

**File Rc.No.159/1987/RI.V, Rc.No.613/2012/RI.I, Rc.No.340/1996/LA,
Rc.No.363/1996/RI-2, Rc.No.56/2011/SDT and**

SUBJECT NO.48

Sub:- LAND ACQUISITION WING – VUDA – Status of LA cases wherein Awards are passed but possession are not with VUDA – Reg.

AGENDA NOTE :

VUDA is doing the Land Acquisition since 1961 (since the period of TPT) and so far, more than 250 awards are promulgated under the LA Act, 1894 and out of these, in the following cases, the lands are not taken into possession despite the awards are passed and in few cases, paper possession were only taken.

LA award and date	Village	Sy.No.(s)	Extent	Court case pending	Latest stage of the court case
1/98 dated 10.6.98	Bheemunipatnam	TS No.1507/1 to 10 & 1508/1 to 6 and 1521	7.17 acres	Three writ appeals	All writ appeals got disposed on 13.10.2009
1/2004 Dated 17.8.04	Kummaripalem	33/P	3.52 acres		
3/2004 dated 18.8.04		34/P	15.53 acres	WP No.15129/04 pending	Writ petition is disposed on 13.6.2012
4/2004 dated 20.11.04		59, 60 & 62	14.16 acres		
5/91 dated 18.10.91	Bheemunipatnam	1502/88 9 to 19	2.24 acres taken possession	Remaining 0.66 acres under stay in MD No.3041/91	
2/96	Kurmannapalem	81	2.50 acres	WP No.16000/96	Writ petition disposed on 30.11.2001
7/81, 8/81, 11/81, 4/82, 5/82 & 9/82	Vepagunta	Various survey nos	144.75	WP 3250/12 pending	Pending. Interim directions are given on 16.2.12.
4/92 dated 11.11.92	Cherlopallegandum, Anakapalli	Various Sy.Nos	12.92 acres	Based on RC No. 15990/2008/AKP/F1 dated 8.1.2012 of this office, GO MS No.1153 of 2009 was cancelled vide GO MS No.958 of MA&UD (H2) Department dated 12.7.2012	
15-94 dated 25.10.94			10.64 acres		

LA CASE 1

- The land measuring Ac.3-09 cts. Covered by T.S.Nos.1507/1 to 10 and 1521 was handed over to VUDA by the then L.A.O., VUDA on 11-09-1998 and the land covered by T.S.No.1508 was not taken possession in view of the Writ petitions No.23116/98, 23152/98, 24180/98 and 23147/98.
- The four W.Ps were dismissed by the Hon'ble High Court in a common order dtd.14-11-2007 for the reason "in any event, after the award is passed, no writ petition can be filed challenging the acquisition notice or against any proceedings there."
- Writ Appeals No.41/08, 42/08 and 45/08 were filed against the High Court orders by the same writ petitioners and the same were disposed on 13-10-2009 that the appeals are allowed and consequently, the entire acquisition proceedings including the Award No.1/98 dtd.10-06-1998 are set aside and the Writ Petitions filed by the appellants / petitioners stands allowed.
 - *In the circumstances, we hold that the appeals are allowed and consequently the entire acquisition proceedings including the Award dated 10.6.1998 are hereby set aside and the writ petitions filed by the appellants/petitioners stands allowed*
- Hence, the Standing Counsel to VUDA at Hyderabad had been requested vide this office letter Rc.No.159/87 RI.II dtd.19-04-2010 to file the Review Petition against the orders of the Hon'ble High Court dtd.13-10-2009 in Writ Appeal Nos.41, 42 and 45 of 2008 filed by Sri G.Pattabhi Ramayya and others and requested to intimate the date of filing of the Review Petition. So far, no report has been received from the Standing Counsel at Hyderabad in the matter.

