

Subject No.54

Sub: VUDA – W.P. No.8144/2012 filed by A Sarada and others – Personal Appearance ordered by Honourable High Court on 23.7.2013 – Court ordered to convene the VUDA Board meeting to finalize the request of the writ appellants before 7.8.2013 by convening Board meeting and posted the case for 8.8.2013 – requested the Chairman for convening the meeting – Directed to take VUDA's Board Order in circulation – detailed agenda submitted for a decision – reg.

- Ref: 1. Orders of the Honourable High Court dt.5.9.2012 in WP.No. 8144/2012.
2. Orders of the Honourable High Court in Writ Appeal No. 1550 / 2012 and directions of the Court during the personal appearance thereon on 23.7.2013.

The following are the details of the circumstances which necessitated the circulation of this agenda:

- It is submitted that Smt A.Sarada & 4 others have filed a W.P.No.8144/2012 requesting the Hon'ble High Court to direct the Respondents to allot equal extent of alternate land in lieu of the lands measuring an extent of Ac.0.23 Cts., Ac.0.04 Cts., Ac.0.04 Cts., Ac.0.07 ½ Cts and Ac.0.58 Cts., in Sy.No.19/P, 55/1P, 55/3P, 59 and 59/7 respectively of Rushikonda village belonging to the petitioners as the said land have fallen in the alignment of Visakha-Bheemili Beach Road or in the alternative to pay compensation.
- It is further submitted that the Hon'ble High Court on 5.9.2012 disposed the above WP with a direction that VUDA shall pay compensation in accordance with the provisions of LA Act, 1894 to the Petitioners in respect of the respective extents of land taken possession on 20.12.2005, which shall be deemed to be the date issuance of DN. u/s.4 (1) of the LA Act, as expeditiously as possible, at any rate within eight (8) weeks from the date of communication of the order.

C.No.10964/2010/Estate/I-1

- In this connection, it is submitted that Action Taken Report has been submitted by the Estate Officer, VUDA, Visakhapatnam before the Hon'ble High Court, AP, Hyderabad on 09.07.2013.
- The order of the court dated 9.7.2013 are as follows: *"Pursuant to the directions of this Court dated 5.7.2013, the Estate Officer appeared before this Court with some files but no detailed counter affidavit is filed. However, learned counsel for the appellants stated in Para 7 in WAMP No.3391/2012 that two persons viz KS Kamaraju and K Kalyan Kumar, who are similarly placed to that of appellants, have been given alternative land equal to the extent of land acquired instead of compensation and writ appellants are discriminated. In view of that, the Estate Officer is directed to file counter affidavit with regard to the aforesaid allegation and the reasons for not granting alternative land to the writ appellants. List for orders on 15.7.2013. The Estate Officer is directed to appear personally on 15.7.2013 along with the relevant record by filing counter affidavit"*
- Accordingly, VC, VUDA has filed Counter Affidavits in the Writ Appeal No.1550 of 2012 on 15-07-2013.
- On this, the Honourable High Court has ordered the **Personal Appearance of VC, VUDA on 23.7.2013** and during the personal appearance, when Court has ordered to give decision of VUDA whether the request of writ petitioners will be considered or VUDA wanted Honourable Court initiate criminal proceedings, it was pleaded before the Honourable Division Bench that the decision of allotment of alternative land vest with the Authority / Board and VC, as such, cannot give assurance in the court hall to that effect
- On this, the Honourable Division Bench has ordered to file an affidavit to this effect and ordered to convene a meeting before 7.8.2013 and file an affidavit of the decision taken by 8.8.2013 and posted the case on 8.8.2013. As per Lr No.20407/H2/2011 of MA&UD Department dated 31.7.2013, the above agenda is put up for taking VUDA Board's order in circulation

Objectives of VUDA:

VUDA as part of its objectives takes up developmental activities for public utility and recreational works for public use like formation of Master plan Roads, Public Parks, Function Halls in both Urban Areas and Developing Rural areas and Projects for generation of its budget resources etc., from out of the resources generated on its own. In some of these cases, VUDA acquires the lands required, by way of Land Acquisition or from the Government by way of alienation or by agreement from the private land owners and pays compensation in all these cases in the manner prescribed or as agreed upon. In some other cases, the local bodies and public organisations or bodies requiring any developmental activities or public utilities will provide the required land input and the VUDA will develop the same for the use of public from its resources, in which case, the compensation for the lands provided by them will be paid by the respective organisation or local bodies.

