

PROCEEDINGS OF THE SPECIAL OFFICER & COMPETENT AUTHORITY:
URBAN LAND CEILING: HYDERABAD:

PRESENT : SRI K. RAMGOPAL, I.A.S.

Progs.No.F2/4/93

Dated:18-3-2004

Sub:- Urban Land (Ceiling & Regulation) Act, 1976 – Hyderabad Urban Agglomeration – Statement in Form-I u/s 6(1) of the Act, filed by M/s.Gurudev Sidhapeeth (A.Charitable Trust) Rep.by G.P.A holder Sri Satish Modi – orders u/s 8(1) issued – representation filed – Final orders u/s 8(4) and final statement u/s 9 issued – Reg.

Ref:- 1) Statement in Form-I u/s 6(1) of the Act, filed by M/s.Gurudev Sidhapeeth rep.by G.P.A Sri Satish Modi in CC.No.F2/4/93
2) E.O. report dt:17-6-1993
3) Proceeding u/s 19(i)(iv) of the Act issued even No dt:9-9-93
4) Govt.Memo.No.29446/UC-II(2)/98-29 dt:21-11-2002
5) Draft statement u/s 8(1) of the Act issued even No. dt:29-1-2004
6) Reply dt:7-2-2004, 24-2-2004.

^

ORDER:

M/s. Gurudev Sidhapeeth (a charitable trust) represented by G.P.A. Sri.Satish Modi has filed a statement in Form-I u/s.6(1) of the Act, declaring the following properties:

Sl.No.	Description of the property	Locality	Extent
1	L.W.B. in Pre.No. 1-8-179	S.D.Road, Secunderabad	2658.11 Sq.Mtrs.
2	Vacant land in Sy.No. 37 & 38	Begumpet	6561.38 Sq.Mtrs.
3	Land with building in Pre.no. 6-3-344	Banjara Hills	2376.00 Sq.Mtrs.
4	L.W.B. in Pre.No. 5-4-187/3&4	M.G. Road	880.30 Sq.Mtrs.
5	L.W.B. in Pre.No. 5-4-187/3&4	M.G. Road	1949.00 Sq.Mtrs.
TOTAL			14424.79 Sq.Mtrs.

The statement has been got enquired into and after due verification the declarant trust has been determined as holder of the following properties:

Sl. No.	Description of property	Location	Total area	Area protected (in Sq.Mtrs.)	Vacant land
1	L.W.B. in Pre.No. 1-8-165 &179, S.D.Road	Secunderabad	2163.75	2163.75	-
2	Vacant land in Sy.No. 37 & 38	Begumpet	6561.38	-	6561.38
3	Vacant land in Pre.no. 6-3-343	Banjara Hills	2376.00	-	2376.00
4	L.W.B.in Pre.No.5-4-187/3&4	M.G.Road, Secunderabad	2829.30	2829.30	-
TOTAL			13930.43	4993.05	8937.38

Out of the total area of 13,930.43 Sq.Mtrs. an extent of 4,993.05 Sq.Mtrs. treated as protected u/s. 4(11) of the Act, and the vacant land to an extent of 8,937.38 Sq.Mtrs. held by the trust was declared as exempted u/s. 19(i)(iv) of the Act, as per the proceedings of this office issued vide reference 3rd cited with certain conditions that the

exemption provided u/s. 19(i)(iv) of the Act, will cease as and when the trust intends to alienate the lands. In case the trust intends to alienate the lands, the trust should obtain prior permission from the Government who will in turn consider the case in terms of G.O.Ms.No. 917 Revenue (UC-I) Dt: 12-9-89.

After issue of the proceedings dt:9-9-93, the applicant has applied to the M.C.H. for permission to construct a residential building with stilt + 5 floors in the land in Sy.No.37 and 38 of Begumpet, Hyderabad. And the MCH in file No.327/TP7/SD/96 have accorded permission for construction of residential complex vide permit No.50/41 dt:13-12-1996. Hence the trust has violated the conditions imposed in this office proceedings u/s 19(i)(iv) of the Act and the construction of the said residential complex became illegal. The illegal construction in Sy.No.37 & 38, Begumpet has become a subject matter of enquiry by the A.C.B. as well as the Vigilance Commissioner.

This was followed by a series of legal proceedings by the trust and intermittently by third parties. Meanwhile Government have issued orders in G.O.Ms.No.455, dt:29-7-2002 for regularization of occupation in the surplus lands by the third parties. The trust represented by the G.P.A. as well as the occupants of the lands in Begumpet have expressed their willingness for regularization under G.O.455.

