

AGENDA ITEM NO.

**SUBJECT NO. 148**

Sub:- POLICY DECISION of L.A. while laying Master Plan roads by VUDA and Policy decision on paying structural compensation while laying Master Plan Roads.

@ @ @

**AGENDA NOTE :**

VUDA as a part of its organizational objectives, takes up developmental activities for public utility and recreational works for public use like formation of Master Plan Roads, Public Parks, Function Halls etc., in both developing areas as well as urban rural areas and also projects for generation of its budget resources from out of the resources generated on its own. For this purpose, VUDA by virtue of the powers vested in it under the provision of the A.P. Urban Areas (Development) Act 1975 is empowered to acquire the lands belonging to 3<sup>rd</sup> parties to achieve the objectives defined in section 5 of the Act and regulations formed there under section 59 of the A.P. Urban Areas (Development) Act 1975.

As per section 18 of A.P. Urban Areas (Development) Act 1975, if any land is required by Authority for the purpose of development or for any other purpose under this Act, the Government may acquire the same under the provisions of the Land Acquisition Act 1894 and transfer to the Authority on payment by the Authority of the compensation awarded under the Act and the charges incurred by the Government in connection with the acquisition.

As per Sec.18A of A.P. Urban Areas (Development) Act 1975, where the Authority proposes to acquire any land otherwise than under the provisions of the Land Acquisition Act 1894, it shall obtain approval of the District Collector, therefor. And the District Collector, while according approval, shall determine the value at which the land to be acquired and every such acquisition shall be subject to the previous sanction of the Government as may be prescribed.

As per section 20 of A.P. Urban Areas (Development) Act 1975, the Government may by notification or as may be agreed upon between the Government and the Authority, place at the disposal of the Authority all or any vacant lands belonging to or under control of the Government situated in the developmental area.

In all the above the Authority vested with power under section 5 of A.P. Urban Areas (Development) Act 1975 to acquire by way of purchase and there is no explicit provision for paying compensation in any other form especially by way of providing land to land.

Keeping in view of the huge requirement of the land for the public purposes like Road widening and Master plan Roads formations, the Government introduced the facility of issuing TDR to the owners effected in the formation of Master Plan Roads in the year 2006, in G.O.Ms.NO. 86, MA, Dt. 3-3-2006, and later extending it to all other areas of the AP State, vide G.O.Ms.No. 678 MA, Dt.7-9-2007. From that date onwards, issuing of the TDR to the land losers came into practice in Visakhapatnam Urban Development Authority Jurisdiction also.

Prior to this, VUDA has implemented many master plan roads with oral consent of the land owners by convincing them that if the Master Plan Road are implemented, the land values will go high. After implementation of the Master Plan Roads as envisaged, the land values have gone to peak. The land owners who have accepted initially for surrendering their land on free of cost started approaching various forums for compensations. Keeping in view that VUDA has addressed the Govt. vide LT No.331/2011/L2, Dt.5-9-2012, for extending the TDR policy to the Master Plan Road affected owners prior to 2007 also, since VUDA is not in a position to compensate them with land value as per L.A.Act. After careful examination, the Govt. vide letter No. 21695/M2/2012, dt. 7-11-2012, have clarified to issue TDRs to the land losers, who have affected prior to 2007 also.

Now it has become regular practice to issue TDR in lieu of land surrendered on free of cost to the implementing agencies. Further the Government have issued clear instructions that land to land compensation cannot be entertained. In recent past, it was re-clarified the same to GVMC vide memo No 433/M1/2013 Dt 29-04-2013.

In the past, for the purpose of laying Master Plan Roads, following land acquisitions have been done.

Sl. No	Award No. & Date	Name of the Village	Survey Nos.	Extent Acquired Ac. cts.	Name of the road laid	Remarks
1	2	3	4	5	6	7
1	1/86 dated 27-1-86	Bheemunipatnam	1480/1B,2,3,48,1 484/18	0.55	--	Road Widening
2	12/86 dated 1-8-86	Chengalaraopeta	1116/1a2	0.10	--	Road Widening
3	13/86 dated 2-8-86	Chengalaraopeta	232/P,243/P,247/ 4&5	0.03	--	Road Widening
4	14/86 dated 17-8-86	Chittivalsa	50/10b,11b,14b,5 7/2	1.70	--	Road Widening