It is submitted that in all these cases, excepting the projects intended for generation of its own resources, the properties developed for public utility does not stay with VUDA, but will be transferred to the respective Local Bodies, Public Organisations or Associations for their usage and maintenance.

In this context, it is further submitted that VUDA normally develops public amenities on the lands provided by the local bodies or local organisations like Roads, Function Halls, Parks and these properties are transferred to the respective local bodies or organisations. Thus, VUDA does not own those properties and hence, the payment of compensation for any such land utilized for developmental activities normally lies with the local bodies or organisations to which the assets are transferred after development. And in cases where VUDA takes the land directly either by way of land acquisition or with consent of the land owners, VUDA will pay compensation according to the procedure laid down in the Act or in whatever way that is agreed upon. Since it will become heavy burden for the VUDA if it is to provide alternate land or compensation in all cases of developmental activities taken up by VUDA, including the cases, where the title of all such properties generated does not lie with VUDA.

BRIEF HISTORY OF THE CASE (CHRONOLOGICAL EVENTS)

It is submitted that the District Collector during his visit on 27-09-2005, inspected the Bheemili Beach Road and proposed to straighten the road by smoothing the U-Curve of the road by forming straight road. As the proposal involves passing of the new road through private land, it was proposed to take their lands with their consent by negotiating with them. Accordingly, the private land owners were negotiated and they consented to part with their lands for formation of road on the condition, that they should be suitably compensated with equal extent of alternate land adjacent to the lands given by them.

- Vice-Chairman, VUDA addressed the District Collector vide letter Rc.No.45/EE.II/VUDA dtd.06-12-2005 to arrange for alternate land, for providing the land to the land losers, who have consented to part with their lands for formation of Bheemili Beach Road in order to take up the Road formation work and requested to instruct the concerned MRO for taking necessary action.
- At this stage, the Commissioner of Police has requested the District Collector that they require land for construction of Marine Police Station and also requested to hand over the land which is in between the newly laying Beach Road and the proposed Marine Police Station Complex, as the private lands are causing obstruction to the view between Police Station and Watch Tower in Rushikonda Beach and also in view of the security issues that may rise in future, if the land owners construct structures in that land.
- The Tahsildar, Visakhapatnam (Rural), vide his letter Rc.No.223/ 2005/Spl.RI dtd.11-08-2006 addressed the District Collector, informing that the private land required for formation of Beach Road and Marine Police Station to an extent of Ac.1-68½ cts., has been identified. Further, he reported that to that same extent of Ac.1-68½ cts., government land has also been identified by him adjacent to the land taken from the private land owners and requested the District Collector for permission to hand over private lands to the Commissioner of Police, Visakhapatnam and the government lands to the private land owners on exchange

- 774 -

C.No.10964/2010/Estate/I-1

basis, as the proposal for exchange of the land has been agreed by the land losers and that they have given their consent to that effect.