OPTIONS AVAILABLE ARE

- **TO GO FOR REVIEW IN HIGH COURT / APPEAL AGAINST THIS ORDER TO THE SUPREME COURT AS WRIT APPEALS ARE DISPOSED LONG TIME BACK IE. 13.10.2009 and EO / LAO HAS TO IMMEDIATELY PROCESS FOR THE SAME**

LA CASE 2

- The Vice-Chairman, VUDA addressed the District Collector, Visakhapatnam in his letter Rc.No.1239/94/I-2 dtd.26-10-2004 to issue necessary instructions to the Revenue Divisional Officer, Visakhapatnam to confirm the state on ground to assess the feasibility for taking over possession of the land physically on conclusion of Land Acquisition proceedings under Sec.47 of L.A. Act.
- In the meantime, Sri B.Narasingarao, S/o (late) Ramaraju and 2 others have filed W.P.No.15129/2004 in the Hon'ble High Court of A.P., Hyderabad with a request to stop L.A. proceedings including dispossession of petitioners from the land, subject matter of writ petition, ie., Ac.4-40 cts. in Sy.No.56/1, Ac.0-35 cts. in Sy.No.56/4 and Ac.0-46 cts. in Sy.No.56/2 of Kummaripalem (v).
- The Hon'ble High Court ordered in W.P.No.15129/2004 dtd.13-06-2012 that the petitioners are not entitled for the relief sought for in this Writ Petition, since the Award has already been passed and directed the 2nd Respondent, ie., the Spl.Dy.Collector (LA), VUDA, Visakhapatnam to serve the copies of Sec.5-A enquiry report and Award No.3/2004, dtd.18-08-2004 to the petitioners as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.
- The petitioners are at liberty to challenge the said proceedings and work out the remedies available to them under law.

- With the above directions and observations, the writ petition is disposed off and in view of the disposal of the Writ Petition, WPMP.No.19600 of 2004 is dismissed as unnecessary.

OPTIONS AVAILABLE ARE

- **GETTING THE POSSESSION OF THE LANDS DULY FOLLOWING THE PROCEDURE AS THE WRIT PETITION IS DISPOSED OFF BY THE HONOURABLE HIGH COURT DULY WRITING TO COLLECTOR / RDO / TAHSILDAR FOR HANDING OVER POSSESSION.**

Accordingly, the Revenue Divisional Officer, Visakhapatnam has been requested to hand over the physical possession of acquired lands covered under the above Award Nos.2/2004, 3/2004 and 4/2004 of Kummaripalem (v) by enforcing orders u/Sec.47 of L.A.Act vide this office letter Rc.No.12/2008/SRI-II dtd.11-07-2013.

LA CASE 3

- An extent of Ac.2-24 cts. Out of Ac.2-90 cts., covered by T.S.No.1502/8B to 19 of Bheemunipatnam Municipality was acquired vide Award No.5/91 dtd.18-10-1991 for sites and services scheme for VUDA.
- The balance extent of Ac.0-66 cts. Covered by T.S. No.1502/20, the land owner filed the Writ Petition No.304/1991 and the W.P. was admitted by the Hon'ble High Court on 17-01-1991. Counter was filed on 16-08-1993.
- The Hon'ble High Court vide its order dtd.20-09-1999 in W.P.No.304/1991 allowed by quashing the Draft Declaration dt.18-09-1990 published on 12-10-1990 and directed the Respondents to give a fresh notice to the petitioners and to provide a reasonable opportunity of being heard in person or through advocates.
- Accordingly, notices u/Sec.5-A of L.A.Act are issued to the petitioner along with the other land owners who were notified in the D.D. u/S 6 of the L.A.Act in T.S.No.1502/20 of Bheemunipatnam village.

- After Sec.5-A enquiry was completed in January, 2000, the LAO has submitted D.D. proposal to the District Collector on 21-05-2000 vide his Ir.Rc.No.340/96/RI.V.
- Accordingly, the District Collector vide his Progs. R.Dis. No.10259/1998 G1 dtd.24-04-2001 approved the Draft Declaration under Sec.6 of the L.A. Act.
- At this juncture, again the present writ petitioner had filed another W.P.No.15566 of 2001 before the Hon'ble High Court and the High Court in their order dtd.31-07-2001 ordered and directed the LAO to maintain status quo.
- On 25-02-2008, the Hon'ble High Court of A.P., Hyderabad ordered both the notification dtd.02-03-1990 and the declaration dtd.22-05-2001 are quashed and the Writ Petition is allowed.

