

PROCEEDINGS OF THE COLLECTOR, KRISHNA, MACHILIPATNAM.
PRESENT : Sri Babu.A, I.A.S.,

Rc.DT(Port)/2441/ 2015.

Dt. .08.2016.

Sub:- Land Acquisition - Bandar Division - Machilipatnam and Pedana Mandals - Acquisition of Land for an extent of Ac.2282.20 Cts for development of Machilipatnam Deep Water Port and Ac.12144.86 Cts for formation of Industrial Corridor - Preliminary notification under Section 11(1) of LA RR Act, 2013 published - Notification will be lapsed by 29.08.2016 – Report submitted by the LAO/ RDO , Bandar for extension of time for a period of one year w.e.f 29.08.2016–period extended -orders issued

Read:- 1. Revenue Divisional Officer, Bandar Rc.A/3841/2014 Dt:01.08.2016.
2. Requisition filed by the Director of Ports, Kakinada, Dt.02.04.2015.
3. Requisition filed by the Zonal Manager, APIIC, Vijayawada, Dt.10.08.2015.
4. Preliminary notification u/s.11(1) of RFCT in LA RR Act, 2013 published in Gazette No.64/KST/2015, Dt.29.08.2015.

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ORDER:

The Revenue Divisional Officer, Bandar has submitted a report in the reference 1stread above, stating that, the Director of Ports, A.P. Kakinada has filed a requisition for acquisition of land for an extent of Ac.2288.08 in 6 Villages in Machilipatnam Mandal for development of Machilipatnam Deep Water Port and also the Zonal Manager, APIIC, Vijayawada, dtd.10.08.2015 has filed a requisition for acquisition of land for an extent of Ac.12144.86 for formation of Industrial Corridor in connection with the Machilipatnam Deep Water Port.

Accordingly a preliminary Land Acquisition Notification was issued on 29.08.2015 for the following Private Lands for development of Machilipatnam Deep Water Port and for formation of Industrial Corridor in connection with Machilipatnam Deep Water Port.

For Development of Machilipatnam Deep Water Port			
Sl. No.	Mandal	Village	Extent Ac. Cents
1	Machilipatnam	Mekavanipalem H/o Chilakalapudi	89.77
2	Machilipatnam	Gopuwanipalem	712.86
3	Machilipatnam	Karagraharam	741.39
4	Machilipatnam	Manginapudi	292.05
5	Machilipatnam	Pothepalli	33.18
6	Machilipatnam	Tavisipudi	412.95
		Total	2282.20

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Sl. No.	Name of the Mandal	Name of the Village	Extent
			in Ac. Cts
1	Machilipatnam	Gopuwanipalem	120.94
2	Machilipatnam	Manginapudi	478.36
3	Machilipatnam	Tavisipudi	432.90
4	Machilipatnam	Pothepalli	1063.98
			234.34
5	Machilipatnam	Karagraharam	656.24
6	Machilipatnam	Mekavanipalem, H/o. Chilakalapudi	426.37
7	Machilipatnam	Pallitummalapalem	102.58
8	Machilipatnam	Rudravaram	136.63
9	Machilipatnam	Kothapudi	618.19
10	Machilipatnam	Polatitippa	389.72
11	Machilipatnam	Bandar West	1275.37
12	Machilipatnam	Gundupalem	95.30
13	Machilipatnam	Gokavaram	527.55
14	Machilipatnam	Potlapalem	572.69
15	Machilipatnam	Borrapothupalem	687.90
16	Machilipatnam	Buddalapalem	859.31
17	Machilipatnam	Kona	2071.97
18	Machilipatnam	Arisepalli	376.99
19	Machilipatnam	Hussainpalem	144.86
20	Machilipatnam	Machavaram	68.38
21	Pedana	Kakarlamudi	804.29
	Industrial Corridor	TOTAL:	12144.86

The Revenue Divisional Officer, Bandar further reported that, the above notifications were approved by the Collector, Krishna vide Rc.DT(PORT)2441/2015, Dt.29.08.2015 under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and published in the District Gazette vide No.64/KST/2015, Dt.29.08.2015 and also published in the local newspapers as well as at conspicuous places and locality.