The Government in Memo.No.29446/UC.II(2)/98-29 dt:21-11-2002 has informed the Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad that “ the orders of the then Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad dt:9-9-93 which say that the lands held by Gurudev Siddhapeeth Charitable Trust are exempted under section 19(i)(iv) of the Act and that the said exemption ceases in the trust intends to alienate the lands, do not call for interference of Government under section 34 of the Act. In as much as there is no illegality/impropriety in passing said orders nor irregularity in the procedure followed. What has happened in this case is that there is no irregularity in the orders as such, but the Trust has violated the conditions of non-alienation envisaged under section 19 of the Act and also the Special Officer’s qualifying order dated: 9-9-93 and thus the trust rendered itself ineligible for the exemption provided in section 19 of the Act. Therefore in such a case the Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad himself can proceed to take action suo-moto under section 6(2) of the Act and pass orders determining the surplus land held by the Trust so as to take further action in terms of the Policy Guidelines issued in G.O.Ms.No.455 or 456 Revenue (UC.I) Department dated:29-7-2002 as may be appropriate ”.

The Government again in Memo.No.29446/UC.II(2)/98-30-dt:21-2-2003 have informed that there can be no objection to take action u/s 8, 9 & 10 of the Act based on the information available in the statement filed u/s 6(1) of the Act. Therefore,

Government requested the Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad to take action accordingly.

Therefore, the case was taken up for enquiry again. It was found during enquiry that the trust has made an agreement with Sri Satish Modi on 29-6-1991 for selling away the properties situated in Hyderabad Urban Agglomeration for a consideration of Rs.2.6 Crores. Hence the G.P.A of the trust Sri Sathish Modi has filed a declaration u/s 6(1) of the Act. Thus, it is clear that the said properties are no longer used towards the objectives of the trust and being put to sale for profit. Hence the protection accorded to the trust u/s 19 are no more valid and all the provisions under chapter-III of the Act will apply to the properties of the Trust.

After enquiry, the property viz., land with building pre.No.5-4-187/3 & 4, M.G.Road, Secunderabad measuring 880.30 Sq.Mtrs was declared as protected u/s 4(11) of the Act and the trust was provisionally declared as holding the following vacant lands.

Sl.No.	Description of the property	Locality	Extent
1	Vacant land in Sy.No. 37 & 38	Begumpet	6561.38
2	Vacant land in Pre.No. 6-3-344	Banjara Hills	2376.00
3	Vacant land in Pre.No. 5-4-187/3,4	M.G.Road, Secunderabad	1949.00
4	Pre.No.1 -8-179, S.D.Road, Sec-bad.	S.D.Road, Secunderabad.	2163.75
TOTAL			13050.13

Out of the total area of 13050.13 Sq.Mtrs. the trust was allowed to retain to an extent of 1000.00 Sq.Mtrs. and the trust was provisionally determined as surplus vacant land holder to an extent of 12050.13 Sq.Mtrs.

Draft statement u/s 8(1) and notice u/s 8(3) of the Act, issued calling for objections, if any, to be preferred within (30) days from the date of receipt of the orders and the same has been got served on 21-1-2004. In response to the draft statement the G.P.A. holder Sri Satish Modi filed objection petition on 7-2-2004 and 24-2-2004 stating as follows:

- (1) Regarding property in Pre.No.1-8-179, S.D.Road, Sec'bad they have stated that it is a protected property u/s 4(11) of the Act and declared so by this office proceedings u/s 8(1) of the Act on 9-9-1993 as the structures thereon were constructed prior to the Act. The trust has sold the said protected property to Haryana Seva Sangh vide document No.4315 of 1993. Again in this office proceedings F2/1557/Corr/97 dt:1-2-2001 it was confirmed and therefore an NOC was issued regarding this property to the MCH. The Haryana Seva Sangh after taking building permission from the MCH have