- Vice-Chairman, VUDA vide his letter Rc.No.45/2005-06/EE Zone.II/CE/VUDA dtd.30-04-2007 requested the District Collector to finalize the matter basing on the proposal submitted by the MRO, Vsp (Rural) in his letter dtd.11-08-2006 for providing the alternate land to the land losers, as they are pressing for the same.
- The Vice-Chairman, VUDA reminded the District Collector vide letter Rc.No.45/2005-06/CE/EE.II/VUDA dtd.04-07-2007 to provide the land to the land owners who gave their land for formation of Bheemili Beach Road as they are approaching VUDA for providing alternate land as compensation.
- At this state, the District Collector informed VUDA vide letter Rc.No.5938/2004/E2 dtd.31-08-2007 that since the exchange of government land to the land owners requires permission of the Government, it is better for VUDA to take action to provide land to the land losers by providing land available with VUDA and settle the matter at its end.
- Pursuant to this letter, the Chairman, VUDA has requested the District Collector vide D.O. letter Rc.No.45/2005-06/EE Zone-II/CE/VUDA dtd.14-11-2007 to provide alternate land as agreed previously to the land losers as they are pressing for the same and to instruct the Mandal Revenue Officer, Visakhapatnam (Rural) to hand over the requisite land to VUDA so that VUDA can in turn hand over the land to the land losers.
- The District Collector, in the letter Rc.No.5938/2004/E2 dtd.26-12-2007, directed the Tahsildar, Visakhapatnam (Rural) to prepare land exchange proposals to provide land to the private land owners in lieu of the land taken from them for formation of Bheemili Beach Road and also for the Marine Police station according to the guidelines under BSO 26-A through the Revenue Divisional Officer, Visakhapatnam for submission of the proposal by the District Collector to the Government.

C.No.10964/2010/Estate/I-1

- Again, the District Collector in his letter while directing the Tahsildar, Visakhapatnam (Rural) to prepare and send proposals to the Government, subsequently had written to VUDA vide letter Rc.No.5938/2004/E2 dtd.17-04-2010 that the land owners are approaching him requesting to provide alternate land for the land given by them for Beach Road formation, hence requested to examine the possibility whether VUDA can go for **TDR (Transferable Developmental Right)** instead of considering exchange of land to the land losers as compensation.
 - At this stage, it is further submitted that, thus while the original proposal to provide alternate land to the land losers by the District Collector was in progress, the District Collector was pleased to suggest VUDA to examine the possibility of issue of TDR certificates to the land losers as compensation, because of the permission required from the Government to provide exchange of government land to the land losers.
 - In the meanwhile, Smt.A.Sarada and others filed a Writ Petition in the Hon'ble High Court seeking a direction to be issued to respondent 1, ie., VUDA to pay alternate land or compensation for the land taken from them for formation of the beach road.
 - At this stage, awaiting the submission of exchange of government land proposals by the Tahsildar, Visakhapatnam (Rural), in pursuance of the letter of the District Collector, VUDA addressed the GVMC, vide letter Rc.No.10964/2010/I-1 Estate dtd.08-12-2010, to consider the possibility of issuing TDR to the land losers for the land effected in the formation of Bheemili Beach Road by VUDA, as per their eligibility, since the land taken from the private land owners, lies within the jurisdiction of GVMC.
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C.No.10964/2010/Estate/I-1

- The GVMC in its letter Rc.No.19218/2010/ACP-1/dtd.12-03-2011, informed that it is not advisable to consider the award of TDR in cases prior to the year 2007, since the Government have issued G.O.M.S.No.678 MA Dt.07-09-2007 in the year 2007, making provision for award of T.D.R. certificates. In cases of this nature (where land was taken possession prior to the introduction of T.D.R. concept) if the TDR's are awarded, several claims may come from the individuals and institutions which may result in litigation / complications.
- It is submitted that the Hon'ble High Court IN W.P.No.8144/2012 has directed the VUDA to pay compensation according to the provisions of Land Acquisition Act from the date of taking possession of the land from the petitioner.
- In view of the orders of the Hon'ble High Court, the Sub-Registrar of Madhurawada was addressed vide letter Rc.No.204/2011/I-5 dtd.17-10-2012 to furnish the sale transactions / market value particulars of the lands in the vicinity to the lands taken from the petitioners.
- Accordingly, the Sub-Registrar has provided the values, which are ranging between Rs.20 to Rs.80 lakhs.
- In this connection, it is submitted that the Government in Municipal Administration and Urban Development Department, Govt. of A.P., Secretariat, Hyderabad has been addressed vide this office letter No.331/2012/L4, dated 5-9-2012 stating that the Govt. has envisaged the provision of planning tool of Transferable Development Right (TDR) wherein an award specifying the built up area, an owner of a site or plot can sell or dispose or utilize elsewhere, in lieu of surrendering land free of cost which is required to be set apart or effected for public purpose as per the Master Plan or in road widening or covered in recreational use zone; that the award is in the form of TDR certificate issued by the Competent Authority; that said provision was introduced during the year 2007 by issuing GO.Ms.No.86 MA & UD Dept., dated 3-3-2006, ~~GO.Ms.No.678 MA & UD Dept., dated 7-9-2007, GO.Ms.No.302 MA & UD Dept., dated 15-4-2008.~~

