (protection of catchment area of Osman Sagar and Himayath Sagar Lakes).
- v. Prohibited area under the Coastal Regulation Zone and such other environmentally restricted zones as prescribed.
- vi. Industrial /Recreational/Water Body land uses earmarked in the sanctioned Master Plans/Zonal Development Plans.
- vii. Bed of water bodies like river, nala, pond, cheruvu, kunta/shikam lands and in Full Tank Level (FTL) of any lake
- viii.
 - a) 30 Mts. From the boundary of river course/Lakes of area 10 Ha and above
 - b) 9 Mts. from the boundary of Lakes/ Kuntas /Shikam lands of area less than 10 Ha
 - c) 9 Mts. from the boundary of Canal, Vagu etc.

- d) 2 Mts. from the defined boundary of nala
- e) The space to be left in and around the Canal/Vagu (including the actual bed width and alignment) shall be minimum 15 Mts. This may be developed as green buffer / recreational and/or utilized for road of minimum 9 Mts. width, wherever feasible.
- f) In case of (viii)(a) above in addition to development of recreational/green belt along the foreshores, a ring road or promenade of minimum 12 Mts. may be developed wherever feasible.
- g) In case of sites in the vicinity of Oil / Gas pipelines, clear distance and other stipulations of the respective authorities shall be complied with.
- h) Open spaces earmarked in any approved layout.
- i) Sites under litigation / legal disputes regarding ownership.

7. Compulsory submission of applications:

Applications under this scheme shall be filed compulsorily with all enclosures in the prescribed form by owners of plots in unapproved layouts in the office of the Municipal Corporation/ Municipality /Urban Development Authority as the case may be within 60 days from the date of notification of the Rules.

8. Who can apply under LRS:

- i. Individual plot owners in unapproved layouts having registered sale deed executed prior to notification of the rules.
- ii. Associations / Societies / Welfare Society / Colony Developer representing the unapproved layout plot owners having registered sale deed executed prior to notification of these rules. In these cases 3 Members selected by the Associations / Societies / Welfare Society of the unapproved layouts will act as resource persons who can represent the case before the Competent Authority.

9. Separate applications for Regulation of Unapproved Layout and Unauthorizedly Constructed building

In respect of cases where a building is constructed unauthorizedly in a plot of unapproved layout, the owner has to submit two separate applications as shown here under

- 1. Application for regulation of Unapproved Layout / Plot.
- 2. Application for penalization and regulation of unauthorizedly constructed building.

In these cases, Application for penalization and regulation of unauthorizedly constructed building will be considered only after regulation of the unapproved layout / plot.

10. Services of Technical Personnel:

In every Municipality, Municipal Corporation, Urban Development Authority technical personnel will be authorized by the Municipal Commissioner/ Vice Chairman as the case may be to assist citizens in filling up the application form and preparation of required plans. In addition, the citizens can utilize the services of Registered Architects for filling up the Application form and preparation of plans.

11. Prior clearances in certain cases

Prior clearance is required in the following cases:

- i. Clearance from the Competent Authority under Urban Land Ceiling and Regulation act 1976, A.P.Land Reforms (Ceilings on Agricultural Holdings) Act 1973 wherever required.
- ii. Clearance from Air Port Authority for the areas in the restricted zone.
- iii. Clearance from the Defence authority for the areas in the restricted zone or with in 500 mts from the boundary of the Defence Areas / Military establishments.
- iv. Clearance from the Dist. Collector in respect of assigned lands.

12. Payment of Penalisation charges

The applicant shall pay the penalisation charges as shown hereunder

1. Penalisation charges on the total plotted area/plot area as per the rates detailed in Table-I which includes Betterment charges, External Betterment charges, Development charges and other charges.
2. Proportionate Open space contribution charges towards shortfall of open space, if any as detailed in Table-II.
3. Change of Land use charges as per G.O.Ms.No.439 dt.13.06.2007 and G.O.Ms.No.158 dt. 05.02.1996 (G.Os enclosed as Annexures) in case of plots earmarked for other than residential use in notified Master Plans/Zonal Development Plans as per the rates detailed in Table-III.

Note: In case the Applicant is not in a position to calculate the charges payable under Items -2 and 3 above, he may submit the application duly paying penalisation charges mentioned in Item-1. In such cases, the Competent Authority will scrutinise the application and inform the applicant to pay the said charges and if the applicant fails to pay the said charges within 30 days the application will be rejected.

13. Scrutiny and Time Line for Disposal of Applications:

All the applications received under the scheme would be disposed off with in 6 months from the last date fixed for receipt of the applications.

14. Competent Authority under the scheme:

The following are the competent authorities for disposal of applications.

- i. Vice Chairman of the Urban Development Authority in case of areas falling in UDA limits.
- ii. The Commissioner of Municipal Corporation in case of areas falling in Municipal Corporations and not covered by urban Development Authorities.
- iii. Municipal Council in case of Municipalities and Nagar Panchayats and not covered by Urban Development Authority.
- iv. Gram Panchayat in case of areas falling in Master Plan limits of respective Urban Local Bodies.

15. Norms required for regulation of unapproved layouts:

The following norms, among others, shall be followed for regulation of unapproved layouts

- i. Minimum road width
 - a. For weaker section layouts- 6 m
 - b. For other layouts - 9 m
- ii. 10% open space to be insisted or reserve equivalent land within layout site by readjusting the plots. 10% of the open space or available open space in the layout shall be handed over to the concerned Local Body by way of a registered gift deed. If land is not available towards 10% open space, pro-rata charges shall be collected towards shortfall of open space as per the prevailing market value register maintained by the Registration Department.
- iii. The road alignment provided in Master Plan shall be insisted as stated in the Rules.
- iv. The layout shall connect to the surrounding road network.
- iv. Private water bodies in the layout shall be retained and these areas will be treated as part of 10% open spaces.

16. Individual Plot Regulation:

Where an individual owner applies for regulation of a single plot, the Competent Authority may consider the same as per Rule -11 of the Rules.

17. Scrutiny and Issue of orders:

All applications received for regulation of unapproved layouts shall be got inspected by the competent authority. If the application is found in order, the competent authority shall issue orders regulating the unapproved layout/ plot. If there is any shortfall in payment of penalization charges, other charges, the Competent Authority shall issue a notice to the applicant for payment of shortfall in fees and charges and same shall be paid by the applicant with in 30 days. After payment of the fees and charges, the Competent Authority shall issue orders regulating the unapproved layout / plot.

After regulation of unapproved layout, the roads and open spaces in the layout area shall be deemed to have been taken over by the concerned Local Body i.e. Municipal Corporation /Municipality/ Gram Panchayat as the case may be.

Mere receipt of application or any delay in communication of final orders will not be construed as automatic regulation of unapproved layout.

18. Appeal:

Any applicant aggrieved by an order passed by the Competent Authority may prefer an appeal to the Appellate Committee constituted by the Government within thirty days from the date of receipt of the order if he has paid the necessary charges and submitted documents as specified in the Rules.

19. Consequences in case of failure to apply under the scheme:

Where an application for regulating unapproved layout /plot has not been filed, the following consequences have to be faced

- i. Such layouts/plots would be treated as continuing offence and penalty as per amended Municipal laws will be levied.
- ii. No regular water supply connection and services like drainage and sewerage would be provided.
- iii. Such sites would be recorded in the prohibitory register of the Registration Department to prevent sale / disposal or transaction of such sites.
- v. No building permission will be granted in unapproved layouts.
- vi. Penal action will be taken against the buildings constructed in such unapproved layouts including demolition of the building as per Rules