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The Andhra Pradesh Buildings (Lease, Rent and Eviction Control) (Amendment) Act, 1997

Act 27 of 1997

Keyword(s):
Building, Accommodation Landlord, Rent Control Court, Tenant

Amendment appended: 17 of 2005

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THE ANDHRA PRADESH BUILDINGS (LEASE, RENT AND EVICTION CONTROL (AMENDMENT) ACT, 1997.

ACT No. 27 OF 1997*

[25th October, 1997.]

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 Forty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1997. Short title and commencement.

*Received the assent of the Governor on 14th March, 1997. For Statement of the Objects and Reasons. Please see the A.P. Gazette Part IV-A Extraordinary dated 13th September, 1996 at P-3.

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(2) It shall be deemed to have come into force with effect from the 18th August, 1994.

Amendment of section 1. Act XV of 1960.

2. In the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (hereinafter referred to as the Principal Act) in section 1 in sub-section(2),-

(i) in clause(a) for the words "and to all Municipalities in the State of Andhra Pradesh" the words "and to all Municipal Corporations and Municipalities in the State of Andhra Pradesh" shall be substituted;

(ii) in clause(b) for the words "to any Municipality in the State of Andhra Pradesh" the words "to any Municipal Corporation or Municipality in the State of Andhra Pradesh" shall be substituted.

Amendment of section 3.

3. In section 3 of the Principal Act in sub-section(2) for the words "In any Municipality" the words "In any Municipal Corporation or in any Municipality" shall be substituted.

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

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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 :

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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 :-

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

10-A (1) Where the landlord, -

(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.

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(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

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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.

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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 :

Substitution of section 32.

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

(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.

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(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.

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