C.No.10964/2010/Estate/I-1

- The Government was further submitted that VUDA has developed many of the Master Plan roads covered in Zonal Development Plans which involves payment of huge compensation to the land losers; that many of the roads were formed without acquisition of lands duly taking oral consents from the land owners; that now keeping in view of the hike of land values, the land losers are approaching various levels of Courts for compensation; and VUDA is not in a position to meet in its budget to compensate the land loser due to constraints in the financial resources and requested the Govt. to extend the provision of issuing TDR to all the land losers those who have effected under Master Plan roads implementation without following time frame and this act will reduce the burden on VUDA and also gives better scope for implementation of Master Plan and requested the Government for suitable orders in the matter.
- In response to the said letter, the Govt. in letter No.21695/M2/2012, dated 7-11-2012 has stated that it is open for the Urban Development Authority to extend TDR to the land losers even if it is prior to 2006 in respect of roads upto 100% of built up area at surrounded area.

It is submitted that apart from the claims of the Writ Petitioners covered in the W.P.No.8144/2012, there are more than 30 applications seeking compensation from VUDA for their lands covered in Master Plan Roads apart from the lands covered in various developmental scheme of VUDA, which are intended for public use. The list of all such 32 applications as stated below.

| Sl. No. | Name of the Land Loser | Survey No. & Name of the Village & | Extent in Ac.Cts | Nature / purpose as claimed by the applicant | Reference of File No. / Tappal No. / Date |
|---------|--|------------------------------------|------------------|--|---|
| 1 | TML Manorama | S.No.49/2 Kommadi village | Ac 0.20 ½ Cts | 80'-0" Kommadi road | C.No.23299/1 1/I-1 |
| 2 | Y.Anu Radha W/o.Shiva Jagannadha Rao | S.No.91 Kommadi | Ac.0.18 Cts | 80'-0" Kommadi road | |
| 3 | K.Jaya Lakshmi | 49/1 Kommadi Village | Ac.0.22 ¼ Cts | 80'-0" Kommadi road | |

