

SUBJECT NO. 70

Sub: VUDA - Visakhapatnam – Revocation of cancellation of Plot No. MIG-101 Of Seethammadhara North Extension layout allotted in favour of Sri. N. Narayana Swamy – Reg.

AGENDA NOTE :

The Plot No.101-MIG with an extent of 444 Sq.Yards @ Rs.16/- per Sq.Yard of Seethammadhara North Extension layout was allotted and also registered in favour of Sri. N. Narayana Swamy vide document No.9864/83, dt.03.09.1983. Later the said sale deed was cancelled on 07.07.1994 as the allottee has failed to construct a building in the allotted site within a period of two years from the date of allotment as stipulated in the allotment conditions. The allottee has filed a suit vide O.S.No.1603/94 against VUDA for cancellation of the said Plot and the said suit was decreed on 16.01.1998 that the defendant be restrained by way of permanent injunction restraining the defendant, its officials, agents etc., from interfering with the plaintiffs' peaceful possession and enjoyment of the scheduled property in any manner including auctioning the same. In this regard, VUDA preferred an appeal in A.S.816/2000. While the matter is pending before the Hon'ble VII Additional District Judge, Visakhapatnam on the compromise memo filed by both the parties, the matter was referred before the Lok Adalat for settlement. Accordingly, the matter was settled on 25.09.2004 and the following order was passed.

Both parties are present and filed joint compromise memo as per the memo "the appellant VUDA has revoked the cancellation orders in respect of the Plot No. MIG-101 of Seethammadhara North Extension layout subject to the condition that the respondent shall construct the building by December-2006". In view of the terms of compromise, the appeal filed by VUDA was allowed. But the allottee has not constructed the building within the time allowed by the compromise decree and the possession with regard to cancellation by the VUDA revert back and the cancellation orders are valid.

The allottee has requested in his letter dt.23.11.2005 to issue sale permission. Accordingly, a letter was issued vide this office letter dt.08.12.2005 for making payment of sale permission charges and the allottee has paid the sale permission charges of Rs.33,200/- on 30.11.2006 but the sale permission was not accorded.

The Senior Legal Officer, VUDA has opined that *"the Appeal Suit is still pending. So the question of VUDA permitting the cancellation revocation does not arise. The revocation of cancellation orders are sought by the allottee to permit him to enable the allottee to sell the Plot. This amounts to VUDA accommodating allottee to sell the plot for his gains. The allotment is for construction of House, not for selling it. The office has already taken opinion from erstwhile Standing Counsel in particular circumstances. Now the situation and necessity has changed and allottee seeks revocation of cancellation not for construction, but for sale according to such permission may pave way enabling the allottee to make business."*

Sri. L. Satyanarayana Standing Counsel to VUDA has opined that *" as per the compromise, he has to construct the house by the end of December-2006, but the allottee has not constructed the house and violated the terms of the compromise and not utilized the time granted by the Hon'ble Court. The opinion expressed by the S.L.O of VUDA that revocation of cancellation orders to sell the plot allotted to him does not arise and the VUDA shall not grant permission to sell the plot to make business. He further stated that the allottee entered into an agreement with 3rd party and constructed group house in the site and the said building was occupied by various persons. So, as could be seen from the above discussion the allottee has violated the terms of the compromise and as per the compromise the VUDA revoked the cancellation orders subject to condition that the allottee has to construct the building by December-2006 and the cancellation orders will automatically revert back. But it is for the authorities to collect enhanced revocation charges as per the prevailing rule in force and may consider giving permission to the allottee for the sale of the land as was done in similar cases"*.

The matter was placed before the VUDA board meeting held on 15-12-2012 in which the Vice Chairman explained to the Board regarding the request of the allottee for revocation of cancellation of Plot No. MIG-101 of Seethammadhara North Extension layout allotted in his favour. The board directed to examine the issue with reference to the building plan approvals given and violation if any done by the allottee for taking necessary action.

On verification by VUDA authorities, it is found that the allottee has constructed apartment in 3 floors with 8 portions duly paying house tax and electrical charges in the name of allottee. GVMC has issued plan approval vide

B.A.No.12241/07/ACP-ii/G1, dt. 16.04.2008. After construction of the same, occupancy certificate was also issued by GVMC.

The Commissioner, GVMC is addressed Vide letter dated 15-07-2013 in Rc.No.MIG-101/S.D.N.E/F4 to inform whether the building is constructed as per the plan approvals submitted by the allottee Mr.N.Narayana Swamy for taking further necessary action by VUDA

In response to this office letter, the Commissioner, GVMC has informed stating that the Building is in accordance with the Plan granted vide BA.No.12241/2007/ACP-II, dt.16.04.2008 and that there are no deviations/violations and the occupancy certificate to that effect was issued on 07.04.2009.

It is further to submit that the VUDA Board in its Resolution No.168, dt.28.04.2007 has resolved to revoke the orders of cancellation by collecting Rs.200/- per Sq.Yard.

In view of the above, the matter is placed before the VUDA Board to take an appropriate decision to revoke the order of cancellation dt.07.07.1994, subject to payment of Rs.200/- per Sq.Yard or as it deems fit towards revocation charges keeping in view of the VUDA Board Resolution No.168, dt.28.04.2007.

Sl. No.	Subject No.	Subject	Resolutions
19	70	Revocation of cancellation of Plot No. MIG-101 of Seethammadhara North Extension layout allotted in favour of Sri. N. Narayana Swamy- Reg.	The proposal is agreed with appropriate penalty other than revocation charges which will deter the occurrence of such cases.
20	71	Allotment of Plot No. 35 in Sector 6 of MVP colony and got it registered which is in irregular shape – Allotment of additional site in the adjacent Plot No. 36 in Sector -6 in the same layout to make the Plot No.35 in regular shape – Reg.	Agreed as proposed.
21	72	Temporary allotment of VUDA vacant land adjacent to A.S Raja Grounds, MVP Colony, Visakhapatnam for students play grounds purpose for free of cost in public interest - Proposal – Submitted – Reg	<p>It is agreed to allot on lease basis to the University for play grounds purpose for two years with the condition that</p> <ul style="list-style-type: none"> i. There will be agreed number of days during which the VUDA will be able to allot for its purposes or revenue generating purpose; VUDA's allotment days can be either in blocks or individual days or both ii. The property should be handed over possession one month before expiry of lease iii. Proper legal documents should be prepared to avoid future disputes

