

SUBJECT TO L.A.C.

Rc.No. 1075/68/F2

SUBJECT NO: 155.

Sub:- L.A. VUDA - Vsp. Acquisition of lands measuring Ac. 32.43 cts. in S.No. 1/p, 5/p, 6/p, 9/p, 10/p, 18/p, 19/p and 29 of Chinawaltair (v) SLP dismissed - Fresh 4(1) proposals initiated as per Supreme Court direction - Reg.

The erstwhile Town Planning Trust proposed acquisition of lands in S.No. 1/p, 5/p, 6/p, 9/p, 10/p, 18/p, 19/p and 29 for an extent of Ac. 32.43 cts in Chinawaltair village for implementation of M.V. Palem I.U.D.P. Scheme vide resolution No. 140, dt. 18-3-68. The 4(1) notification was published on 29-8-68 and D.D. was published on 18-1-70. The L.A.O. passed Award for an extent of ac. 32.43 cts. in Award No. 4/79 dt. 31-3-79. The land owners of the above lands except the land owners of S.No. 5/1 & 2A for an extent of Ac. 2.87 cts. and the owners of S.No. 29 for an extent of Ac. 0.57 cts, have filed W.P. on 29-3-79 in the Hon'ble High Court just before passing the award. The single judge of High Court in his judgement in W.P. No. 2715/79 dt. 22-4-81 quashed the 4(1) notification and struck down the award proceedings on the ground that the L.A.O. has taken an inordinate and unreasonable long time for passing the Award and also observed that this order does not preclude the Govt. for issuing notification afresh for acquisition of the lands in question according to law. The VUDA has preferred an appeal against the said judgement in W.A. No. 368/81. The Division bench has confirmed the above orders of the single judge. Then the VUDA has preferred an appeal in the Supreme Court of India in SMP No. 385/84 and subsequently numbered as C.A.No.806/84 and 818 to 820 of 1984. The Supreme Court while dismissing the above C.A. on 30-3-95, have stated that it is open to the State Govt. to initiate fresh acquisition proceedings so advise in accordance with law.



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The compensation for the acquired land Ac. 0.57 cts. in S.No. 29 was kept under C.C. deposits as the whereabouts the owners of the said lands are not known. The entire extent of Ac. 0.57 cts. was sold to public by VUDA. But no claimants approached for their compensation and they are not the petitioners. The lands covered in the remaining S.No.s have not touched except the small extents in S.No.s 18, and 19 of the said village. The land owners in S.No. 5/1 & 2A of Ac. ~~2.87~~<sup>2.87</sup> cts received the compensation. But the possession of the land was not handed over to VUDA. They are not the petitioners. The S.D.C. (LA) VUDA was addressed vide this office letter dt. 17-4-98 to inform whether the acquired land of Ac. 2.87 cts. in S.No. 5/1 & 2A was handed over possession to VUDA since the compensation amount was paid to the Awardees for the above extent and requested to inform the reasons for not handed over possession of the said land. The reply is awaited.

In view of the court orders, the S.D.C., LA, VUDA was addressed vide this office letter dt. 31-3-98 to initiate acquisition proposals for an extent of Ac. 32.43 cts. in S.No. 1/p, 5/p, 6/p, 9/p, 10/p, 18/p, 19/p and 29 of Chinawaltair village under L.A. Act. The Spl. Officer Urban Land ceiling was also informed ~~xxx~~ vide this office letter dt. 31-3-98 that the above lands are ~~acquired~~<sup>required</sup> by the VUDA and requested to take action as per U.L.C. Act. The S.D.C. (LA) VUDA has requested this office to furnish a copy of the VUDA resolution and to place an amount of Rs. 39.10 crores towards land value, 30% <sup>solution</sup> on land value and 12% additional market value on land value for 3 years at the disposal of the L.A.O. and also informed that the value for the structures is not included. Hence an amount of Rs. 10.00 lakhs was placed at the disposal of L.A.O. as deposit under cheque No. 303999 dt. 21-4-98 and requested to publish a 4(1) Notification immediately.

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The matter is therefore placed before the L.A. Committee for ratification in having sent the proposals for acquisition of land for Ac. 32.43 cents. ins. No. 1/p, 5/p, 6/p, 9/p, 10/p, 13/p, 19/p and 29 of China-waltair village and in having placed an amount of Rs. 10.00 lakhs at the disposal of U.A.O. for the above purpose.



VUDA RESOLUTION No. 155, dated 12-4-98.  
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Resolved to refer the matter to the 3 M.L.As of  
WUDA Board members to study the feasibility of acquisition  
of lands in question and to submit their report to WUDA  
Board for taking a decision in the matter.

*K. Srinivas*  
CHAIRMAN.