C.No.10964/2010/Estate/I-1

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|----|--|---|---|--------------------------|-----------------------|---|
| 4 | K.Mallikarjuna Rao | 325/1 of Madhurawada | Ac.0.63 Cts | 80'-0" Madhurawada road | | |
| 5 | Reddi Ammaji | 153/1 of Kommadi | 797 sq.yds | 80'-0" Kommadi road | | |
| 6 | T.Devi Kumari | 151/1, 2 of Madhurawada | Land covered in 33 Feet road | Madhurawada road | 730 Dt: 13-2-2012 | |
| 7 | M.Appa Rao | S.No.39/5 of Nerellavalasa | Boundary wall along with gate | Beach road | 1092 Dt: 28-2-2012 | |
| 8 | 1) M.Vijaya Kumari 2)M.V.B.T.Sundari 3)M.Sudha Rani 4)P.Madhavi Latha | S.No.159/7 of Kommadi Village | To implement orders of the High Court in W.P.No.5008/08 | Kommadi Master Plan road | 2833 Dt: 30-5-2012 | |
| 9 | Y.S.D.Jalandhur | S.No.106/72 of Boravanipalem | Land covered in road | Ozone valley layout road | 2327 Dt: 10-3-2013 | |
| 10 | Prof.Dr.Ramesh | S.No.16/4E of Pothina | Land covered in 80 Feet road | Master Plan road | 1462 Dt: 17-3-2012 | |
| 11 | K.Satyanarayana | S.No.40/7 Madhavadhara | | Madhavadhara road | Rc.No.56/12/F 4 | |
| 12 | B.Atcham Naidu | S.No.40/7 Madhavadhara | 64 sq.yds | Madhavadhara road | | |
| 13 | A.L.Kantha Rao | S.No.28/6 of Madhavadhara | 84 sq.yds | Madhavadhara road | | |
| 14 | R.Paradesi Naidu | S.No.40/p of Madhavadhara | 55 sq.yds | Madhavadhara road | | |
| 15 | B.V.Ramana | S.No.24/7 of Madhavadhara, | 155 sq.yds. | Madhavadhara road | | |
| 16 | B.Surya Rao | S.No.24/A of Madhavadhara | 139 sq.yds | Madhavadhara road | | |
| 17 | P.V.Ramana | S.No.40/p of Madhavadhara, | 138 sq.yds | Madhavadhara road | | |
| 18 | K.Perraju | S.No.126 of Madhavadhara | 116.33 sq.yds | Madhavadhara road | | |
| 19 | K.V.Ranga Prasad | S.No.7 of Respavanipalem | 270 sq.yds. | Madhavadhara road | | |
| 20 | G.Subba Rao | S.No.7 of Respavanipalem | 184 sq.yds. | Madhavadhara road | | |
| 21 | S.Madhava Swamy | S.No.32 of Madhavadhara | 178 sq.yds | Madhavadhara road | | |
| 22 | P.Jagannadha Rao | S.No.28/6 of Madhavadhara | 60 sq.yds | Madhavadhara road | | |
| 23 | P.Sarvanamma | S.No.278/6 of Madhavadhara | 1357 sq.yds | Madhavadhara road | | Rc.No.11786/ 94/ EM-1 |
| 24 | A.Sarada | S.No.55/1, 55/3p & 56/12A of Rushikonda | Ac 1.16 Cts | Road | | WP.No.1844/2 012 Rc.No.10964/ 10/I-1 |

C.No.10964/2010/Estate/I-1

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|----|----------------------|---|---|------|---------------------------------------|
| 25 | K.Pradeep Kumar Dev | T.S.No.125 of Waltair Ward Block No.16/part | 10,157.20 sq.yds Land covered in Beach road in | Road | WP.No.14989/04/F4 Rc.No.234/79/I-5 |
| 26 | Allu Krishna | S.No.36/6 Old Gajuwaka, Kanithi Road | 166.sqyds in road covered | Road | |
| 27 | K.Appala narasayya | S.No.36/6 Old Gajuwaka, Kanithi Road | 166.sqyds in road covered | Road | |
| 28 | K.Rama brahmam | S.No.115/1 (RS.No.19), Sy.No.221/1, (RS.No.20), Sy.No.123/1 (RS.No.26), Sy.No.124/1 (RS.No.27), Sy.No.125/2 (RS.No.27) of Vadlapudi (V) | Ac.2.46 Cts | Road | Rc.No.5602/13/I-5 |
| 29 | K.Ramabrahmam | Sy.No.116/2, 118/B of Kurmannapalem (V), Gajuwaka (M) | Ac.0.57 Cts | Road | |
| 30 | K.Ramabrahmam | 63/8 of Kurmannapalem (V), Gajuwaka (M) | 0.02 | Road | Rc.No.51/11/S DT |
| 31 | K.Ramabrahmam | 63/15 of Kurmannapalem (V), Gajuwaka (M) | 1.11 | Road | |
| 32 | M.Chandrasekhara Rao | 109 of Madhurawada (V) | 267 Sq.yds | Road | LT.No.53/2013/L5/ Plg |

It is submitted that with regard to allotment of alternate land to Sri K.Kalyan Kumar, on the representation dtd.24-08-2009 made by Sri K.Sundararamaraju and Sri K.Kalyankumar, residents of Visakhapatnam as mentioned by the writ petitioners before the Honourable High Court,