OPTIONS AVAILABLE ARE

TO GO FOR WRIT APPEAL AGAINST THIS ORDER AS WRIT PETITIONS ARE ALLOWED LONG TIME BACK IE. 25.2.2008 and EO / LAO HAS TO IMMEDIATELY PROCESS FOR THE SAME

LA CASE 4

- A Writ Petition bearing No.9254/2002 was filed by Sri S.Pandurangarao and others, was disposed off on 14-10-2008 and ordered that the Award to the extent it relates to Ac.2-50 cts. Of the land belonging to the Petitioner in Sy.No.81 was quashed.
- Accordingly, Fair Appeal Affidavit and Grounds in W.P. No.9254/2002 duly signed by the Special Tahsildar (LA), VUDA, Visakhapatnam has been sent to the Standing Counsel to VUDA at Hyderabad, vide this office letter Rc.No.363/96/RI-II dtd.08-04-2010, with a request to file the Writ Appeal in the Hon'ble High Court of Andhra Pradesh, Hyderabad immediately and also requested her to appear before the Hon'ble High Court and defend the case and safe guard the interests of VUDA.

- It is further requested to intimate the date of filing of Writ Appeal in the said Writ Petition to this office immediately. But, so far, no report has been received from her in the matter.

OPTIONS AVAILABLE ARE

- **TO GO FOR WRIT APPEAL AGAINST THIS ORDER AS WRIT PETITIONS ARE ALLOWED LONG TIME BACK IE. 14.10.2008 and EO / LAO HAS TO IMMEDIATELY PROCESS FOR THE SAME**

LA CASE 5

An extent of Ac.144.75 Cts., in Vepagunta village was acquired during 1981-82 through 6 Awards in favour of VUDA for Sites & Services Scheme. The details of the Awards are noted below:-

Sl. No.	Survey No.	Extent (Ac.Cts.)	Date of D.N., & D.D.	Award No. & Date	Total Compensation Awarded & Deposited in Civil Court u/s 30 & 31 (2) of L.A.Act	Details of Court Cases (Writ Petitions)
1	60, 61,62, 64 & 65	26.70	28.03.1977 10.4.1979	7/81 dt.28.9.1981	7,72,031.04	1) 8657/81 2)7472/02 (Disposed in favour of VUDA)
2	18,20,21,23,24,27 & 41	27.43	28.03.1977 10.03.1980	8/81 dt.28.9.1981	4,58,870.88	8983/81 (Disposed in favour of VUDA)
3	32p,163/1 & 2 & 164	29.14	28.03.1977 12.03.1979	11/81 dt.25.11.1981	4,76,982.00	1) 9902/81 2) 5439/89 3) 28424/11, 4) 282284/11 (Disposed in favour of VUDA) 23036/11 filed for an extent of Ac.8.48 Cts., (Pending before the Hon'ble High Court)
4	17 & 25	19.47	28.03.1977 16.11.979	4/82 dt.12.5.1982	3,26,652.42	1) 8617/2000, 2) 28236/11 (Disposed in favour of VUDA)
5	34,35,36,37,38 & 42	20.55	28.03.1977 12.03.1980	5/82 dt.17.5.1982	5,96,081.72	28283/2011 (Disposed in favour of VUDA)
6	40,43,44,45,46/2,47 & 48/1	21.46	28.03.1977 12.03.1980	9/82 dt.28.8.1982	6,06,914.45	1) 9349/1993, 2) 282284/2011 (Disposed in favour of VUDA)
		144.75			32,37,532.40	

