

SUBJECT NO. 129

Sub:- POLICY DECISION of issuance of 200% TDR to the lands covered under developmental activities of VUDA taken from the private land owners- Reg.

AGENDA NOTE :

VUDA towards achieving its prime organizational objectives as envisaged in its constitution, undertakes developmental activities for public utility and recreational works for public use like formation of Master Plan Roads, Public Parks, Function Halls and other infrastructural developments intended for public purpose within its developmental area.

For taking up such developmental activities like massive road widening and implementation of Master Plan roads, huge extents of lands are primarily required. In view of the abnormally escalating land values, the acquisition of lands for the above purpose is increasingly becoming complicated, costly and time consuming and in most of the cases, practically impossible.

Keeping in view of the huge requirement of the private lands and the necessity of their acquisition for undertaking developmental activities for the public purposes, keeping pace with the rapidly growing and wide scale urbanization and the difficulties attending thereon, the Government have introduced the facility of Transferable Developmental Right (TDR in short) to compensate such affected land owners, in the year 2006 vide G.O.Ms.No.86 MA & UD Dept., dt.03.03.2006 and later extending it to all other areas of the A.P. State, vide G.O.Ms.No.678 MA & UD Dept., dt.07.09.2007 where under in lieu of surrender of land by the owner of the land free of cost, a certificate is awarded to him specifying a built up area, which the owner can sell or dispose or utilize it elsewhere within the jurisdiction. Subsequently, VUDA has addressed the Government to clarify whether to extend the TDR policy to the Master Plan Road affected owners prior to 2007 also. The Government vide their letter No.21695/ M2/2012 dtd.07.11.2012, have clarified to issue TDRs to the land losers, whose lands were affected prior to 2007 also.

At this juncture, the Govt. have also circulated orders to all the master plan implementing agencies, not to entertain land to land compensation, vide their Memo.No.433/M1/2013 dtd.29.04.2013, since sufficient land banks are not available with local bodies and not having sufficient financial mobilization.

Prior to this, VUDA has taken up implementation of many Master Plan roads and road widening works with the consent of the land owners without their insisting for payment of compensation, convincing them that such developments would be to their advantage finally. But later, with the abnormal escalation of the values of the lands, the land owners started approaching the VUDA for payment of compensation either in the form of land to land or in the form of monetary benefit. Since the land values have gone high, VUDA is not in a position to mobilize financial resources sufficient to pay the compensation to such land

owners. Some of these land owners have even approached Courts at various levels, seeking directions to VUDA to pay compensation for their lands. The Hon'ble Courts while disposing them, directed VUDA in several instances, that the prayer of the petitioners shall be complied with.

At present, around 32 such applications received in the recent past requesting for payment of compensation, are pending with VUDA. In some cases, the land owners have approached the Hon'ble Courts, obtaining orders in their favor. Under such circumstances, with a view to resolve all the pending issues and settle the matter amicably without causing financial burden to VUDA, a meeting was conducted with all affected land owners whose applications are pending with VUDA as on 03.08.2013 to explain the provisions, purpose and benefits of TDR and set back relaxations and also to explain the Government Memo.No.433/M1/2013 dtd. 29.04.2013, wherein it was clarified that there is no policy or provision for allotment of land to land compensation, except issue of TDRs or payment of compensation for affected persons.

The list of 32 persons who have claimed compensation for their lands covered in Master Plan roads.