- demolished the old building. They have denied the report of the enquiry officer of this office who has stated the land as vacant. They stated that the land is covered by a two storied building and enclosed photographs of the building which is under construction. They have stated that it is a protected property and the trust has sold the protected property and hence it is not a vacant land.
- (2) Regarding the property in Pre.No.5-4-187/3 & 4, M.G.Road, Secunderabad, it is stated that the entire premises measuring 2829.30 Sq.Mtrs was occupied by three non dwelling units which were constructed prior to the Act and the entire premises was declared as protected u/s 4(11) of the Act by this office earlier proceedings dt:9-9-1993. They have also stated that the said area known as Karbala Maidan was in occupation of Indian Iron & Steel Corporation for more than 3 decades and the workshops of Indian Iron and Steel Corporation and Sundaram Motors on the adjoining land were landmarks in 1960s and 1970s. Indian Iron and Steel Corporation was a tenant of the trust for over two decades and vacated the premises in 1992. As an evidence they have enclosed (i)copies of MCH building sanction plan for the NDU-III vide file No.237/E/1967 dt:25-9-1967 to 24-9-1968 showing the NDU-I & II as already existing by them in the plan. (ii) copy of sanction plan No.106/E of 1962/63 dt:14-5-1962 for NDU-I & II, (iii)copy of lease deed with Bank of Baroda regd.doc.No.1643/77, dt:20-8-1977 for NDU-III, (iv)property tax assessment extract copy of MCH for the year 1974 to 1976 and 1976 to 1998 for NDU-III.
- (3) Regarding the property in Sy.No.37 and 38 of Begumpet admeasuring 6561.38 Sq.Mtrs they have stated that they are entitled to hold the said vacant land u/s 19(i)(iv) of the Act. As per the G.O.No.917 dt:12-9-1989 they have obtained permission from the Charity Commissioner, Maharashtra for transferring the vacant land from the Trust. They have further stated that they have taken building permission from the MCH for constructing the apartments and their application for exemption u/s 20(i) of the Act is still pending with the Government. As per the orders in W.A.No.451/2000 they have the liberty to approach the court if unfavourable orders are passed against the Trust. However, they stated that the flat owners are desirous to utilize G.O.455 for regularizing their occupation if the land is declared as surplus.
- (4) Regarding the property in Pre.No.6-3-343, Banjara Hills, they have stated that the Trust is entitled to hold the vacant land u/s 19(i)(iv) of the Act and the land is till vacant.

The objections have been examined with reference to the documents filed, provisions of the Act, guidelines issued from time to time and the record of this office.

- 1) The enquiry officer's report of this office dt:13-6-93, the proceedings of this office dt:9-9-93 and the clarification issued to the MCH on 1-2-2001 are examined in view of the objection made by the trust for the property in Pre.No. 1-8-179, S.D.Road, Secunderabad. It is seen from the record that there were two buildings with plinth area of 757.77 Sq.Mtrs and 1405.98 Sq.Mtrs constructed prior to the Act covering the entire premises. Therefore, the premises was declared as protected u/s 4(11) of the Act and accordingly a clarification was issued to the MCH. However, at the time of the latest enquiry dt:12-1-2004 the premises was found to be vacant. Construction actually is going in the premises with the permission granted by the MCH after demolishing the old structures. Therefore, as per the ground position on the commencement of the Act the premises is not treated as vacant.
- 2) Similarly, basing on the documentary evidence put forth by the declarant, the enquiry officer report dt:13-6-93, proceedings of this office dt:9-9-93, the objection raised by the declarant for Premises No.5-4-187/3, M.G.Road, Secunderabad is conceded and the status of the premises has been agreed as decided in this office proceedings dt:9-9-93. Hence this property is treated as protected u/s 4(11) of the Act.
- 3) Declarant claims that they are entitled to retain the vacant land in Sy.No.37 and 38 of Begumpet u/s 19(i)(iv) of the Act and they have taken permission from the Charity Commissioner, Maharashtra for transfer of vacant land and hence they have not violated the provisions of the ULC Act. It is seen from the record that the trust has alienated their properties in Hyderabad for a consideration of Rs.2.6 Crores in favour of Sri Satish Modi on 29-6-1991 who in turn has filed the present declaration. Thus, at the time of filing the declaration the trust has foregone the benefit u/s 19(i)(iv) and the permission stated to be granted by the Charity Commissioner for the transfer of vacant land is a conditional order. The Charity Commissioner, Maharashtra vide proceedings No.J/4/181-91/12224/92 dt:30-6-92 while granting permission u/s 36(i)(a) of the Bombay Trusts Act 1950, for the sale of immovable properties in Hyderabad Urban Agglomeration, has put a condition that application for NOC under ULC Act should be made within a period of one month from the date of the sanction order. Therefore, the said permission of the Charity Commissioner is a conditional one and as already stated once the trust loses the benefit u/s 19(i)(iv) of the Act all provisions under chapter-III of the Act come into play. The said sale agreement with Sri Satish Modi and transfer of vacant land is illegal and becomes nullity u/s 5(3) of the Act. The land in question at the time of the commencement of the Act as per revenue records and during the enquiry on 13-6-1993 is vacant and hence treated as vacant. Later on third party interests have intervened. The flat owners have filed W.Ps before the Hon'ble High Court for regularising their occupation according to G.O.Ms.No.455, dt:29-7-2002. However, this issue can be considered by the

Government at an appropriate time after the property becomes vested with the Government u/s10(3) of the Act.