- The entire awarded compensation of Rs.32,37,532.40 was deposited in the Civil Court U/s.30 & 31 (2) of the LA Act to determine the title over the lands as the ownership of these lands were not decided between Inamdar (ie.) Sri Varaha Lakshmi Narasimha Swamy Vari Devasthanam and Tenants / Enjoyers.
- After passing of the above awards, the total extent of Ac.144.75 Cts., was handed over to the then Estate Office, VUDA in the year 1981-82.
- Subsequently, the Government have issued orders vide GO.Ms.No.237, Revenue Department, Dt.28.3.1990 that the compensation amount awarded be apportioned between the Inamdar ie., Devasthanam and the Tenant ie., Ryots in the Ratio of 1:2.
- Subsequently, the District Collector, Visakhapatnam has directed the Mandal Revenue Office, Pendurthi to conduct enquiry under Inam Abolition Act 1956. However, the enquiry is not yet completed since the interested ryots did not turn up for enquiry.
- Seven (7) Writ Petitions have been filed by the Tenants/enjoyers against the Land Acquisition proceedings and the same have been disposed in favour of VUDA as indicated in the above table.
- However, One Sri Sri Sri Mutyamamba Vepagunta VUDA Bhu Baditula Sangham, represented by its Vice-President, Salapu Ramana, S/o. Late Rambabu, Vepagunta village, Pendurthi Mandal, Visakhapatnam District has filed W.P.No.3250/2012 with a prayer to direct the respondents not to dispossess the petitioners in respect of their houses situated in Sy.Nos. 17, 18, 20, 21, 23, 24, 25, 27, 32, 40, 41, 43, 44, 45, 46/2, 47, 48/11, 60, 62, 62, 63, 64, 163 and 164 of Vepagunta village, Pendurthi Mandal, Visakhapatnam District to an extent of Ac.144.75 Cts.

- The Writ Petition No.3250/2012 is still pending on the file of the High Court. In this regard, a counter has already been filed requesting the Hon'ble High Court to dispose the case in favour of VUDA on the similar lines ie., already disposed seven (7) Writ Petitions.
- As per the physical verification of the land, the actual status of the total acquired extent of Ac.144.75 Cts., is as follows:-
 - 1) An extent of Ac.37.45 Cts., were covered with Mango, Casurina, Neelagiri etc., topes and cultivation of dry crops and vegetables, which are being cultivated by nearly 350 Ryots.
 - 2) An extent of Ac.49.25 Cts., is vacant on ground.
 - 3) An extent of Ac.21.50 Cts., is built up area.
 - 4) An extent of Ac.36.55 Cts., evicted and covered with barbed wire fencing by VUDA.
- As things stood thus, on 13.10.2011, the authorities of VUDA have taken up and completed laying of fencing around Ac.36.55 Cts., of VUDA's acquired land which is free from encroachments and Court litigations and also which is in VUDA's possession since 1982, in order to safeguard the land from further encroachments.
- VUDA would take further steps for eviction of encroachments after the disposal of the W.P.No.3250/2012 filed by Sri Sri Sri Mutyamamba Vepagunta VUDA Bhu Baditula Sangham, represented by its Vice-President, Sri Salapu Ramana, S/o. (Late) Rambabu, Vepagunta village, Pendurthi Mandal, Visakhapatnam District.
- As such, the entire extent of Ac.144.75 Cts., belongs to VUDA and the ryots can claim their compensation from the Civil Court as per their entitlement and in pursuance of the GO.Ms.No.237, Revenue Department, Dt.28.03.1990.

LA CASE 6

- Land Acquisition Officer, VUDA has acquired the lands in T.S.No.1567/P, 1568 to 1570 of Anakapalle Town and Municipality to an extent of Ac.23-56 cts. vide Award Nos. 4/1992 dtd.11-11-1992 and 15/94 dtd.25-10-1994.
- Though the above land acquired during the year 1992-94, VUDA could not take up any development activity till 2006 due to stiff resistance from the ryots who agitated against the Land Acquisition and also because of Court litigations.
- During the year 2006, the then Hon'ble Minister for Commercial Taxes, involved into the issue and had meeting with land losers of acquired lands, District Collector, Chairman, VUDA and V.C., VUDA.
- The farmers have agreed to hand over the physical possession of the land acquired land to VUDA and to withdraw the cases against VUDA challenging the acquisition proceedings of the subject land and they will withdraw the deposited compensation amount from the Court and VUDA to allot 1080 Syds of the plotted area for every one acre to the farmers on payment of nominal market value fixed by VUDA and accordingly the then V.C., VUDA addressed the Government to accord permission to allot 40% of net plotted compensation area, ie., Ac.5-18 cts (out of a total acquired land of Ac.23-56 cts., the plotted area which comes to Ac.12-95 cts. only) on payment of nominal market value as fixed by VUDA from out of the land being derived under the Land Pooling Scheme which is adjacent to the acquired land.
- Meanwhile, the said extent was primarily allotted to A.P. Rajiv Swagruha Corporation Ltd.

