

SUBJECT NO. 72

Sub : VUDA- Allotment Wing – Allotment of Plot Nos.1 & 2 in Sy.No.6/p of Madhavadhara Layout – Allotted in the open spaces – Clarification from GVMC – Furnishing of facts - Reg

AGENDA NOTE:

The Commissioner, GVMC, Visakhapatnam has informed vide letter BA No.15037/2011/ACP-IV, dt.28.07.2012 that the VUDA has registered two Plots in the Madhavadhara layout (appear to be approved layout open space) as Plot No. 1 & 2 in Sy.No.6 of Madhavadhara village in the name of Sri. K. Venugopal & Smt. M.Sita Rama laxmi for an extent of 430.56 Sq.Mts and 390.43 Sq.Mtrs., respectively, through registered sale deed Nos.2201/2004 and 2200/2004 and the above two persons have submitted building applications for construction of Stilt floor for parking + Ground floor + 4 upper floors residential apartment building and requested to clarify whether the allotment of Plot Nos. 1 & 2 in Sy.No.6 of Madhavadhara village are in order and whether permission can be considered.

Remarks of Planning Wing

On this when referred to Planning Wing, the Chief Urban Planner, VUDA has offered remarks that “the connected layout copy was verified and found that the Plot No.1 & 2 are newly incorporated in the layout open space of Madhavadhara layout in Sy. Nos. 3/2, 4, 6/1, 7/1, 8/1, 8/2, 11 of Madhavadhara. The details of incorporated of Plots were not recorded on the layout copy and hence, the allotment section was requested to provide the connected files and accordingly the allotment Wing has provided file P.No./MD/F2”.

After perusing the file it was noticed that, Smt. M. Sita Rama Laxmi & K.Venugopal have purchased Plots in auction held in 1994 in Seethammadhara layout and VUDA could not settle the issue due to some legal dispute. Sri. K. Venugopal was allotted Plot No. 55 of Seethammadhara layout and it is covered with Stay Order vide OS No.565/94 similarly, Sri. M.

Sitaramalakshmi was allotted Plot No.MIG-275 at Seethammadhara layout and it is covered in WP No.19776/94.

Hence it was proposed to allot alternate Plots in Madhavadhara layout. The then Estate Wing and Planning Wing officials have stated that there is excess land available is more than 10% of the layout area. Accordingly, 2 Plots with 417 Sq.Ysd and 515 Sq.Yds respectively were carved out from layout open space and allotted to the applicants.

“The High Court of Andhra Pradesh in its order in WP No.26276/96 based on Supreme Court Judgment in SC 1902 and SC-577 had concluded that the Government have no jurisdiction to convert the site reserved for park or play ground for some other purpose. Accordingly Government of Andhra Pradesh have examined the matter and decided to take action as per the High Court and Supreme Court judgments and have issued GO.MS NO.72, MA dt.20.02.2002 which states that *“it shall not propose to utilize the reserved open space of a layout for the purpose other than the intended original use such as a park, play ground, community structure, urban forestry and similar eco-conservation programme”*. Here in this particular instance the layout open space was allotted after the above G.O came in to force.

Basing on the remarks of Planning Wing, the Vice Chairman, VUDA has ordered as follows;

- To give an interim reply to GVMC that necessary clarification will be communicated to them after obtaining Resolution of VUDA Board in the matter.

The Planning Wing was instructed to verify whether the excess % of open space as claimed, is true or not.

Physical survey and its findings

Accordingly, the concerned officials of Planning Wing have attended to the Survey of open spaces and parks in the Madhavadhara VUDA layout along with the A.D, Sri. Syam Sundar of VUDA and offered the following remarks;

- As per the approved layout plan, there are 7 open spaces /parks existing in this layout.
- The detailed list of open spaces/parks containing the extent of open spaces, extent of constructions made & extent of plats allotted in the open spaces is prepared are as follows;

The total extent of open space /parks as per approved layout plan	Ac.5.45 Cts.,
The total extent of open spaces/parks as on ground	Ac.5.71 Cts.,
The total extent of constructions made/plots allotted in the above open space/parks	Ac.0.67 Cts.,
Net area of open space/parks available on ground	Ac.5.04 Cts.,

The extent of Parks & open spaces (Ac.5.45 Cts.,) is clubbed with the extent of Gedda (0.70 Cts) in approved layout Plan. The statutory open space is combined with Gedda and shown as 10.06% in the approved layout plan. Whereas, the extent of open space available on ground is Ac.5.71 Cts., However after deducting the area constructed and the area allotted as Plots in open space, it comes to only Ac.5.04 Cts.

- If the constructions made in the open spaces/park are considered as open space, the total area of open spaces/parks comes to Ac.5.51 Cts., (After deducting the extent of Plots area of Plots Nos.1&2 is Ac.0.20 Cts.,)
- The GVMC Authorities should not have made constructions or allowed constructions in the statutory open spaces/parks of the Madhavadhara VUDA layout.

Hence, the matter is placed before the VUDA Board for necessary decision in this matter.

Sl. No.	Subject No.	Subject	Resolutions
72	71	VUDA- Allotment Wing - Collection of final cost in various layouts Developed by VUDA - Certain representations from the allottees or waival of penal interest on the differential cost for the Plots-Submitted - Reg.	In the circumstances explained, the request of waiver is considered.
73	72	VUDA- Allotment Wing - Allotment of Plot Nos.1 & 2 in Sy.No.6/p of Madhavadhara Layout - Allotted in the open spaces - Clarification from GVMC - Furnishing of facts - Reg	Allotment of plots in notified open space of the layouts cannot be agreed upon. Follow the government instructions in this regard.
74	73	VUDA - Visakhapatnam - Allotments - Allotment of Plot No.A-22 of Adibhatlanagar layout - Allotment of additional extent - Registration- And other issues - Regarding.	<ol style="list-style-type: none"> 1. As the wife has agreed in writing, the request for registration in the name of Sri Appa Rao is considered as the amount is deposited from his account 2. The Request for joint registration is not agreed upon 3. It is reaffirmed to follow the decision of Res.no.10 dated 16.12.2005 w.r.t extent of excess extent within the ear marked plot for only less than 50 sq.yds.