5	15/86 dated 19-9-86	Allipuram Ward	1457/1	1.01	--	Road Widening
6	17/86 dated 23-9-86	Market ward	270/1b,1d,1e	0.12	--	Road Widening
7	1/87 dated 6-1-87	Allipuram ward	1176/498,5082,S OC	0.12	--	Road Widening
8	2/87 dated 31-1-87	Allipuram ward	1667/1B,1677/1C	0.06	--	Road Widening
9	3/87 dated 31-1-87	Allipuram ward	1678/93B,98C,98 D, 98E, F,G,H,I,J,K,	0.08	--	Road Widening
10	4/87 dated 31-1-87	Market ward	107/2	0.03	--	Road Widening
11	5/87 dated 31-1-87	Market ward	124/1B	0.010	--	Road Widening
12	6/87 dated 3-2-87	Maharanipeta	167/P	0.009	--	Road Widening
13	7/87 dated 3-2-87	Maharanipeta	105/4,167/1B,10 5/2,3,&5	0.012	--	Road Widening
14	8/87 dated 7-2-87	Anakapalli	1528/2A,2B,2C & 2D	0.60 1/2	--	Road Widening
15	9/87 dated 10-2-87	Alipuram Ward	1585/2 & 3, 1586/2 to 4, 1625/2,&3,1624/ 2, 1649/2,.	0.06	--	Road Widening
16	10/87 dated 10-2-87	Market ward	124/5, 3 & 4	0.09	--	Road Widening
17	11/87 dated 12-2-87	Market ward	124/1A2,1A3,1A4 ,1A5,1A6,1A7,1A 8,1A9,1A10, 1A11	0.07	--	Road Widening
18	12/87 dated 16-2-87	Waltair Ward	1047/2A,1048/3A , 1050/AB,1D,1E,1 G,1H,1J,1K,1L	0.18	--	Road Widening
19	13/87 dated 23-3-87	S.T.Ward	335/2	0.01	--	Road Widening
20	14/87 dated 31-3-87	Market ward	148/1P	0.02	--	Road Widening
21	15/87 dated 25-4-87	Market ward	511/2A,28	0.16	--	Road Widening
22	16/87 dated 30-4-87	China waltair	37/2A,28 & 122/1	0.82	--	Road Widening
23	17/87 dated 20-5-87	Kurmannapalem	37/1A,3B	5.82	--	
24	18/87 dated 30-5-87	Waltair Ward	62/2,3 & 5	0.14	--	Road Widening
25	19/87 dated 14-7-87	Pedawaltair	53/2,52/4, 18,52/1B,1C,119/ 2	0.45	--	Road Widening
26	20/87 dated 14-7-87	Pedawaltair	111/1	0.24	--	Road Widening

27	21/87 dated 2-9-87	Waltair Ward	58/2B,2C	0.19	--	Road Widening
28	24/87 dated 12-9-87	Vizinagaram	690/2	0.12	--	Road Widening
29	25/87 dated 15-10-87	Maharanipeta	140/1,142/1	0.07	--	Road Widening
30	27/87 dated 20-10-87	Waltair Ward	59/2	0.003	--	Road Widening
31	28/87 dated 20-10-87	Waltair Ward	52/3B,3C	0.30	--	Road Widening
32	29/87 dated 20-10-87	Kurmannapelm	86/1A,1B, 2 to 15, 96/1 to 7 98/1 to 42 & 99	16.60	--	Road Widening
33	4/88 dated 30-1-88	Chinagantyada	177/48	0.05	--	Road widening
34	5/88 dated 10-2-88	Market ward	2A1/b,3/2B,2C,2 D,2E,2G, 2H,2I,2J	0.14	--	Road widening
35	6/88 dated 20-2-88	Yendada	134,135,137	18.92	--	—
36	7/88 dated 22-3-88	Vizinagaram(Kasp a West Ward)	524,525/A3B,A3C ,2,527/2	1.90	--	Road Widening
37	19/88 dated 26-7-88	Waltair Ward	76/2 to 4,77/A1b,77/alc	0.09357 sft	--	Road Widening
38	22/88 dated 8-8-88	Vizinagaram	568/2	0.06	--	Road widening
39	23/88 dated 8-8-88	Vizinagaram	3/4b	0.04	--	Road widening
40	24/88 dated 8-8-88	Vizinagaram	388/1,392/1	8.5	--	Road widening
41	25/88 dated 16-8-88	Vizinagaram	130/4b,5a,10B,11 b	1.06	--	Road widening
42	27/88 dated 18-8-88	Vizinagaram	654/P,655/P,P&65 8/P	0.40	--	Road widening
43	28/88 dated 27-8-88	Vizinagaram	126/5b,7a,8b,10a	0.76	--	Road widening
44	2/89 dated 22-1-89	Maharanipeta South Ward	678/2	0.54	--	40' link road at Vizinagaram
45	7/89 dated 15-6-89	Chinagantyada	154/1B,88,158/7 a,8A, 15B,255/1B, 256/1B	1.11	--	Road widening
46	8/89 dated 16-6-89	M.R.Peta South Ward	319/1 to 3	0.77	--	Road widening
47	9/89 dated 12-7-89	Anakapalli	173,412/2,436/1, 439/1A,532/1	0.28	--	80' road widening