- Vide G.O.Rt.No.958 MA & UD (H2) Dept., dtd.12-07-2012 has cancelled the orders issued in G.O.Rt.No.316 MA dtd.26-02-2009 and G.O.Rt.No.1153 MA dtd.17-08-2009, wherein the Govt. Orders for allotment of 40% of the net plotted compensation area, ie., Ac.5-18 cts. (out of total acquired land of Ac.23-56 cts., the plotted area comes to Ac.12-95 cts. only) was also cancelled.

The GO MS No.958 of MA&UD (H2) Department dated 12.7.2012 are given based on the letter in the ref.7th in the GO which is RC No. 15990/2008/AKP/F1 dated 8.1.2012 (it is mistakenly mentioned as 8.1.2009 in the GO) and the final portion of the order is repeated for the purpose of the clarity

.... For the reasons stated below, the decision of the government to allot VUDA land to an extent of 23.56 acres to APRSGCL, Hyderabad goes against the financial interest of VUDA

- a. The rate fixed per acre Rs.89.32 lakhs was reduced to Rs.55 lakhs which will be total loss of Rs.8,08,57,920/- to VUDA, which is an institution running without any grant in aid from the government and taking up lot of development works for public purpose ie, development of infra structure facilities like formation of MP roads, development of Parks, non remunerative schemes for social cause by doing selling of plots / houses on no-profit-no-loss basis*
- b. Besides, the government accorded permission vide GO MS NO.1508 Revenue (Assign.I) Department dated 20.7.2011 to APRSGCL, Hyderabad for payment of land value at the end of the housing scheme projects in 10 installments each payable in six months with its duration to start from 3 ½ years onwards from the date of commencement of the project. It implies that even the reduced cost of the land of 23.56 acres also will not be remitted to VUDA immediately even after handing over the land which has been acquired by spending VUDA's own earned money.*

- c. VUDA would sustain loss if 40% of net plotted area ie 15022 sq.yards (5.18 acres) is allotted from the land pooling land. Since VUDA is paying to the land losers @ 1800 sq.yards per acre. It is left with an extent of 1100 sq.yards per acre as VUDA share ie 68,200 sq.yards. The net area from land pooling of 62.37 acres will be $68,200 - 15022 = 53,178$ sq.yards only. In other words, VUDA has to incur a double loss of allotted acquired land at an unreasonable rate with installments and also forego developed area of 15022 sq.yards in the LP project. VUDA has also incurred huge expenditure for development of infra structure facilities in the proposed layout and any concession would make the project unviable

For the reasons stated above, the handing over of 23.56 acres in the present shape of the things is not in the financial interest of VUDA and hence, the government is requested to reconsider the issue of allotment of VUDA acquired land ie 23.56 acres to APRSGCL, Hyderabad and cancel the above mentioned government orders to protect the interest of the VUDA.

For the clarity further, the GO MS No.1153 of 2009 is repeated herein.

2. In the reference 3rd read above, the Managing Director, A.P.Rajiv Swagruha Corporation Limited, Hyd, has stated that Rajiv Swagruha is a Government scheme to provide affordable housing to the moderate income group in the state at cost 25% less than prevailing market rate with best quality of construction and other infrastructure facilities and therefore requested the Government to reduce the land rate to Rs.55.00 lakhs per acre instead of 89.32 lakhs per acre.
3. In the reference 6th read above, the Vice Chairman, Visakhapatnam Urban Development Authority has stated that an extent of Ac.23.56 Cts was acquired in two awards viz 4/92 and 15/94. But the physical possession of the land could not be taken due to the stiff resistance from sixty eight ryots who are mostly small and marginal farmers, no development activity has taken place in the acquired lands of Ac.23.56 Cts for all these years. Considering the above factors, the then Vice-Chairman, Visakhapatnam Urban Development Authority has negotiated with the landholders to share the development benefits in the acquired lands and finally came to an agreement subject to withdrawal of all civil litigations and cases pending u/s 18 of L.A Act and stated that after fulfilling of the above conditions the land holders and

