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No. 11] HYDERABAD, FRIDAY, JANUARY 27, 2017.

**TELANGANA ACTS, ORDINANCES AND
REGULATIONS ETC.**

The following Act of the Telangana Legislature received the assent of the Governor on the 23rd January, 2017 and the said assent is hereby first published on the 27th January, 2017 in the Telangana Gazette for general information:—

ACT No. 11 OF 2017

**AN ACT FURTHER TO AMEND THE GREATER
HYDERABAD MUNICIPAL CORPORATION ACT,
1955.**

Be it enacted by the Legislature of the State of Telangana in the Sixty-seventh year of the Republic of India as follows:—

1.(1) This Act may be called the Greater Hyderabad Municipal Corporation (Second Amendment) Act, 2016.

Short title
and
commence-
ment.

[1]

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

Substitu-
tion of
section 452.
(Act II of
1956)

2. In the Greater Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as the principal Act), for section 452, the following shall be substituted, namely,-

*452. Demolition or alteration of the building work unlawfully commenced, carried on or completed and appeal thereon.

(1) If the Commissioner is satisfied that the construction or re-construction of any building or execution of any work as described in section 433 is commenced or carried out contrary to the provisions of the Act or building rules or bye-laws made thereunder, he shall make a provisional order requiring the person who is constructing or re-constructing such building or executing such work or has constructed or re-constructed such building or executed such work to demolish such unauthorized construction or re-construction or work within a period specified to bring such construction or re-construction of the building or work in conformity with the provisions of the Act or building rules or Bye-laws made thereunder and may also direct that until the said order is complied with, the concerned person shall refrain from proceeding with such construction or reconstruction of the building or work.

(2) The Commissioner shall serve a copy of the provisional order made under sub-section (1) on such person mentioned in sub-section (1) with a notice requiring him to show cause within a reasonable time to be specified in such notice as to why the order should not be confirmed.

(3) If the person mentioned in sub-section (1) fails to show cause to the satisfaction of the Commissioner, he may confirm the order with such modification as he thinks

fit and serve the confirmation order on such person and such order shall be binding on such person; and such person shall be liable for carrying out the requisitions of the Commissioner within the period specified in such confirmation order.

(4) If within the period specified in such confirmation order, the requisitions contained therein are not carried out by such person the Commissioner may demolish such unauthorized construction or reconstruction or work and the expenses thereof shall be recoverable from the said person.

(5) Any person aggrieved by an order of the Commissioner made under sub-section (3) may, within fifteen days from the date of receipt of the order prefer an appeal against the order to the Municipal Building Tribunal appointed under section 462-A.

(6) Where an appeal is preferred under sub-section (5) against an order made under sub-section (3), the Municipal Building Tribunal may stay the enforcement of the order on such terms, and for such period, as it may think fit:

Provided that where the construction or re-construction of the building or the execution of the work has not been completed at the time of the order made under sub-section (3), no order staying the enforcement of the order made under that sub-section shall be made by the Municipal Building Tribunal unless a surety, sufficient in the opinion of the said Tribunal, has been given by the appellant for not proceeding with such construction or re-construction or work pending the disposal of the appeal.

(7) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(8) Every order made by the Municipal Building Tribunal on appeal and, subject to such order, the order made by the Commissioner under sub-section (3) shall be final and conclusive.

(9) Where no appeal has been preferred against an order made by the Commissioner under sub-section (3) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Municipal Building Tribunal on appeal, and on the failure of such person to comply with the order within such period, the Commissioner may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as arrears of property tax under this Act.

Substitu-
tion of
section
461-A.

3. In the principal Act, for section 461-A, the following shall be substituted, namely,-

*461-A. Powers to seal unauthorised construction/development of premises
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(1) It shall be lawful for the Commissioner, at any time, before or after making an order for the removal or discontinuance of any unauthorized development or construction under section 461, to make an order directing the sealing of such development or property or taking the assistance of police, for the purpose of carrying out the provisions of the Act.

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may, within seven days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under section 462-A.

(3) Where an appeal is preferred under sub-section (2) against an order made under sub-section (1), the Municipal Building Tribunal may stay the enforcement of the order on such terms, and for such period, as it may think fit.

(4) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) Every order made by the Municipal Building Tribunal on appeal and, subject to such order, the order made by the Commissioner under sub-section(1) shall be final and conclusive.

(6) Where no appeal has been preferred against an order made by the Commissioner under sub-section (1) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the Commissioner shall take action to implement the order made under sub-section(1).

(7) No person shall remove such seal except,-

(a) Under an order made by the Commissioner, or

(b) Under an order of the Municipal Building Tribunal on the appeal made in the behalf.”

Insertion
new section
462-A.

4. In the principal Act, after section 462, the following section shall be inserted, namely,-

*462-A.
Municipal
Building
Tribunal.

(1) The State Government shall appoint a Municipal Building Tribunal or Tribunals (hereinafter referred to in this section as "the Tribunal") to hear and decide appeals arising out of matters referred to in Section 452 or Section 461-A and to adjudicate the offences relating to contravention of provisions of the Act mentioned in Schedule-U and Schedule-V in respect of Chapter – XII, namely Building Regulations under sections 596 and 597 in accordance with such procedure, and to realize such fees or fines in connection with such appeals as may be prescribed.

(2) The Tribunal shall consist of a Chairperson and such number of other members, not exceeding eight as the State Government may determine. The members shall consist of judicial members and technical members.

(3) The Chairperson may constitute one or more Benches, each Bench comprising at least two members one of whom shall be a judicial member and another a technical member.

(4) The Chairperson or a judicial member shall be a person who is or has been a District Judge.

(5) A technical member shall be a person who is working in the cadre of Director of Town and Country Planning in Telangana Town Planning Service.

(6) The Chairperson and the other members of the Tribunal shall be appointed by the State Government for such period, and on such terms and conditions, as the

State Government may determine and shall be paid from the Municipal Fund.

(7) The State Government may, if it thinks fit, remove for reason of incompetence or misconduct or for any other good or sufficient reason the Chairperson or any other member of the Tribunal.

(8) The Tribunal shall have an establishment consisting of such officers and other employees, appointed on such terms and conditions, as may be prescribed, and the expenses of the Tribunal shall be paid out of the Municipal Fund.

(9) The provisions of Part II and Part III of the Limitation Act, 1963 (Central Act No.36 of 1963), relating to appeal shall apply to every appeal preferred under this section.

(10) No court shall have jurisdiction in any matter for which provision is made in this Chapter for appeal to the Tribunal."

5. The amendments made to the Greater Hyderabad Municipal Corporation Act, 1955 by section 2 shall extend to and apply to other Municipal Corporations constituted under the provisions of Telangana Municipal Corporations Act, 1994.

Application of provisions of section 2 to other Municipal Corporations.

A. SANTHOSH REDDY,
Secretary to Government,
Legal Affairs, Legislative Affairs & Justice,
Law Department.