C.No.10964/2010/Estate/I-1

- The District Collector, Visakhapatnam vide letter Rc.No.2232/ 2009/E1 dtd.20-11-2009 requested the Vice-Chairman to consider the request of the petitioners, whose lands were effected in the formation of Bheemili Beach Road to an extent of Ac.0-92 cts. in Sy.No.61/2 of Rushikonda village for providing alternate land in lieu of the land taken from them.
- Accordingly, the Vice-Chairman, VUDA vide Proceedings Rc.No.6232/2009/I-1 dtd.31-12-2009 issued orders allotting developed land in the layout vide L.P.No.36/2009 of Rushikonda (v) and in Yendada Layout.
- It is submitted that the present allotment of alternate developed land vide Progs.Rc. No.6232/2009/I-1 dtd.31-12-2009 to Sri K.Sundararamaraju and Sri K.Kalyan Kumar covered in the layout of Sy.No.34 & 35 of Rushikonda (v) and Yendada (v), were under Vigilance & Enforcement enquiry along with several other similar cases.

Hence, it was pleaded before the Honourable High Court that as VUDA is not in a position to meet from its budget to compensate the land losers in all the above cases, due to constraints of financial resources, it has taken the following measures.

- a) In cases where the Master Plan roads / Major roads are laid in the jurisdiction of Urban Local Bodies, the land losers affected by the formation of such roads can be paid compensation by way of providing TDRs to an extent of land affected by the competent urban local bodies, as they are authorized to process such claims vide GO.Ms.No.678 MA & UD (M) Department, dated 7-9-2007 including the cases prior to issuance of GO, as per the Govt. clarification vide letter No.21695/M2/2012, dated 7-11-2012. Hence, in such cases which are falling in GVMC limits are proposed to be transferred to the concerned Urban Local Bodies for disposal.
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C.No.10964/2010/Estate/I-1

- b) In cases which are falling outside GVMC / Urban Local Bodies limits but falling in Gram Panchayat areas within VUDA limits, the TDRs are proposed to be processed by VUDA. Since the Government has authorized VUDA vide GO.Ms.No.678 MA & UD (M) Department, dated 7-9-2007 for extending compensation by way of TDRs.

Hence, it is further submitted that VUDA will take up expeditious action in respect of all the pending claims for extending compensation by way of TDR to the land losers / claimants. In respect of the claims of compensation for the lands falling in other than Corporation / Municipal limits, VUDA will take up processing to extend compensation to the claimants by way of granting Transferable Development Rights (TDR) in both the cases, the necessary survey will be done by the Revenue Department, who are competent to do the survey and give the extent of patta land effected in Master Plan Road formation. To this effect, detailed orders are given in the file vide order dated 26-6-2013. Recently, same stand was reaffirmed by government vide Memo No.433/MI/2013 of MA&UD Department dated 29.4.2013 to Commissioner, GVMC, Visakhapatnam wherein it is informed that there is no policy or rule provisions for allotment of land to land for affected persons for realization of Master Plan Provisions except issue of TDRs or Setback relaxations or payment of compensation amounts.

Brief Facts on the status of alternative land allotment quoted by Writ Appellants

It is submitted that adverse news items have been published in different news papers both in the main edition and district editions alleging that certain benami persons have been allotted Rs.500 Crores worth of lands in the name of land losers.

- The Principal Secretary to Government, M.A. & U.D. Department vide D.O.Lr.No.25922/H2/dt:12.10.2011 instructed the then Vice-Chairman, VUDA to furnish a detailed report on the matter.
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C.No.10964/2010/Estate/I-1

- The Vice Chairman, VUDA, Visakhapatnam, vide Lr.Rc.No.11639/07/I-1, dt.11.11.2011 & Rc.No.11591/2001/F4, dt:21.2.2012 & Rc.No.11693/07/ I-1, dt:12-3-2012 has submitted detailed reports to the Government informing that, VUDA has sustained a total loss of Rs.539.49 Crores in different layouts due to allotments of developed plots to unauthorized 'D' patta claims in vacant Government lands and to the land losers in Zeroyithi lands.
- Government after considering the reports of the then Vice- Chairman, VUDA, Visakhapatnam, have ordered for detailed inquiry by Vigilance & Enforcement Department vide G.O.Rt.No.75, MA & UD Department, DT:18-1-2012 and G.O.Rt.No.341, MA & UD Department, dt:21-3-2012.

