



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 11] AMARAVATI, MONDAY, 24th APRIL, 2023.

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

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 19th April, 2023 and the said assent is hereby first published on the 24th April, 2023 in the Andhra Pradesh Gazette for general information :

ACT No. 11 of 2023

**AN ACT FURTHER TO AMEND THE MUNICIPAL CORPORATIONS
ACT, 1955 AND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy fourth Year of the Republic of India as follows, -

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 2023. Short Title and Commencement.

(2) Sections 2(1) and 3 (1) shall be deemed to come into force with effect from 7th September, 2007.

(3) Remaining Clauses of this Act shall come into force from such date as the Government may, by notification in the official Gazette, appoint.

2. In the Municipal Corporations Act, 1955,

(1) after section 146, the following section shall be inserted, namely,-
 " 146-A. The Authority may, with the consent of the owner, acquire land for public purposes, for providing infrastructure, amenities and facilities by way of according Transferable Development Rights (TDR) through issue of Transferable Development Right Certificate (TDRC) in lieu of payment towards cost of land in such manner as may be prescribed under this Act.

Insertion of
new
Sections 146-
A, 146-B and
146-C.
Act II of 1956.

(i) Notwithstanding anything to the contrary contained, either in the statute or the rules made in this behalf, all the certificate of TDRs issued in accordance with the statutory rules from time to time, shall be deemed to have been issued in pursuance of the Provisions under this Act.

(ii) Notwithstanding anything contained to the contrary in any provisions of this statute and on the rules made there under, the documents surrendering/ transferring the interest of the owner(s) in the land, in favour of the local body shall be deemed to be a surrender/ transfer of such land free of cost in lieu of the TDR in accordance with the statutory rules applicable from time to time.

(iii) The term TDR shall means a development right to transfer the potential of a plot, designated for the purposes enumerated hereunder,

- (a) a community amenity or
- (b) development for public purpose in the master plan or
- (c) in road widening or covered in recreational use zone,
- (d) any traffic and transport infrastructure development such as bus stops or Bus stands, metro rail, bus rapid transport system,
- (e) sites required by the Government/ULB for weaker sections or social housing, any other urban infrastructure development such as water supply, sewerage, education and health.

expressed in terms of total permissible built up space calculated on the basis of built up area allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan, as additional built space over and above the permissible limit in lieu of compensation for the surrender/transfer of the concerned plot free from all encumbrances to the local authority.”

(2) After section 146-A as so inserted, the following sections, shall be inserted, namely,-

“**146-B.** Notwithstanding anything to the contrary contained in any law for the time being in force, any provisions of TDR as prescribed by the Government from time to time, shall be undertaken by the Competent Authority concerned only with express prior permission of the Government or such authority as may be notified by the Government from time to time.

146-C. On coming into force, of the amendment, no application for TDR, except in case of grant of Development permission shall be entertained by the Competent Authority concerned as prescribed, unless:

- (a) The Master plan requirements are finalised and the Master Plan is finally notified under the provisions of the respective Acts.
- (b) The application for surrender/transfer of land by the owner shall not be made unless a request there for is made by the Competent Authority concerned as prescribed in writing to the said owner for the purposes of the same.
- (c) The Rules governing the award of TDRs consistent with the provisions of the amending Act shall remain valid with effect from the date of commencement of Section 146-C.”

3. In the Andhra Pradesh Municipalities Act, 1965, in section 42,

Amendment
of Section 42.
Act No.6 of
1965.

(1) after sub-section (2), the following sub-section shall be inserted, namely,-

“(3). The Authority may, with the consent of the owner, acquire land for public purposes, for providing infrastructure, amenities and facilities by way of according Transferable Development Rights (TDR) through issue of Transferable Development Right Certificate (TDRC) in lieu of payment towards cost of land in such manner as may be prescribed under this Act.

(i) Notwithstanding anything to the contrary contained, either in the statute or the rules made in this behalf, all the certificate of TDRs issued in accordance with the statutory rules from time to time, shall be deemed to have been issued in pursuance of the Provisions under this Act.

(ii) Notwithstanding anything contained to the contrary in any provisions of this statute and on the rules made there under, the documents surrendering/ transferring the interest of the owner(s) in the land, in favour of the local body shall be deemed to be a surrender/ transfer of such land free of cost in lieu of the TDR in accordance with the statutory rules applicable from time to time.

(iii) The term TDR shall means a development right to transfer the potential of a plot, designated for the purposes enumerated hereunder, -

- (a) a community amenity or
- (b) development for public purpose in the master plan or
- (c) in road widening or covered in recreational use zone,
- (d) any traffic and transport infrastructure development such as bus stops or Bus stands, metro rail, bus rapid transport

system,

- (e) sites required by the Government/ULB for weaker sections or social housing, any other 'urban infrastructure development such as water supply, sewerage, education and health.

expressed in terms of total permissible built up space calculated on the basis of built up area allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan, as additional built space over and above the permissible limit in lieu of compensation for the surrender/transfer of the concerned plot free from all encumbrances to the local authority."

- (2) after sub-section (3) as so inserted, the following sub-sections shall be inserted, namely,-

"(4) Notwithstanding anything to the contrary contained in any law for the time being in force, any provisions of TDR as prescribed by the Government from time to time, shall be undertaken by the Competent Authority concerned only with express prior permission of the Government or such authority as may be notified by the Government from time to time.

- (5) On coming into force, of the amendment, no application for TDR, except in case of grant of Development permission shall be entertained by the Competent Authority concerned as prescribed, unless:

- (a) The Master plan requirements are finalised and the Master Plan is finally notified under the provisions of the respective Acts.
- (b) The application for surrender/transfer of land by the owner shall not be made unless a request therefore is made by the Competent Authority concerned as prescribed in writing to the said owner for the purposes of the same.
- (c) The Rules governing the award of TDRs consistent with the provisions of the amending Act shall remain valid with effect from the date of commencement of section 42(5)."

G. SATYA PRABHAKARA RAO,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.