

SUBJECT NO.55

Sub: - VUDA-Estate wing- Perusal of the Board on the Agenda No. 54 and Status of WA.No.1550/2012 - Submitted for kind perusal-Reg.

Ref: - VUDA Board resolution on Agenda No. 54 dated 5-8-2013.

AGENDA NOTE:-

It is submitted that in matter relating to the request of A. Sarada and others for provision of compensation or alternative land in lieu of land lost by the petitioners during the formation of road by VUDA, the Honourable High Court in the Wp.No.8144/2012 has ordered for payment of compensation under LA Act, 1894 duly taking the date of taking possession of land for formation of road as DN date. Aggrieved by the order, the writ petitioners have filed the writ appeal No.1550/2012 seeking order to direct the VUDA to allot the alternative land, citing the case of neighbouring land owners who were allotted alternative land in the same formation area. On this, the Honourable High court has ordered the personal appearance of the VC, VUDA on 23-07-2013 and during the personal appearance 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. Whereupon, the Hon'ble Court had ordered the Vice-Chairman, VUDA to convene a meeting of the Board on or before 7-8-2013 and place the matter before the Board and further directed VC, VUDA to file an affidavit/report of the meeting of the Board by 8-8-2013. Accordingly, the VUDA board meeting was held on 5-8-2013 and the board vide resolution dated 5-8-2013 resolved not to accept the request of the respondents for provision of alternate land, since the quoted precedent itself is prima facie irregular without following the procedure and is being proposed for cancellation. The Board further resolved that as per the order of the Learned single Judge dated 5-9-2012, VUDA could pay only compensation to the respondents as per the provisions of the LA Act, 1984 taking the date of taking possession of the land i.e., 20-12-2005 as the date of issuance of DN u/s 4(1) of LA Act.

The above decision taken by the Board/Authority was submitted by the VC, VUDA before the Hon'ble High Court through an affidavit dated 7-8-2013. Subsequently, Pursuant to the Board's direction, action has been initiated to acquire the land of the petitioners/land losers covered in Beach road formation under Land Acquisition Act, 1984 and DN published on date 8-11-2013 and 14-11-2013 vide Rc.No.4566/2013/G-1

The Hon'ble High Court in its directions dated 31-10-2013 ordered VC,VUDA and to file a sworn affidavit as to whether the land as agreed to be allotted to the appellants /writ petitioners is available as on today or not. The VC, VUDA has filed before the Hon'ble High Court that as per the information collected from the Revenue Department, the land proposed for exchange for the private land owners was already allotted to the various institutions for public purposes that at present there is no suitable vacant land available in Visakhapatnam rural Mandal for providing exchange of land to the land losers.

The Hon'ble Court has disposed the Writ appeal in 1550/2012 as detailed below.

"In terms of our order, dated 31-10-2013, two affidavits have been filed, one by the district Collector, visakhapatnam, and another by the Vice-Chairman, Visakhapatnam Urban Development Authority.

On reading of both the affidavits, it appears that the land, which was agreed to be given to the appellants, is not available. In that view of the matter, now there has been complete breach of that agreement. The learned Trial Judge has erroneously passed an order pressing the mechanism provided under the land acquisition Act, 1894(for short, "the Act") in the matter. In this case, technically, question of applying the Land acquisition proceedings does not arise unless it is agreed upon by the parties.

"We are told by the learned counsel for the State that a notice under section 4(1) of the Act has been issued in relation to the appellants land, which has been already taken over by the Visakhapatnam Urban Development Authority through the interference of the State Government.

In that view of the matter, we think this matter has become infructuous. It would be open for the appellants to take steps in accordance with law having noted the text of the notification. However, if it is found factually that such information is incorrect and no notification is issued as on today, then it would be open for the appellants to approach this Court to make a suitable application and we shall reconsider the matter.

Let a copy of the notification be supplied by the learned counsel for the State to the learned Advocate appearing for the appellants in course of tomorrow."

As per the directions of the Hon'ble court, a copy of the notification was supplied to the advocate for appellants through the standing counsel of VUDA.

Meanwhile, when the matter had come up for hearing on 8-8-2013 and pursuant to the directions of the Hon'ble high Court, the copies of the Board resolution were submitted for kind perusal. The Hon'ble Division Bench

however directed the counsel for the appellants to initiate appropriate proceedings as there is inconsistency in undertaking given by the Vice-Chairman, VUDA and resolutions of the resolutions of VUDA on 5-8-2013. Subsequently, the appellants preferred to file C.C No.1490/2013 in the writ appeal which had come up before the learned Division Bench on 20-8-2013. While, VUDA in pursuit of safeguarding its interests in respect of the Contempt Case afore' stated, has addressed a letter to the Principal Secretary to the Govt., MA &UD department with a request to permit the engaging of the services of the Learned Advocate General of the High Court of Andhra Pradesh in W.A No.1550/2012.Whereupon, the Learned Advocate General has appeared on behalf of VUDA and further opined to file a special leave petition(civil) in the Hon'ble Supreme Court. Pursuant to that decision, VUDA has filed a special leave petition (civil) vide No.27376-27378 of 2013 against A. Sarada & others in the Hon'ble Supreme Court of India praying for an interim relief.

In this context, VUDA has availed the services of the Addl. Solicitor General of the Hon'ble Supreme Court of India and Mr. Ananga Bhatta charyya, Advocate-on-record, Supreme Court of India. Accordingly, an expenditure of Rs.4.95, 000/- has been incurred by VUDA (Rs.3, 30,000/- to Sri.L.Nageswara Rao, Learned Addl. Solicitor General, Supreme Court of India and Rs.1,65,000/- to Mr. Ananga Bhattacharyya, Advocate-on-Record, Supreme Court of India)

The SLP (C) No.27376-27378 was listed for hearing before the Hon'ble Supreme Court of India on 13-9-2013, when the Court was pleased to pass the following order:-

"Issue notice returnable in ten weeks.

Dasti, in addition to the ordinary process, is permitted.

In the meanwhile, proceedings in the Contempt matter shall remain stayed.

In pursuance to the directions of the Hon'ble Supreme Court of India, VUDA has served 9 nos Dasti Notices to the respondents in person duly obtaining signed acknowledgements from them. The original photocopied dasti notices 9 nos with signatures are sent to Mr. Ananga Bhattacharyya, Advocate-on- Record along with a signed affidavit acknowledging the same.

Hence, the subject is placed before the VUDA Board for perusal and ratification in respect of decision to approach the Hon'ble Supreme Court based on the opinion of the standing counsel and expenditure incurred on legal charges to the Addl. Solicitor General and the Advocate-On-Record.

Sl. No.	Subject No.	Subject	Resolutions
4	55	Perusal of the Board on the Agenda No. 54 and Status of WA.No.1550/2012 - Submitted for kind perusal-Reg.	The decision of approaching the Honourable Supreme Court of India is ratified and the expenditure incurred for the purpose is approved.
5	56	LAND ACQUISITION CASES in Supreme Court and their status- Reg.	<ul style="list-style-type: none"> i. Perused and directed to pursue and see for early disposal ii. Ratified the decision of filing SLP in the Supreme Court of India and expenditure incurred for the purpose is agreed. Duly taking the legal opinion, process for early payment to avoid further loss towards interest.
6	57	Status of alienation of Government lands to VUDA- Submitted- Reg.	<ul style="list-style-type: none"> • VUDA should develop a pucca inventory of lands and buildings available at the earliest. • The lands of VUDA are to be broadly divided into three categories <ul style="list-style-type: none"> i. Title transferred by way of alienation ii. Advance possession given and alienation pending

