

SUBJECT NO: 220

Sub:-L.A. VUDA. Visakhapatnam - Acquisition of lands in S.Nos. 1,3,4,5,6,9,10,18,19 and 29 etc., in China Waltair - Visakhapatnam Municipal Corporation of Visakhapatnam District for Development of IUDP Scheme - Regarding.

The erstwhile Town Planning Trust has proposed acquisition of lands in S.Nos. 1,3,4,5,6,9,10,18,19 and 29 etc., measuring an extent of Ac. 52.76cents. in China Waltair Village for implementation of M.V.Palen I.U.D.P. Scheme. The L.A.O. has passed awards for an extent of Ac. 32.43 cts. in Award No.4/79 dated. 31.3.79. The possession of the lands has not so far been taken by VUDA. Just before passing of award, the land owners have challenged the acquisition proceedings in W.P. No. 2715/79. The High Court in a common judgement dt.22.4.81 quashed the impugned 4(1)notification and struck down the award proceedings in the ground that the L.A.O. has taken an inordinately and unreasonable long time for passing award and also observed that this order does not preclude the Government for issuing notification afresh for acquisition of the lands in question according to law. Thereafter the VUDA has preferred an appeal against the judgement of single judge dated.22.4.81 in W.P.No. 2715 of 1979. The Division Bench has confirmed the orders dated. 22.4.81 in W.P.No. 2715 of 1979 stating that there is no ground to interfere with the judgement of a single judge and therefore dismissed the writ appeal filed by VUDA. Later the VUDA has preferred an appeal in Supreme Court of India, New Delhi in S.M.P.No. 385/84 and the Supreme Court in its order dt. 10.2.84 stayed the operation of High Court. The stay orders are still in force and the S.L.P. subsequently numbered as civil appeal No. 818 to 820 of 1984. The final orders of Supreme Court in the matter is awaited.

The acquisition proceedings have been initiated in the year 1968 i.e., 19 years ago.while matter stood thus, Sri M. Sambasiva Rao on behalf of the land owners has put in a representation stating that the land owners have come for negotiation on the following conditions:

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1. to deliver the land to VUDA free from all encumbrances.
2. all dues against these lands to Government, local bodies, private individuals/associations etc., will be cleared by them.
3. 8 Acs. of land in a bulk will be given to VUDA as per the rate of award passed previously handed over without claiming any higher amount beyond the award and also never prefer any claim under Sec. 18 reference.
4. 8 Acs. so given to VUDA will be developed by them at their own cost as per VUDA plan and specifications.
5. Delivery of the site to VUDA with all developments will be on or before 1.10.87.
6. VUDA has to approve the layout plan for the remaining land as per VUDA specifications and also permit them to sell away the plots, flats, theatre, guest houses etc., at their discretion.

In such a case the VUDA will get about 8.00 Acs. of land from the owners at old award rate of Rs. 1.60 Ps. per sq.yard and also the owners of the land will develop the entire land including the land proposed to be given to VUDA per the norms of VUDA at their expenses subject to exemption of 2/3 of land in their favour. If it is agreed to the VUDA will get Ac. 8.00 of land which will cost about Rs. 40.00 to 50.00 lakhs. If this proposal is not accepted, the VUDA will have to acquire the land after issuing fresh notification if the order of Supreme Court in the appeals is not favourable to VUDA. If fresh acquisition proceedings are initiated the acquisition cost in that area will be much higher as the lands in question of acquisition is in the important potential and developed area and the basic value of the lands is Rs. 250 per sq.yard. However the then Chairman, VUDA and the then Vice-Chairman, VUDA have

observed that our acceptance of the party contention will lead to future complications since the VUDA has an ambitious plan of developing potential areas by acquisition of land and therefore rejected the request of the party. As ascertained from Standing Counsel of VUDA at Hyderabad the writ appeals will take some more time for disposal. The L.A. Review Committee on Direct purchase has inspected the land on 7.4.87 and agreed to take 8.00 Acs. of land leaving the remaining land to land owners. While working out it is found that VUDA will make a minimum profit of over Rs. 50/- lacs as per this proposal and if the appeal petition of VUDA is dismissed, the loss will be much more to VUDA.

Hence the matter is placed before the VUDA to take suitable decision in the matter.

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