Sl. No.	Name of the Land Loser	Survey No. & Name of the Village &	Extent in Ac.Cts	Nature / purpose as claimed by the applicant	Reference of File No. / Tappal No./ Date
1	TML Manorama	S.No.49/2 Kommadi village	Ac 0.20 ½ Cts	80' -0" Kommadi road	C.No.23299/ 11/I-1
2	Y. Anu Radha W/o. Shiva Jagannadha Rao	S.No. 91 Kommadi	Ac.0.18 Cts	80'-0" Kommadi road	
3	K. Jaya Lakshmi	49/1 Kommadi Village	Ac.0.22 ¼ Cts	80'-0" Kommadi road	
4	K. Mallikarjuna Rao	325/1 of Madhurawada	Ac.0.63 Cts	80'-0" Kommadi road	
5	Reddi Ammaji	153/1 of Kommadi	797 Sq.Yds	80'-0" Kommadi road	
6	T.Devi Kumari	151/1, 2 of Madhurawada	Land covered in 33 Feet road	Madhurawada road	730 Dt: 13-2-2012
7	M.Appa Rao	S.No.39/5 of Nerellavalasa	Boundary wall along with gate	Beach road	1092 Dt.28-2-2012
8	1) M.Vijaya Kumari 2) M.V.B. T.Sundari 3) M.Sudha Rani 4) P.Madhavi Latha	S.No.159/7 of Kommadi Village	To implement orders of the High Court in W.P.No.5008 /08	Kommadi Master Plan road	2833 Dt: 30-5-2012
9	Y.S.D.Jalandhur	S.No.106/72 of Boravanipalem	Land covered in road	Ozone valley layout road	2327 Dt:17-3-2012
10	Prof Dr. Ramesh	S.No.16/4E of Pothina	Land covered in 80 Feet road	Master plan road	1462 Dt: 17-3-2012
11	K.. Satyanarayana	S.No.40/7 Madhavadhara		Madhavadhara road	
12	B. Atcham Naidu	S.No.40/7 Madhavadhara	64 sq.yds	Madhavadhara road	
13	A.L.Kantha Rao	S.No.28/6 of Madhavadhara	84 sq.yds	Madhavadhara road	
14	R. Paradesi Naidu	S.No.40/p of Madhavadhara	55 sq.yds	Madhavadhara road	
15	B.V.Ramana	S.No.24/7 of Madhavadhara	155 sq.yds	Madhavadhara road	

16	B. Surya Rao	S.No.24/A of Madhavadhara	139 sq.yds	Madhavadhara road	
17	P.V. Ramana	S.No.40/p of Madhavadhara	138 sq.yds	Madhavadhara road	
18	K. Perraju	S.No.126 of Madhavadhara	116.33 sq.yds	Madhavadhara road	
19	K.V.Ranga Prasad	S.No.7 of Respavanipalem	270 sq.yds	Madhavadhara road	
20	G.Subba Rao	S.No.7 of Respavanipalem	184 sq.yds	Madhavadhara road	
21	S.Madhava Swamy	S.No.32 of Madhavadhara	178 sq.yds	Madhavadhara road	
22	P.Jagannadha Rao	S.No.28/6 of Madhavadhara	60 sq.yds	Madhavadhara road	
23	P.Sarvanamma	S.N.278/6 of Madhavadhara	1357 sq.yds	Madhavadhara road	RC.No.11786/94/E m-I
24	A. Sarada	S.No.55/1, 55/3p & 56/12A of Rushikonda	Ac. 1.16 Cts	Road	W.P.No1844/2012 RC.No.10964/10/I-1
25	K. Pradeep Kumar	T.S.No.125 of Waltair ward Block No. 16/part	10,157.20 sq.yds Land covered in Beach road in	Road	WP.No.14989/04/F4 RC.No.234/79/I-5
26	Allu Krishna	S.No.36/6 Old Gajuwaka, Kanithi Road	166 sq.yds in road covered	Road	
27	K. Appala Narasayya	S.No.36/6 Old Gajuwaka, Kanithi Road	166 sq.yds in road covered	Road	
28	K.Rama brahmam	S.Nop.115/1 (Rs.No.19) Sy.No.22/1, (RS.No.20). Sy.No.123/1 (RS.No.26), Sy.No.124/1 (RS.No.27), Sy.No.125/2 (RS.No.27) of Vadlapudi (V)	Ac.2.46 Cts	Road	RC.N.5602/13/I-1
29	K.Rama brahmam	Sy.No.116/2, 118/B of Kurmannapalem (V), Gajuwaka	AC.0.57 Cts	Road	
30	K.Rama brahmam	Sy.No. 63/8 of Kurmannapalem (V), Gajuwaka	Ac.0.02 Cts	Road	Rc.No.51/11/SDT
31	K.Rama brahmam	Sy.No.63/15 of Kurmannapalem (V), Gajuwaka	AC.1.11 Cts	Road	
32	M.Chandra Sekhara Rao	109 of Madhurawada (V)	267 sq.yds	Road	LT.No.53/2013/L5/P LG

