

**PROCEEDINGS OF THE APPROPRIATE GOVERNMENT /
DISTRICT COLLECTOR, GUNTUR
Present :: Sri Kantilal Dande, I.A.S.,**

Rc.No. 5909/2015-G1,

Date: 16/12.2016.

Sub:- LA R&R – Capital City Development Project – Acquisition of an extent of Ac. 33.58 cents of lands in Borupalem Village – Orders Issued – Reg.

- Read:-
- 1) Section 8 of the LA R&R Act, 2013.
 - 2) This office proceedings Rc.No.5909/2015/G1/CRDA dt.08.02.2016, (4(1) Notification)
 - 3) SIA Study Report submitted by EPTRI, Hyderabad along with Minutes of the Public Hearing, October, 2016.
 - 4) Expert Committee Report under section 7 of the LA R&R Act, 2013.
 - 5) Report of the Collector / LAO under the Act, dt. 08.12.2016.

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ORDER:

1. The District Collector, Guntur is the appropriate Government as defined under Section 3(e) of LA R&R Act, 2013 read with rule-2(b) of the AP Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Rules, 2014.

2. After examining the material papers placed before me as required under section 8 of the LA R&R Act, 2013 and after examining the notified Master Plan for AP Capital City, EIA reports and Environmental clearance for Capital City Master Plan, the following conclusions are arrived at ;

Legitimate and bonafied public purpose:

3. The Government of Andhra Pradesh vide G.O.Ms.No. 254 MA & UD (M2) Department, dt. 30-12-2014, notified 18 Revenue Villages in Thulluru Mandal, 4 Revenue Villages in Managalagiri Mandal and 2 Revenue Villages and part of Tadepalli Municipality in Tadepalli Mandal as Capital City area. The village Borupalem is one among the notified villages.

4. The Government in exercise of the powers conferred under section 43(5) of AP CRDA Act, 2014 directed the AP CRDA, Vijayawada vide G.O.Ms.No. 257 MA & UD (M2) Department, dt. 30-12-2014 to undertake development Scheme as provided in Chapter-IX of AP CRDA Act, 2014 through voluntary Land Pooling Scheme in Capital City area.

5. The Commissioner, AP CRDA, Vijayawada filed requisition for acquisition of Ac. 34.18 cents in Borupalem Village as per Section 126 of AP CRDA Act, 2014 read with Rule 9 of AP Capital City LPS (F&I) Rules, 2015. As per Section 126 any land required, reserved or designated any development plan shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 and may be acquired by the Government on the request of the Authority or other Authority or functional unit. As per Rule 9 the lands falling under acquisition within Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall also be included while

preparing draft Land Pooling Scheme. Hence the acquisition of lands for construction of Capital City Development Project is legitimate.

6. The Capital City Development Project is an Infrastructure Project. As per Section 3(o) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Infrastructure project shall include any one or more of the items specified in Section 2(1)(b).

7. As per section 2(1)(b) the infrastructure project includes all activities are items listed in the notification of the Government of India in the department of Economic Affairs (Infrastructure section) number 13/6/2009-INF, dt. 27-03-2012, excluding private hospitals, private educational institutions and private hotels. As per section 2(1) the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply when the appropriate Government acquires land for its own use, hold and control, including for public sector under takings and for public purpose and shall include the infrastructure projects, projects for industrial corridors, mining activities, national investments and manufacturing zones. It also includes project for water harvesting and water conservation structures, sanitations, projects for Government administered, Government aided educational and research schemes are institutions, projects for sports, health care, tourism, transportation, project for project affected families, project for housing for such income groups, as may be specified by Government from time to time, project for planned development or the improvement of village sites or any site in the urban areas, project for weaker section housing in rural / urban areas are defined as public purpose.

8. The Capital City Development Project is a project covering infrastructure includes transport, energy, water and sanitations, communication and social and commercial infrastructure as defined in the notification of Government of India. It also includes the other categories of public purposes as defined under section-2(1). Hence construction of Capital City Development Project is for a bonafide public purpose.

Potential benefits and the public purpose vis-a-vis social costs and adverse social impact

9. The Capital City Development project fulfils the necessity for construction of Capital City as the Successor State of Andhra Pradesh is left with no Capital as per the Andhra Pradesh Reorganization Act 2014 (Central Act 6 of 2014). As the State Government notified the Capital City area the expected resident population would be 3.55 million by 2050. In addition to the requirements for State / Central administrative / functional institutions, the Capital City Development Project mainly caters the needs of not only basic infrastructure but also trunk infrastructure. Creation of livelihood opportunities, health care, education, self-employment generation, promotion of tourism, sports, providing affordable housing, improvement of villages are the potential benefits of the project.

10. The project cost of the Capital City Development Project is estimated at Rs. 42,000 crores for the entire project and so far as Borupalem Village is concerned which is part of the Capital City Development Project is estimated at Rs. 395.65 crores. In view of the Government providing tier-1 Infra City level Infra to Borupalem Village in addition to tier-2 Infra for providing basic amenities and facilities. I agree with the report of the Expert Committee with regard to project cost which was stated to be on the higher side when compared to Social Costs and Social

Impacts but after the project is executed finally there would be future benefits which will negate the cost affects.

Minimum area of the land required for the project:

11. The entire area of 217.23 Sq. KMs covering 24 Revenue Villages and Part of Tadepalli Municipality covering Ac. 53,748.00 cents were notified by the Government as Capital City area. Though the SIA was conducted for Ac.19.5525 cents in Borupalem Village subsequently the requirement of Land Acquisition reduced to Ac. 33.58 cents. As the lands to be acquired are scatteredly located and as the compact blocks are required for construction of Capital City Development Project it is felt that the lands covered by Land Acquisition are inevitably required. There are no alternative lands as the entire area is covered by notified Master Plan for Capital City area. There are no un-utilized lands which were acquired previously. The lands acquired under Social Welfare Land Acquisition for weaker sections are included in the demarcated village site / habitation.

12. The notified Master Plan for Capital City area, EIA report, Environmental Clearances for the Capital City area, the SIA Study Report, the Expert Committee Report, the Report of the Collector / LAO were examined and it is decided to acquire the lands under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the requisition department is advised to construct the Capital City Development Project as per the conditions prescribed in the Environmental Clearance given for the construction of Capital City. The Land Acquisition Officer, Borupalem is here by permitted to acquire the lands as per the provisions Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Intika
15/12/16
Joint Collector

COLLECTOR & DISTRICT MAGISTRATE,
GUNTUR DISTRICT, GUNTUR.

14/12/16
Tahs (Adm)
Dy. Collector (Admin)

To
All Concerned.

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14/12/16
DT.