The objections and the litigation raised by other persons in various courts regarding this property is subsequent to the commencement of the Act. They need not be considered in view of the expressive provisions u/s 42 of the Act. At the time of commencement of the Act and as per records Trust is the owner of the property and hence the property is computed to the Trust.

- 4) The claim of the trust to retain the vacant land in Pre.No.6-3-343 in Banjara Hills u/s19(i)(iv) of the Act is rejected in view of the reasons explained above. Hence the entire area.2376.00 Sq.Mtrs in the premises is treated as vacant.

Thus the holding of the trust is determined finally as follows:

Sl.No.	Description of the Property	Total Area	Plinth Area	Appt. land	Addl. Appt. land	Area protected u/s 4(11)	Vacant
1	Land with building Pre.No.1-8-179, S.D.Road, Sec'bad	2163.75	2163.75	0	0	2163.75	0
2	Land with building Pre.No.5-4- 187/3,4, MG.Road, Sec'bad	2829.30					
		Non dwelling unit- 1, M/s.Indian Iron & Steel Shed	571.93	500	0	1071.93	0
		Non dwelling unit- 2, Office room	157.68	500	0	657.68	0
		Non dwelling unit-3	880.30	219.39	0.00	1099.69	0
	Vacant land in Sy.No.37, 38, Begumpet	6561.38	0	0	0	0	6561.38
	Vacant land in Pre.No.6-3-343, Banjara Hills	2376.00	0	0	0	0	2376.00
		13930.43	3773.66	1219.89	0	4993.05	8937.38

Out of the total area of 13930.43 Sq.Mtrs held by the declarant trust an extent of 4993.05 Sq.Mtrs covered by Sl.No.(1) and (2) in the statement shown above is protected u/s 4(11) of the Act and excluded from the computation being protected area, and out of the total vacant land to an extent of 8937.38 Sq.Mtrs, the trust is allowed to retain to an extent of 1000.00 Sq.Mtrs u/s 4(1)(b) of the Act and finally determined as surplus vacant land holder to an extent of 7931.38 Sq.Mtrs as shown below:

Sl.No.	Description of the property	Locality	Extent
1	Vacant land in Sy.No.37 & 38	Begumpet	6561.38
2	Vacant land in Pre.No.6-3-334	Banjara Hills, Shaikpet	1376.00
			7937.38

Final statement u/s 9 of the Act is prepared accordingly and sent herewith for service.

This order is issued subject to the provisions of sub-section (2) of section 6 and sections 15, 18, 22 and 38 of the UL(C&R)Act, 1976.


**Special Officer & Competent Authority,
Urban Land Ceiling, Hyderabad**

To
M/s.Gurudev Sidhapeeth Trust Rep.by G.P.A. Sri Satish Modi,
R/o.1-10-72/2/3, Begumpet, Hyderabad.

FORM III

(See rule 5)

final v/s 9

Draft Statement prepared by the competent authority of lands held by

GENERAL

v/s Gounder Sidhipetu
(A. charitable trust) rep. by
Sri Satish Modi.
C.C. NO. F2/4/93

- (a) Number assigned to the case by the competent authority.
- (b) Name and address of the person who filed statement,
- (c) To which person does the draft statement relate.

PART-A

Description and other details of the person to whom this draft statement relates (Figures in columns 4 to 9 to be given in hectares and square metres).

- 1. To which person does the draft statement relate.
- 2. The name(s) and address(es) of such person(s).
- 3. Particulars of the person(s) [See section 2 (1) for definition of a person]

v/s Gounder Sidhipath.
(A. charitable trust rep. by
Sri Satish Modi G.P.A)
R/o 1-10-72/43 Begumpet

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

- 4. Total extent of vacant land owned or held as tenant or possessed under a mortgage etc.,
- 5. Ceiling area applicable to the person to whom the statement relates.
- 6. Total extent of vacant land to which exemption under section 19 applies.
- 7. Extent of vacant land exempted under section 20.
- 8. Extent of vacant land the person concerned has been permitted to continue to hold under sub-section (1) of section 21.
- 9. Extent of vacant land to be surrendered.

8937.38 Sq. M.

1000.00

7937.38

Particulars of all vacant lands, land with building, land with building proposed to be demolished and agricultural land owned or held as a tenant or possessed under mortgage or under an irrevocable power of attorney or under a hire-purchase agreement or in any other capacity on the 17th February, 1975 by the person concerned.