48	1/90 dated 11-2-90	Maharajupeta south Ward	667/1,531/4,531/ 83, 531/2	0.09	--	Road Widening
49	9/90 dated 31-5-90	M.R.Peta South Ward	591/1,592/2,3,5, 596/1,5 95/4	1.13	--	Road Widening
50	2/90 dated 24-4-90	S.S.Ward VZM	590/1 & 1073/P	2.29	--	Road Widening
51	10/90 dated 17-7-90	Chinagnatyada or Gajuwaka	186/2,187/1b,2b,	2.89	--	Road Widening
52	16/90 dated 31-12-90	Kaspa West Ward VZM	522/1a,525/1a	0.08	--	Road Widening
53	15/90 dated 18-12-90	Kurmannapelm	100/P	0.55	--	Road Widening
54	1/91 dated 27-5-91	Gajuwaka	54/p	0.05	--	Road Widening
55	4/91 dated 18-10-91	Rushikonda	39,40,41,52,54,5 6	0.74	--	80' road formation from MHS to Beach road
56	3/93 dated 6-7-93	Dharmapuri, VZM	262/2	1.56	--	Formation of 110 ring road
57	1/95 dated 12-12-95	Gajuwaka	25/2	0.03	--	Widening and information of road from old Gajuwaka to Kanithi road
58	3/96 dated 16-8-96	Vizianagaram	687/1,2	0.02	--	For formation of 80' Lower Tank Bund road
59	4/96 dated 6-9-96	Anakapalli	48/p,3/p,48/p,52/ p,158 5/p	1.97	--	Road formation
60	1/97 dated 12-8-97	Vizinagaram	534/2, 537/2, 575/1	0.60	--	100' Inner Ring Road
61	2/2001 dated 27-7-2001	Munagapaka	181,183,224,231, 232,234,235,420	2.22	--	Formation of Link Road Anakapalli to Pudimedaka Road
62	1/2011 dated 3-2-2011	Patha Srikakulam	400,401 etc	6.36	--	For formation of 80'feet road from Arsavilli Junction to Collector's office, Srikakulam.

In the recent past, in around 22 cases, compensation to the private land owners whose lands are said to be affected by Master Plan Road laying by VUDA was done by way of providing developed plots. This allotment being irregular is being cancelled now by issuing notices in all 22 cases besides filing civil cases.


Moreover, in around 32 pending such cases, as per the meeting held, it is decided to finalize the liabilities by issuance of 200% TDRs rather than extending monetary compensation – which cannot be handled by VUDA.

In such circumstances, VUDA is supposedly undertaking Master Plan roads in GVMC Limits or in its extended limits. In the later, it is both in the Municipality limits as well as in Gram Panchayat limits.

- (i) Policy of VUDA w.r.t. compensation to the lands lost during Master Plan road laying should be by way of TDR within GVMC Limits by GVMC and in extended limits by VUDA or concerned local bodies.
- (ii) The structural compensation has to be borne by the respective local bodies, ie., GVMC or concerned Municipality in extended limits.
- (iii) Before taking a decision otherwise as above, the decision and approval of the Board is must.
- (iv) Even in deposit works, ie., Master Plan road laying in some departments like, R & B or other departments, same policy is to be followed.
- (v) Explore the possibility of land pooling in Master Plan Roads laying as an alternative.

Hence, the matter is placed before VUDA Board for taking suitable decision in the matter.

  
5/12  
EO

  
5/12/2013  
V.C

Sl. No.	Subject No.	Subject	Resolutions
95	146	Approval of layout at Paradesipaem (V), Visakhapatnam Rural Mandal –Phase – II Layout in S.No.155/3p & 4p of Paradesipaem (V), Visakhapatnam Rural Mandal – To an extent of Acs.7.72 Cts. – For allotment of developed plots to the land owners issued G.P.A to VUDA under Land Pooling system - Reg	<ul style="list-style-type: none"> <li>• Agreed to take up as proposed</li> <li>• Based on the AG's opinion, subsequent actions can be taken up duly satisfying the resolutions made in agenda item no.59</li> </ul>
96	147	PLG – VUDA – VSP – VUDA Secure Project – Residential units constructed and allotted to Senior citizens at Sagarnagar housing colony layout of VUDA at S.No: 133 of Yendada – To approve layout plan as per ground position and to convert the small part of 33' road into open space – Regarding.	Agreed to streamline the layout duly following the procedure
97	148	Policy Decision of L.A. while laying Master Plan roads by VUDA and Policy decision on paying structural compensation while laying Master Plan Roads – Reg.	<p>The policy proposed is agreed subject to the condition that</p> <ul style="list-style-type: none"> <li>• No more land acquisition aby VUDA for MP roads and other purposes wherein the ownership of land did not vest with VUDA</li> <li>• Same applies to the provision of structural compensation while executing the above</li> <li>• Executive arm ie VC should not take decision of otherwise as above</li> <li>• The government's policy should be followed towards compensation of lands affected either as TDR or monetary compensation under LA Act or Set back relaxations, even if VUDA is involved in the existing matters</li> <li>• RDP should precede grounding of works.</li> </ul>