The Revenue Divisional Officer, Bandar further reported that, the said notifications were issued prior to lapsing of RFCT LA RR (Amendment) Ordinance, 2015 duly exempting from the application of provisions of Chapter - II (SIA) and Chapter – III (Food Security). Now, the above notifications will be lapsed by 29.08.2016 as per 3rd Proviso to Section 19 (1) of the LA R&R Act, 2013.

The notifications under section 11(1) of the LA RR Act, 2013 were issued as per the RFCT in LA RR (Amendment) Second ordinance No.5 of 2015, dt.30.05.2015 read with G.O.Ms.No.16, Revenue (LA) Department, Dated.29.01.2015. Amendment to an Act by virtue of an ordinance becomes a valid Law and action taken under such valid Law will not lapse or revert merely because such ordinance is lapsed at a later date. Lapse of ordinance does not lapse the action taken with retrospective effect.

Further, the Revenue Divisional Officer, Bandar submitted that, W.P.Nos.41118/2015, 41119/2015 and 3 more WPs were filed before the Hon'ble High Court of Judicature, Hyderabad by certain interested persons and requested the Hon'ble Court to exempt their lands from the Acquisition and also for conduct of the Social Impact Assessment (SIA) before acquiring their lands as the same has not been done. Para wise remarks were already submitted to the Government Pleader for dismissal of the above Writ Petitions and the same are pending with the Hon'ble Court.

Then Socio Economic Survey and preparation of R & R Scheme are to be prepared before publication of declaration under section 19 is pending in view of decision to the received in the said W.Ps.

The LAO / Revenue Divisional Officer, Bandar has also reported that the landowners can opt for State Policy during the pendency of LA Proceedings, as per provisions of Section 108 (1) and (2) of the LA R & R Act, 2013.

The Revenue Divisional Officer, Bandar further reported that, as per the Provisions laid down in Sec.19 (7) of the Act, the appropriate Government i.e., the Collector, Krishna, shall have the powers to extend the period of Twelve Months, if in its opinion circumstances exist justifying the same any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

The Revenue Divisional Officer, Bandar finally requested the appropriate Government i.e., Collector, Krishna for extension of further period of one year with effect from 29.08.2016 for validation of the above notification u/s 11(1) of the Act.

In the above circumstances, after careful examination and considering the report submitted by the LAO / Revenue Divisional Officer, Bandar and also in exercise of the powers conferred under Sec.19 (7) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the time for issue of Draft Declaration for the above extents notified under Section 11(1) as mentioned in the above statements are hereby extended for a period of **12 Months** with effect from 29.08.2016.

The Land Acquisition Officer / Revenue Divisional Officer, Bandar is hereby directed to take action for notification of the same and upload on the website.

Collector, Krishna

To

The LAO / Revenue Divisional Officer, Bandar

Copy submitted to the Chief Commissioner of Land Administration, A.P, Jasthi Towers, 2nd Floor, D.No.22-19, Saipuram Colony Road, Gollapudi Village, Vijayawada Rural – 521 225 for information

Copy submitted to the Principal Secretary to Revenue, A.P, Hyderabad for information

Copy to the Principal Secretary, Municipal Administration & Urban Development Department, A.P., Hyderabad for information

Copy submitted to the Principal Secretary to Government, Energy, Infrastructure & Investment Department, A.P. Secretariat, Hyderabad for information

Copy Vice Chairperson, Machilipatnam Area Development Authority (MADA), Machilipatnam

Copy to the Director of Ports, A.P, Kakinada for information

Copy to the Zonal Manager, APIIC, Autonagar, Vijayawada for information

Copy to the Tahsildar, Machilipatnam / Pedana

Copy to A5 Asst., KCO, Machilipatnam for publication in Gazette