

SUBJECT NO.58

Sub:- LAND covered under Animal Husbandry Department Employees Co-operative House Building Society – advance possession given to VUDA, but revenue department decided to give to Society – status and action proposed- submitted - Reg.

AGENDA NOTE:

It is submitted that vide G.O.Ms.No.158 Revenue (Assn.I) Department dtd.13.02.2006, Government have issued orders alienating the government land admeasuring Ac.18.78 cts situated in Sy.No.133, Chinagadli village, Visakhapatnam (Rural) Mandal belonging to the Animal Husbandry Department in favour of Animal Husbandry Department Employees' Co-op House Building Society, Visakhapatnam on payment of market value @ Rs.60.60 lakhs per acre for allotment of house sites to its Members of the Society subject to the terms and conditions stipulated in G.O.Ms.No.243 Revenue (Assn.I) Department.

Pursuant to the orders issued in the G.O.Ms.No.158 Revenue (Assn.I) Dept. dtd.13.02.2006, the Animal Husbandry Department handed over the land to the Society on 12.10.2006 after receiving the requisite amount. The site under reference has also been registered in favour of the Society vide Registered Document No.5148/2006 dtd.30.10.2006. The Society has raised loan from the Bank to pay the amount as per the above Government Order.

Subsequently, it was felt by the Government that the land under reference is required for public purpose, to VUDA, accordingly the Collector, Visakhapatnam was directed vide Government Memo.No.6210/Assn.I(2)/2007-1 dtd.21.06.2007, to identify and provide alternate land to the Animal Husbandry Department Employees Society. As such the land was resumed by the Mandal Revenue Officer, Visakhapatnam (Rural) and handed over to VUDA Visakhapatnam on 24.01.2007.

As the matter stood thus, the Animal Husbandry Department Employees Co-op House Building Society Ltd., Visakhapatnam has filed a W.P.No.16730 of 2009 for releasing the layout submitted to the VUDA. The Hon'ble High Court in its order dtd.29.04.2010 in the said W.P. *inter-alia* directed the Vice-Chairman, VUDA, Visakhapatnam to pass orders on the application of the petitioner within a period of six weeks without insisting on 'No Objection Certificate'.

It is further submitted that the Society filed another W.P.No.25906 of 2010 questioning the resumption and handing over of the land to the VUDA-Visakhapatnam. The Hon'ble High Court in its order dtd.18.03.2013 in the said W.P. *inter-alia* held that – “Therefore, the Writ Petition is allowed without costs declaring the alleged resumption of the possession of the land by the Mandal Revenue Officer, Visakhapatnam Rural and any consequential delivery of possession to VUDA on 24.01.2007 to be unjust and illegal and further directing the 5th respondent – VUDA to duly consider the application of the petitioner society as expeditiously as possible. The proceedings of the 5th respondent dated 14.07.2010 are also accordingly set aside and none of the respondents shall interfere with the land of Ac.18.78 cts in Sy.No.133 of Chinagadili village, Visakhapatnam Rural Mandal with the petitioner except otherwise than under due process of law.”

It is further submitted that the Government have accorded permission to the District Collector, Visakhapatnam vide their Memo.No.6210/Assn.I(2)/2007 Revenue (Assn.I/2) Department dtd.31.08.2013 – to hand over the Government land admeasuring Ac.18.78 cts situated in Sy.No.133, Chinagadili (v), Visakhapatnam Rural Mandal allotted to Animal Husbandry Department Employees Co-operative House Building Society Ltd., Visakhapatnam vide G.O.Ms.No.158 dtd.13.02.2006, subject to condition that the Society shall adopt the guidelines prescribed by the Hon'ble High Court in its Order dtd.05.01.2010 in W.P.Nos.7956, 7997 and 23682 of 2008 and also order dtd.24.08.2012 in W.P.No.1939 and 16700 of 2009. It is further ordered that the District Collector, Visakhapatnam shall ensure in implementing the guidelines as stipulated in the said judgments by the Society and also that the Special Chief Secretary and CCLA and the District Collector, Visakhapatnam shall take necessary further action accordingly.

It is further submitted that the opinion of the Senior Legal Officer of VUDA has also been obtained in the matter. He opined that an extent of Ac.18.78 cts. of land has been alienated by Government to the Animal Husbandry Department Employees' Co-op. Housing Society on payment of market value. Subsequently, the Government resumed the land on the impression that it can be used for public purpose. Aggrieved by this, the Co-op Housing Society approached the Hon'ble High Court. The Hon'ble High Court has finally passed orders holding resumption of land is unjust and illegal and delivery of land to VUDA is illegal and directed VUDA to consider application of Co-op Housing Society expeditiously without insisting for No Objection Certificate. In pursuance of the Hon'ble High Court orders, the Govt. has issued Memo.No.6210/Assn.I/ 2/2007 dtd.31-08-2013 giving permission to the District

Collector, Visakhapatnam to hand over the Ac.18.78 cts. in Sy.No.133 of Chinagadili village, Visakhapatnam Rural Mandal. So the only course left with VUDA is to deliver the land to the District Collector to re-deliver it to the Animal Husbandry Employees Co-op Housing Society and process approval of layout expeditiously. VUDA has no locus standi to challenge the Hon'ble High Court, especially when Govt. has not challenged it by preferring appeal. On the other hand, Govt. was pleased to issue Memo to the Collector to implement Hon'ble High Court orders. The entry or existence of VUDA in this, is only through Government, which ordered resumption of land cancelling allotment, which order was found by Hon'ble High Court as unjust and illegal.

