

**The Andhra Pradesh Buildings (Lease, Rent and Eviction) Control
(Amendment) Act, 2005.**

Act 17 of 2005

Keyword(s):

Rent, Lease, Eviction, Recovery of Possession

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Registered No. HSE/49

[Price : Rs. 0-30 Paise.]



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

No. 19] HYDERABAD, THURSDAY, APRIL 28, 2005.

**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, 2005 and the said assent is hereby first published on the 28th April, 2005 in the Andhra Pradesh Gazette for general information.

ACT No. 17 OF 2005

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH BUILDINGS (LEASE, RENT AND
EVICTION) CONTROL ACT, 1960.**

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

[1]

A. 1

2 ANDHRA PRADESH GAZETTE EXTRAORDINARY [Part IV-B

**Short
title and
com-
mence-
ment.**

1. (1) This Act may be called the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005.

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

**Insertion
of new
sections.
Act 15 of
1960.**

2. In the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (hereinafter referred to as the principal Act), after section 10 the following new sections shall be added, namely :-

10-A (1) Where the landlord, -

“Right to recover immediate possession of premises to accrue to members of the armed forces etc.

(a) is a released or retired person from any armed forces and the premises let out by him, spouse or his dependent son or daughter are required for his own use; or

(b) is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the use of the family of such member, such person, his spouse or his dependent son or daughter, as the case may be, may within one year from the date of his release or retirement from such armed forces or, as the case may be the date of death of such member, or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering the immediate possession of such premises.

April 28, 2005] ANDHRA PRADESH GAZETTE EXTRAORDINARY 3

(2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter are required for his own use after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter to make an application under that sub-section in respect of only one of the premises chosen by him.

Explanation : For the purpose of this section, "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force as defined under the Andhra Pradesh Members of Police Force (Regulation of Transfers) Act, 1985.

Act No. 9
of 1985

Right to
recover
immediate
possession to
accrue to
employee of
State or
Central
Government.

10-B (1) Where the landlord is a retired employee of the State or Central Government, and the premises let out by him, his spouse or his dependent son or daughter are required for his own use, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering immediate possession of such premises.

(2) Where the landlord is an employee of the State or Central Government and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter are required

4 ANDHRA PRADESH GAZETTE EXTRAORDINARY [Part IV-B

by him for his own use after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.

(3) Where the landlord, his spouse or his dependent son or daughter referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter, as the case may be, to make an application under that sub-section in respect of only one of the premises chosen by him.

Right to recover immediate possession of premises to accrue to a widow.

10-C (1) Where the landlord is, -

(a) a widow and the premises let out by her, or by her husband;

(b) a handicapped person and the premises let out by him;

(c) a person who is of the age of sixty-five years or more and the premises let out by him, or her;

is required for use by him or her or for his or her family or for any one ordinarily living with him or her as the case may be for use he or she may apply to the Court for recovery of immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of any one residential and one non-residential premises each chosen by him.

April 28, 2005] ANDHRA PRADESH GAZETTE EXTRAORDINARY 5

Explanation-I :- For the purposes of this section, “handicapped person” shall mean a person who is as if being an assessee entitled for the time being to the benefits of deduction under section 80-U of the Income-tax Act, 1961.

**Central
Act 48
of 1961.**

Explanation - II :- The right to recover possession under this section shall be exercisable only once in respect of each for residential and for non-residential use.”.

“Act not
apply to
certain
buildings

3. For section 32 of the principal Act, the following shall be substituted namely :

32. The provisions of this Act shall not apply,-

**Substitu-
tion of
section
32.**

(a) to any building belonging to the State Government or the Central Government, or Contonment Board or any local authority;

(b) to any building constructed or substantially renovated, either before or after the commencement of this Act for a period of fifteen years from the date of completion of such construction or substantial renovation.

Explanation-I :- A building may be said to be substantially renovated if not less than seventy five per cent of the premises is built new in accordance with the criteria prescribed for determining the extent of renovation;

Explanation-II:- Date of completion of construction shall be the date of completion as intimated to the concerned authority or of assessment of property tax, whichever is earlier, and where the premises have been constructed in stages the date on which the initial building was completed and an intimation thereof was sent to the concerned authority or was assessed to property tax, whichever is earlier.

6 ANDHRA PRADESH GAZETTE EXTRAORDINARY [Part IV-B

(c) to any building the rent of which as on the date of commencement of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005, exceeds rupees three thousand and five hundred per month in the areas covered by the Municipal Corporations in the State and rupees two thousand per month in other areas.”.

G.V. SEETHAPATHY,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.