During the meeting, some of the land owners who have attended, given their consent in writing, accepting the TDR towards compensation for their lands utilized by VUDA, however, they requested to provide 200% of TDR as compensation in lieu of their lands instead of 100% as is in practice.

It is submitted that, it is pertinent to note that in the recent Building Rules, issued vide G.O.Ms.No.168 M.A. dt 07-04-2012, it is permitted to issue 200% TDRs for the affected area.

The matter was brought before the VUDA Board vide Agenda Subject No.54 on 05.08.2013. The Board has directed the Vice-Chairman, to see that all the pending cases in this regard are settled at the earliest, within the ambit of existing law provisions by way of TDR or setback relaxations or paying compensation.

Pursuant to the directions of the Board, with a view to clearing all such pending cases, a procedure has been evolved and a proceeding was issued to that effect to the concerned Head of the Departments of VUDA, Revenue Authorities (Land Survey) and GVMC Planning officials, duly prescribing an Action Plan to conduct a joint field survey of the lands in all the above cases and arrive at the exact extent of the private land covered in the road formation along with the sketch of the survey to place before the Board.

Accordingly, a survey has been conducted initially in respect of the lands of ten claimants, who have given their consent accepting TDR as compensation during the meeting and exact extents of the lands falling in the road formation was arrived at to 4603.27 Syds along with the sketches, as detailed below :-

DETAILS OF LAND LOSERS REQUESTING TDR AS COMPENSATION						
Sl. No	Name of the Land Owner	Land covered Survey No. / Village	Extent of land effected in the Master Plan roads formed by VUDA	Documentary Proof available Or not	Name of the road	Survey Report
1	Smt K. Jaya Lakshmi D.No.45-44-A/5, 80'-0" road, Akkayyapalem, Visakhapatnam. Ph:9848090255	49/1 of Kommadi	Ac.0.22 1/4 cts, for formation 80'- 0" road by the Engineering Dept., VUDA	Available	80'-0" Kommadi road	Ac.0.22 cts lost in road formation as per the FMB sketch
2	Smt TML Manorama D.No.45-44-A/5, 80'-0" road, Akkayyapalem, Visakhapatnam. Ph:9848090255	49/2 of Kommadi	Ac.0.20.1/2 cts, for formation 80'- 0" road by the Engineering Dept., VUDA	Available	80'-0" Kommadi road	Ac.0.21 cts lost in road formation as per the FMB sketch
3	Sri M. Apparao 21-139/1, Kakani Nagar, NAD post, Visakhapatnam-530009 Ph.No.9705503623	39/5 of Nerillavalasa	Boundary wall and along with gate	Available	Beach road	42 Sq.yds lost in the road formation as per the FMB sketch
4	Smt Y. Anuradha Sri Nagar, Visakhapatnam Cell No.9885498279	91 of Kommadi	Ac.0.18 cts, for formation 80'-0" road by Engineering Dept., VUDA	To be submitted	80'-0" Kommadi road	Ac.0.18 cts lost in the road formation as per the FMB sketch
5	Sri Y.S.D Jalandhur Flat No.501, G-Block, Jeevan Visakha Apartments, M.M.T.C., colony, Visakhapatnam, Cell No.9989744448	106/7L of Boravanipalem	437 Sq.yds was affected in formation of ozone valley layout road	To be submitted	Ozone valley layout road	255 Sq.yds lost in the road formation as per the FMB sketch
6	Sri P.V. Apparao D.No.7-16-32/1 Patha Gajuwaka, Pallavari Street, Visakhapatnam-26 Cell No.9441517340	32/1A of Gajuwaka	371 Sq.yds, was affected in formation of Kanithi road (Kanithi to Old Gajwaka)	To be submitted	Kanithi road	181.69 Sq.yds lost in the road formation as per the FMB sketch
7	Smt. Satya Parvathi D.No.18-22-25, KGH down, Police quarters Ph.9542504002	44/13 of Kommadi	Ac.0.56 Cts was affected in formation of 80'- 0" road with acquiring	To be submitted	80'-0" Kommadi road	Ac.0.19 926 Sq.yds cts lost in the road formation as per the FMB sketch