The report covers allotment made in 14 Layouts and Alternative plot allotment in Ocean view layout with the details of allotment of plots done in Open Space of MVP Colony Layout. The salient features of the reports submitted;

- a. There is neither any established policy of the government to allot land to land compensation to land losers under any road projects nor any VUDA Board Resolution to that effect to allot developed lands directly
 - b. Layouts are developed without peg marking or without field survey and in cases, without change of land use as master plan does not permit residential purposes.
 - c. The Writ petitions pending was cited for allotment of alternative land in lieu of compensation as per GO MS No.1307. But the specific direction by the government vide Memo No.11723/H2/2008 of MA&UD Department dated 29.5.2009 is with reference to a specific circumstances but same analogy is applied in all the cases for allotment of lands to 'D' Patta claimants in government lands handed over to VUDA.
 - d. Third party registrations were taken for granted in many cases and in some cases, the original assignee's signatures are forged
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- e. Opinion of revenue department for verification of the claims of 'D' Pattas was not taken and based on the VUDA Surveyor's report, same was processed.
- f. More than the actual extent, alternative lands were given for excess extents collecting nominal amounts
- g. In one case, the land not belongs to VUDA but a Gedda is also allotted.
- h. In most of the cases referred above, alienation of said government lands in favour of VUDA is still due.

Since lands are already handed over by the government to VUDA as clear government lands, any claim on the said lands has to be handled by the revenue department only but not by VUDA. The assignment may be true but the said assigned lands have been resumed by the revenue department by following the provisions of Prevention of Transfer (POT) Act, 1975 and hence, subsequent handling of claims by VUDA is *ipsi facto* an illegal activity. Similarly, allotment of alternative land for Zeroythi land owners - who lost their lands in the past to VUDA - after a gap of one to few decades is also not supported by any of the established policy of the government or VUDA Board resolutions.

An action plan as given below is undertaken to complete in a fixed time frame.

1. A Committee of HoDs viz Estate Officer, Secretary, CUP and CAO is formed to finalize and give report
2. Verification of the claims of 'D' Patta holders for whom the alternative lands are allotted from the revenue department
3. After the above, a notice under Principles of Natural Justice, has to be issued to the individuals (both the claimants as well as the third parties in whose names, the registrations happened) giving the details to show cause why the allotment cannot be cancelled
4. After the given time, the said allotments will cancelled duly filing caveats in the required stages.

5. Post cancellation action will be taken by concerned departments / officials;

C.No.10964/2010/Estate/I-1

The above details got resolved in Board Agenda No.47 on 20.7.2013 that *action plan proposed is perused and it is directed to produce the committee's findings in the next meeting.* Accordingly, the said committee has given findings in five annexure and a final note, duly categorizing the same under following heading with the details of all cases and with the details of alternative lands given including the details whether it is registered in the name of claimants or third parties.

- a. Details of 'D' Form Patta Claimants (who have been given alternative lands) for the lands already handed over by District Collector to VUDA. 41 such cases are identified.
 - b. Details of 'D' Form Patta Claimants (who have been given alternative lands) where the alleged assigned lands are directly dealt by VUDA without referring to revenue department for verification. 29 such cases are identified.
 - Details of Private land claimants (who have been given alternative lands) for their lands lost during the formation of road in varying time period without any valid board resolution or Government direction in this regard. 22 such cases are identified. The extent of alternative land allotment varied between 75% to equal extent and the registration is done in case of third parties directly in few cases.
 - c. One case of alternative allotment of plot is identified.
 - d. Details of 14 layouts covered in the report is given with the remarks whether the layout is peg marked on ground or not. It is to note that without peg marking, in four layouts out of 14 above, alternative plots were allotted and registered as well.
 - e. Final Note gives the statement of variation / additional information with reference to number of plots, boundaries, sale deed particulars, survey numbers and names, etc w.r.t the committee's findings vis-à-vis the report with annexure and statements sent to government vide RC No.11693/07/I-1 dated 12.3.2012
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Related Issues