the Visakhapatnam Urban Development Authority will be an equal footing and benefits or losses caused due to time lag will have to be shared. The land holders have also agreed to accept to take 40% of the land after development made by the VUDA on payment of the nominal market value fixed by Visakhapatnam Urban Development Authority. The remaining extent of 60% of the developed land will be the property of Visakhapatnam Urban Development Authority.

4. Further, the Vice Chairman, Visakhapatnam Urban Development Authority has stated that, Visakhapatnam Urban Development Authority has proposed to allot 40% developed land to be given to the land owners from out of the land pooling scheme land offered by the ryots in Ac.60.00 Cts in the adjacent area of Cherlopakhandam of Anakapalli Town which is being processed under the Land pooling scheme by Visakhapatnam Urban Development Authority, as the entire land to an extent of Ac. 23.56 cents were allotted to A.P.Rajiv Swagruha Corporation Limited.
5. The Vice Chairman, Visakhapatnam Urban Development Authority has therefore requested the Govt. to accord permission to allot 40% of the net plotted compensation area i.e. Ac.5.18 Cts (out of total acquired land Ac.23.56 Cts the plotted area would come to Ac.12.95 Cts only) on payment of nominal market value fixed by the Visakhapatnam Urban Development Authority from out of the land being derived under the land pooling scheme which is adjacent to the acquired land.
6. Government after careful examination of the entire matter hereby order for reduction of the land value to Rs.55.00 lakhs per acre instead of Rs.89.32 lakhs per acre for the land to be allotted to Rajiv Swagruha Corporation Ltd., in T.S.No. 1567/P, 1568 to 1570 of Anakapally Municipality at Cherlopakandam measuring Ac. 23.56 Cents as A.P. Rajiv Swagruha Corporation is providing affordable housing for the moderate income group. Further, Government hereby accord permission to Vice Chairman, Visakhapatnam Urban Development Authority to allot 40% of the net plotted compensation area i.e. 5.18 cents (out of total acquired land acres 23.56 Cents, the plotted area would come to acres 12.95 cents only) on payment of nominal market value fixed by the Visakhapatnam Urban Development Authority from out of the **land being derived under the land pooling scheme which is adjacent to the acquired land for allotment to the ryots.** These orders are issued subject to the outcome of pending cases, if any, in courts.

Accordingly, the Awardees are informed that the Government vide their G.O.Rt.No.958 MA & UD (H2) Dept., dtd.12-07-2012 cancelled the orders issued in G.O.Rt. No.316 MA & UD Dept., dtd.26-02-2009 and in G.O.Rt.No.1153 MA & UD Dept., dtd.17-08-2009 vide this office letter Rc.No.624/80/RI.II dtd.10-07-2013.

Hence, the matter is placed before VUDA Board for kind perusal and suitable directions in the matter.

Sl No	Subject No	Subject	RESOLUTIONS
		plan for taking the corrective measures on these issues – action plan to be submitted to government for perusal and information – formation of the committee to finalize the list of unapproved / unpegmarked layouts where allotments are made- submission of the report-Reg	
48	48	Land Acquisition wing – VUDA – Status of LA cases wherein Awards are passed but possession are not with VUDA – reg	Perused. Steps to be taken to take the possession of these lands at the earliest duly following the procedure and lands should be put into use for the purpose, for which they were acquired. VC to come up with the necessary proposal on these lands at the earliest
49	49	VUDA – Estate – Visakhapatnam – Regarding Paradesipalem Land Pooling Scheme in LP No.1/2011	The request of withdrawl of GPA entered amounts to denotification and same cannot be proceeded further without obtaining the remarks of the Learned Advocate General. Meanwhile, VC is directed to explore the possibilities of developing the layouts as per the original plan on these lands along with available adjoining lands.

CHAIRMAN, VUDA

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2017/2018