

SUBJECT NO.61

Sub:- VUDA - Admin wing- Govt. Recommendations in MVP layout open space and ocean view layout exchange of plots with latest action – Reg.

Ref:-1. Lr No.12521/E1/2013 dated:03-07-2013 from the Principal Secretary, MA&UD

2. Enquiry report vide General Administration (V&E) Dept., V.R.48 (C.No.945/V&E(Dev-I)/D3/2012, dated:29-04-2013

3. VUDA Board Resolution 54 dated; 05-08-2013.

AGENDA NOTE:-

It is submitted that an adverse news item has appeared in different News papers , alleging that certain benami persons have been allotted Rs. 500 Crore worth of land in the name of the land losers. Accordingly, the Government have called for report from the VUDA and to that effect reports VUDA already submitted. Further, the then Vice-Chairman, VUDA has submitted reports to the Andhra Pradesh Government on the irregularities in allotment of House sites/Lands in various survey Nos and layouts in VUDA area done in the past Vide Rc.no.11693/2007/I-1 dated 11-11-2011. Subsequently, the Andhra Pradesh Government vide its order Rt.No.75, MA &UD (H2), department dated 18-01-2012 entrusted the case to the Vigilance and Enforcement Department to conduct a detailed enquiry into the irregularities and to furnish enquiry report to the government bringing out the revenue loss caused to the authority and the officers responsible for the irregularities.

VUDA has constituted a committee of HoDs Viz Estate Officer, Secretary, CUP, and CAO to finalize the list of allotments made in the unapproved layouts, to finalize (a) layout wise (b) allottee wise and (c) file wise details in categories, verification of the claims of the 'D' patta holders for whom the alternative lands are allotted from the revenue department. After a detailed

verification and processing, the committee has categorized these irregular allotments in five Annexure and action taken are put up as below.

1. Allotment of Plots in the open space of notified/approved layout against the orders of the Supreme Court and established policy and rule provisions of the Government and VUDA (being dealt in Secretary Wing)

- Six Plots in MVP Sector – 2 Open Space
- Writ Petition is filed by the allottees wherein CBI preliminary enquiry is ordered by the High Court.
- CBI gave PE report to the court and government and the Government committed to get it enquired through CID
- Formal Complaint lodged before CID - Cr No.3/2013 on then VC and other five officials and
- Six non-officials: CID made arrests recently (last week of August 2013) Government gave directions (after vigilance report) recently (14-8-2013) to take steps for cancellation of illegal allotments.

2. Allotment of land to land to the claimants – on the lands which are handed over to VUDA by Revenue Department (District Collector) free of all in cumbrances against the established policy and rule provisions of the Government and VUDA

- a. Developed plots were given in lieu of lands on which the claimants have no rights or title.
- b. 41 such cases.
- c. One precedent of government's nod is shown in all cases.
- d. Developed plots – having value of multiple times are allotted.
- e. Directly registered into third parties in few cases.
- f. Original lands already vests with VUDA because of the orders of the Collector.
- g. The allotted plots are being tried to be alienated by way of subsequent registrations – through the orders of the High court in few cases – through VUDA has requested to stop subsequent registrations.

- h. Recently, VUDA Board resolved to cancel all such illegal and irregular allotments vide resolution No.54 dated 5-8-2013.

3. Allotment of land to land to the claimants – by interacting with the assignees of government lands – who are assigned for agriculture purpose – they are heritable but not alienable against the established policy and rule provisions of the Government and VUDA.

- a. Against assignment conditions and VUDA has no power to do so and Verification of veracity of assignment is not done.
- b. Citation of area development plan requirements
- c. In most of the cases, lands are resumed by Government as per the report submitted by the revenue department before the Land Grabbing Court at Hyderabad in a related case.
- d. 29 such cases.
- e. Developed plots – having value of multiple times are allotted.
- f. Directly registered into third parties in few cases.
- g. Even After allotment, Original lands did not vest with VUDA as there are no records of handing over possession of land to VUDA.
- h. Alternate plots are being tried to be mutated by subsequent registrations – through the orders of the High court in few cases – though VUDA has requested to stop subsequent registrations.
- i. Recently, VUDA Board resolved to cancel all such illegal and irregular allotments vide resolution No.54 dated 5-8-2013.

4. Allotment of alternate land in lieu of lands lost during road formation by VUDA in the past ranging from 1983 to 2005 against the established policy and rule provisions of the Government and VUDA

- a. No Policy except LA compensation or TDR or Setback relaxations as per Govt. Memo dated 29-4-2013.
- b. 22 such cases.
- c. There are similarly placed more than 30 cases pending.

- d. Developed plots – having value of multiple times are allotted and directly registered into third parties in few cases.
- e. Original lands did not vest with VUDA but belong to the urban local body or to the Road and Buildings (R&B) Department.
- f. Alternate plots are being tried to be mutated by subsequent registrations – through the orders of the High court in few cases – Though VUDA has requested to stop subsequent registrations.
- g. Recently, VUDA Board resolved to cancel all such illegal and irregular allotments vide resolution No.54 dated 5-8-2013.

5. Allotment of plot on exchange by allotting equal extent elsewhere in lieu of allotment of plot in the past (being dealt in Secretary Wing).

- a. Single case.
- b. Developed plots – having value of multiple times are allotted and directly registered into third parties.
- c. Government gave directions (after vigilance report) recently (14.8.2013) to take steps for cancellation of illegal allotments.
- d. Recently, VUDA Board resolved to cancel all such illegal and irregular allotments vide resolution No.54 dated 5-8-2013.

Following action plan is chalked out in consultation with the Standing Counsels of Local Courts, Honorable High Court and Advocate on Records in Honorable Supreme Court.