1. The 41+29+22+1 = 93 cases wherein alternative lands allotted by VUDA in the recent past against the existing provisions of law, are being enquired by Vigilance and Enforcement Department with an order to conduct *detailed enquiry into the irregularities in allotment of house sites / lands in various survey numbers and layouts in VUDA area and furnish enquiry report to government bringing out the revenue loss caused to the authority and also the persons responsible for the irregularities* vide GO RT No.341 of MA&UD (H2) Department dated 21.3.2012.
2. The case of allotment of plots in open spaces / community space of the layout against the rulings of the Honourable Supreme Court and High Court is already enquired by CBI and the latter has given its Preliminary Enquiry report. Consequent to the submission of the said PE report to the Honourable High Court in WP No.6129/2012, the government has ordered to enquire by registering with the CID and accordingly, a formal complaint is lodged with the Additional DGP, CID by the VC, VUDA on 5.3.2013 and the same is registered as FIR vide Crime No.3/2013 dated 5.3.2013 and is being enquired now. The relevant records in this matter are handed over the DSP, EOW, CID, Hyderabad on 19.3.2013 duly collecting the records directly from the CBI on the same day.
3. Departmental action on the said irregularities has been initiated and accordingly, an action plan as mentioned above is chalked out towards issuance of notice for cancellation of irregularly allotted plots.
4. The present writ appeal in this agenda relies heavily on the allotment of alternative land given to two individuals namely *viz KS Kamaraju and K Kalyan Kumar*. These two individual's names are figured in Committee's findings along with similarly placed 21 persons.
5. The said allotment of 93 cases are proved *prime facie* to be irregular and against provisions of law and being enquired by V&E wing and departmental action is also initiated for cancellation of said irregular allotments duly following the due process of law

- 786 -

C.No.10964/2010/Estate/I-1

There are around 32 such cases pending in VUDA similarly placed along with the writ appellants in WA 1550/2012 and all of them will be explained shortly about the clarification given by government vide No.433/MI/2013 of MA&UD Department dated 29.4.2013 to Commissioner, GVMC, Visakhapatnam wherein, it is informed that there is no policy or rule provisions for allotment of land to land for affected persons for realization of Master Plan Provisions except issue of TDRs or Setback relaxations or payment of compensation amounts and also the provisions of the TDRs and after their response, subsequent process will be initiated to settle all such pending claims duly roping in GVMC officials in this regard.

In this regard, as per the affidavit filed before the Honourable High Court in W.P. No.8144/2012 and the directions of the Court and government thereon, the request of the writ appellants for the allotment of alternative land is being placed before the board in detail for perusal and for taking VUDA Board's order in circulation.


E.O.


31/7/2013
VC, VUDA

Resolution:

1. After verification of each and every allotment in the Committee's report, expeditious efforts should be initiated by VC to cancel all the allotments which are irregular and allotted without following the proper procedure.
2. Culpability of Officers needs to be probed as per the law and action needs to be initiated against the concerned, if not initiated so far and to be expedited wherever already initiated.
3. After examining the request of the writ appellants in the circumstances explained, the Authority cannot accept the request for provision of alternative land on the quoted precedent which itself is proved *prime facie* irregular and without following the proper procedure and is being proposed for cancellation.
4. For the lands of Writ Appellants, as per the directions of the Honourable High Court in the WP 8144/2012, VUDA shall pay compensation in accordance with the provisions of LA Act, 1894 within a month in respect of the respective extents of land taken possession on 20.12.2005 – as the date issuance of DN u/s 4 (1) of the LA Act duly notifying.
5. VC to see that all the pending cases in this regard are settled at the earliest within the ambit of exiting law provisions by way of TDR or Setback relaxations or paying compensation.


VC, VUDA


Chairman, VUDA