It is further submitted that the District Collector, Visakhapatnam vide his letter Rc.No.2585A/2005/E2 dtd.18-11-2013 has requested the Vice-Chairman, VUDA to hand over the land in Sy.No.133 to the Tahsildar, Visakhapatnam (Rural) to take further action as per the Govt. Memo. No.6210/Assn.I(2)/2007 Revenue (Assn.I/2) Department dtd.31-08-2013, as the land admeasuring an extent of Ac.18.78 cts situated in Sy.No.133 of Chinagadila village of Visakhapatnam Rural Mandal was handed over to VUDA on 24-01-2007 vide their office Lr.Rc.No.2585A/2005/E2 dtd.20-01-2007.

It is further submitted that as the said land is highly costly land involving crores of rupees, opinion of the Standing Counsel at Hyderabad Sri P.Raja Sekhar is being obtained in the matter.

Hence, the matter is placed before VUDA Board for kind perusal and for taking suitable decision in the matter.

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Date: 07.12.2013

To

The Vice Chairman
Visakhapatnam Urban Development Authority
VISAKHAPATNAM.

Sir,

This has reference to your letter dated 28.11.2013 requiring my opinion in respect of land admeasuring Ac.18.75 cents in S.No. 133, Chinagadili Village allotted to Animal Husbandry Department Employees Cooperative House Building Society, Visakhapatnam (for short 'Housing Building Society').

I have perused the documents sent to me viz.,

- (1) G.O.Ms.No. 158 dated 13.02.2006
- (2) Order in W.P.No. 16730 of 2009
- (3) Order in W.P.No. 25906 of 2010
- (4) Proceedings of the State dated 31.08.2013

The subject land was alienated in favour of Housing Building Society on payment of basic value of Rs.60,60,000/- per Acre for housing purpose vide G..Ms.No. 158 Revenue (Assignment-I(2)) Department dated 13.02.2006. It is emerged from the record that a registered Sale Deed dated 30.10.2006 was executed in favour of Housing Building Society on receipt of entire sale consideration of Rs.11,38,06,800/- paid by the Housing Building Society. The Housing Building Society divided the land into plots and applied for sanction of lay out to the VUDA and the same was returned for NOC from the District Collector. The same was the subject matter of W.P.No. 16730 of

2009 which was disposed of directing the VUDA to consider the application of the Housing Building Society without insisting NOC.

Subsequent thereto, the land was resumed by the State and handed over the same to VUDA on 24.01.2007 which action was challenged by the Housing Building Society in W.P.No. 25906 of 2010. The said writ petition was allowed by the Honourable High Court on 18.03.2013 and a mandamus was issued declaring the resumption of the land and consequential delivery of possession to VUDA on 24.01.2007 is unjust, illegal and further directed the VUDA to duly consider the application of the Housing Building Society for approval of the layout plan in accordance with law as expeditiously as possible. In implementation of the said order, the Government also issued proceedings dated 31.08.2013 directing the District Collector to handover the land to the Housing Building Society etc.

A perusal of the record and also on the basis of information received from the VUDA, it is noticed that upon handing over the land to VUDA on 24.01.2007, the VUDA had neither developed it nor paid any consideration to the State. In that way, the VUDA loses nothing. In as much as, the order passed by the Honourable High Court dated 18.03.2013 had attained finality and the VUDA is bound to implement the said order and cooperate for the implementation of the directions given by the Honourable High Court.

Hence, I opine that VUDA is required to take all necessary steps as expeditiously as possible for implementation of the orders of the Honourable High Court.

(PRABHALA RAJASEKHAR)
STANDING COUNSEL FOR VUDA

Sl. No.	Subject No.	Subject	Resolutions
			<p>iii. Lands required but yet to be taken possession and alienation to be initiated</p> <p>In both second and third categories, by January 2014, the process of sending proposals to CCLA / APLMA has to be completed and subsequently, to be pursued with APLMA for early consideration.</p> <p>This should be completed at the earliest.</p>
7	58	Lands covered under Animal Husbandry Dept. Employees C-operative House Building society – Advance possession given to VUDA, but revenue department decided to give to Society – Status and action proposed- Submitted Reg.	Based on the opinion of the Standing Counsel, subsequent action can be taken.
8	59	Status of Cherlopalikhandam land pooling scheme as per the recommended guidelines of the land pooling scheme referred to the Govt., for enacting relevant amendments in the A.P. Urban Areas (Development) Act, 1975- Reg.	<p>1. It is agreed to finalize the land pooling scheme initiated by entering GPA has to be completed as per the terms and conditions of GPA</p> <p>2. IN case of fresh and interested cases of same village / area, the scheme has to be processed</p>