Serial No.	State.	District.	Taluk.	Village.	Survey No. and Sub-division No. or other identification number given for revenue purposes.	Class of land i.e., vacant land/land with building/agricultural land.	Extent in hectares and square metres.	How acquired.	Approved land use.	Value in Rs. P.	In the case of building the nature of building (i) whether residential or non-residential or Group housing building. (ii) Area occupied by the building and the area allowed for/convenient enjoyment of the building. (iii) Whether single storied or multistoreyed?	Nature of interest in the land of the person in respect of whom this statement is prepared.	Names and addresses of other persons claiming interest in the land, so far as may be known.	Views of the Competent Authority after his enquiry.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
(1)	A.P	Hyd.	Shaik -pet	Shaik -pet (Banjara Hills)	Pre. no. 6-3-344	Vacant	2376.								
(2)	-to-	RR Dist	Bala nager	Begun pet	Ex. no. 37,38	Vacant	6561.38 <u>8937.38</u>								

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

- Section I : Land held as owner
- Section II : Land held as tenant.
- Section III : Land held as mortgagee.
- Section IV : Land held under an irrevocable power to attorney.
- Section V : Land held under a hire-purchase agreement.
- Section VI : Land held in any other capacity.
- Section VII : The right or interest of the person in land held by any firm or unincorporated association of individuals on the basis of his share in such firm or association of individuals and the particulars of land held by such firm or association of individuals.
- Section VIII : Share of the person in the land held by a private trust, if he is a beneficiary of the private trust and his income from the private trust and the particulars of land held by the private trust.
- Section IX : Share of the person in the land held by a Hindu undivided family, if he is a member of the Hindu undivided family and the particulars of the land held by the Hindu undivided family.
- Section X : Share of the person in the land held by a housing co-operative society and the particulars of land held by the housing co-operative Society.

Note :—(1) The particulars should be furnished under different sections as shown above .
(2) If the land for which particulars are furnished is not a registered sub-division, boundaries of it for easy identification should be mentioned against each serial No. in the remarks column.
(3) A plan showing the location of the land should be furnished.
(4) Attested copies of documents proving the title to the land should be attached.

PART-C

Details of the total extent (in hectares and square metres) of lands (including lands exempt under section 19 and lands transferred by the person concerned after 17-2-1975 and in respect of which the transfer is treated as invalid under section 4 (4) (a) owned, or held as tenant or possessed under a mortgage etc., as provisionally assessed for the purpose of determining the extent of land to be surrendered.

State.	Taluk.	Village.	Survey No. and Sub-division No. or other identification number given for revenue purposes.	Extent (in hectares and square metres) and description sufficient to identify (where in respect of any land any voluntary transfer is treated as invalid under section 4 (4) (a) the name of the registry and the year and number of the document effecting such transfer should be specified and the words "Invalid under section 4 (4) (a)" noted against such description.)
(1)	(2)	(3)	(4)	(5)

PART-D

Details of vacant lands which the person concerned desires to retain.

State.	Taluk.	Village.	Survey No. and sub-division No. or other identification number given for revenue purposes.	Extent (in hectares and square metres) with description sufficient to identify the land.
(1)	(2)	(3)	(4)	(5)
A.P	Shailpet	Shailpet B' HUs.	Pre. no. b-3-344	1000 - 00 1000. 00

PART-E

Details land eligible for exemption under section 19/and lands exempted

State.	Taluk.	Village	Survey No. and sub-division No. or other identification number given for revenue purposes.	Extent (in hectares and square metres) with description sufficient to identify the land.	Reasons for exemption
(1)	(2)	(3)	(4)	(5)	(6)

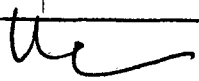
PART-F


Particulars of the extent (in hectares and square metres) and identify of the lands to be surrendered (as ^{finally} provisionally assessed.)

State.	Taluk.	Village	Survey No. and Sub-Division No. or other identification No. given for revenue purposes	Extent (in hectares and Square metres) with description to identify the lands.	Name of other persons if any claiming interest in the lands.
(1)	(2)	(3)	(4)	(5)	(6)
(1) AP	A.P. Shaikpet	Shaikpet Banjara Hills.	6-3-34(P)	1376.00	
(2) - do	Balanagar	Begumpet	Sy no. 37,38	6561.38	
				<u>7937.38</u>	Sp. Hly

Place :.....Hydrabad.....

Date :.....18.3.04.....


 Designation and Signature of the
 competent authority.


 25/3/04.

5/4/2004

Original Order no F2/4/93 dt 18.3.2004
given to Mr. Mahmood Ali to get stay order
on Mukta Shyam. Property. Sent through Mr.
Solomon.

eg
5/4