8	Sri.Allu Krishna Cell No.9491803457	36/6, Old Gajuwaka, Kanithi Road	166 Sq yards affected in the formation of the kanithi Road	To be submitted	Kanithi road	60.18 Sq.yds lost in the road formation as per the FMB sketch
9	Sri.B.Atcham Naidu Cell No.9800941514	40/7 of Madhavadhara	64 sq yds affected in formation of Road	To be submitted	Madhava- dhara road	As per the document submitted by the applicant his lost land is in Sy.No.40/4 but on ground it is actually falling in Sy.No.40/6. The land lost in formation of road is 92 ½ Sq.yds
10	Sri. R. Paradesi Naidu Cell No.9866237187	40/P of Madhavadhara	55 sq yds affected in formation of Road	To be submitted	Madhava- dhara road	As per the document submitted by the applicant his lost land is in Sy.No.40/4 but on ground it is actually falling in Sy.No.40/6. The land lost in formation of road is 99½ Sq.yds

Therefore, keeping in view of financial implications on VUDA, in case of paying huge monetary compensation to the land owners and also the recent Building Rules issued vide G.O.Ms.No.168 M.A. dt 07-04-2012 permitting to issue 200% TDRs for the affected area, the subject matter is placed before the Board for taking suitable decision on the request of the land owners for grant of 200% TDR as compensation for their lands, instead of existing 100% TDR.

Sl. No.	Subject No.	Subject	Resolutions
77	128	VUDA – PLG – VSP – Disposal of EWS plots reserved in VUDA approved Private layout in VMR – Constitution of Committee for evolving guidelines / modalities for disposal of EWS Plots – Reg.	The mode of Shelter charges for layouts can be examined further and a solid proposal can be brought for ensuing board to recommend to government duly taking the remarks of the Collector and Commissioner, GVMC
78	129	POLICY DECISION of issuance of 200% TDR to the lands covered under developmental activities of VUDA taken from the private land owners- Reg.	Agreed to process. Send proposals to government for approval as well.
79	130	VUDA-VSP- Establishment- Status of enquiry by various investigating Agencies - Reg.	Perused. Secretary should see that all the information are furnished in time.
80	131	VUDA – Visakhapatnam - Allotments – Allotment of land for an extent of 400 Sq.yards in Sy.No.336/p of Madhurawada in favour of Secretary of Indian Red Cross Society, Visakhapatnam Branch for Social Welfare Activities – Reg.	Agreed to club the bit with the Row Housing Layout duly specifying the usage purpose. The Indian Red Cross Society can be asked for their interest to maintain the Hospital building going to be constructed in Harita Premises
81	132	VUDA-Allotment, Management and Sale of plots in VUDA- G.O.Ms.No.113, M.A & UD Dept dated 24.2.1984-Small analysis of practice over the years – Proposing allotment through lottery as regulations-Regarding.	It is decided to continue the present system of disposal of plots by auction