1. Notice show causing why irregular allotments cannot be cancelled have to be issued and served as per the provisions available under the AP Urban Areas (Development) Act, 1975. As stated above, already notices have been issued by VUDA and replies are being received from the allottees and the same are being processed.
2. Steps towards cancellation of the registrations happened on the illegally allotted plots viz.,

- a. Filing suits in the jurisdictional civil courts for cancellation of all registrations happened in the illegally allotted plots duly filing IAs in all the independent cases requesting to stop further registrations and to stop any further development.
3. With respect to filing criminal cases, the necessary and appropriate sections of law have to be arrived at and the same have to be filed in all individual cases or category wise or common complaint duly adding all the officials and private beneficiaries responsible and beneficiaries of these illegal allotment and filing before the jurisdiction police station.

Government vide Lr No.12521/E1/2013 dated:03-07-2013 from the Principal Secretary, MA&UD requested the Vice Chairman to take immediate necessary action as per the recommendation of the report basing on the reference 2nd cited and to furnish the draft articles of charges against 1) Sri I.A.Jagadeesh, Secretary, VUDA 2) Sri.K.Karuna Kumar, A.O 3)V.Chiranjeevi Raju, A.O 4) Sri.P.Rama Krishna, Senior Assistant 5) Sri. I.S.Subba Rao, Senior Assistant, 6)Sri. M.Yerabbulu, Junior Assistant of VUDA to Government since Government after verifying the recommendations of the V&E have decided to initiate Major Penalty proceedings on the concerned officials of VUDA for causing massive revenue/wrongful loss to Government exchequer to a tune of Rs.16,05,67,159/-.

Vide reference 2nd cited the Vigilance and Enforcement department made the following recommendations on the allotment of the open space in Sy.No.5/p of Sector II of MVP Colony which was bifurcated into 6 plots of various sizes and allotted to 6 ineligible persons and Sy.No.1008/3A1 and 3A2 of Waltair Ward including Ocean View Layout:

"The Principal Secretary to Government, Municipal Administration & Urban Development Department, A.P., Secretariat, Hyderabad is requested to;

1. take action on the officials of VUDA in pursuance to the Amendment to Vigilance Manual Vol. I vide Para 11.4 of Chapter X Chief Vigilance Commissioner, New Delhi for causing massive revenue / wrongful loss to Government exchequer to a tune of Rs. 16,05,67,159/-;

2. get the criminal cases registered with the ACB under appropriate sections of law against the VUDA officials right from Vice Chairman to Senior Assistant as they were in collusion with B.R.V. Prasad and 5 others tampered the records of VUDA office, indulged in falsification of documents and acted with dishonest motive. Sri B.R.V. Prasad and 5 others, S. Bhujangarao may also be prosecuted along with the VUDA officials;
3. issue suitable orders for cancellation of all the allotment of plots in Sy.No.5/P of Sector-2 of MVP colony and S.No.1008/3 A1 & 3A2 of Waltair ward including Ocean View Layout, by revoking all the registrations effected by VUDA including the 3rd party registrations;
4. arrange semi-autonomous an internal audit wing for all urban development authorities as the V.Cs themselves who are supposed to safeguard the organization, are acting in unilateral and impudent manner by transgressing their powers & responsibilities without bothering about public interest or weighing the pros & cons of their decisions on the prospects of the organization.
5. Consider for providing internal Vigilance wing to make it mandatory to scrutinize those q files of transaction where in the revenue liability is crossing Rs. 50 lakhs so as to avert further incidence of revenue irregularities like those mentioned supra in future;
6. instruct the V.C./ VUDA to chalk out suitable remedial mechanism to safeguard the interests of the end users as they came forward to buy the flats taken up by the builder P.A. Umamaheswara Rao in the VUDA land otherwise the reputation of the organization will be in peril in the eyes of the public;"

The following actions are being taken towards rectification of these irregular allotments vide note orders of the Vice Chairman, VUDA in Rc.No.5752/2013/A1.

1. Article of Charges have been framed against 1) Sri I.A.Jagadeesh, Secretary VUDA 2) Sri.A.Kurna Kumar A.O 3)V.Chiranjeevi Raju, A.O 4) Sri.P.Rama Krishna, Senior Assistant 5) I.S.Subba Rao, Senior Assistant 6)M.Yerabbulu, Junior Assistant of VUDA and the same were sent to the Government vide Rc.No.5752/2013/A1 dated:30-08-2013.
2. For the six persons above, it is also recommended to register criminal cases under appropriate section of law and on B.R.V.Prasad, B.Satyanarayana, Y.P.R.Naidu, B.A.V.N.Murthy, G.Suryanaryana and D.Srilakshmi, S.Bhujangarao private persons it is recommended to register the case(s) under appropriate section of law. All these action are being taken by Secretary in the file No. Rc.No.5752/2013/A1.
3. Show Cause Notices have been issued to the original allottees and third party purchasers thereon, to submit their explanations as to why the allotments made to them should not be cancelled for the reasons mentioned therein in the Show Cause Notice within 15 days from the receipt of the Notice, failing which, construing that they have got no explanation to offer, subsequent action would be initiated by VUDA as per the rules in vogue.
4. Simultaneously, VUDA has also initiated action to cancel the registrations made to the lands in connection with the above irregular allotments by filing declaration suits in the local courts with a prayer for declaration of cancellation of the said sale documents executed by VUDA by connivance of VUDA officers in the past with the allottees. In two cases VUDA is yet to file civil suits.

5. The Chief Urban Planner, VUDA is directed to arrange semi-autonomous internal audit wing in VUDA and the same will be submitted to the Government soon

In view of the above, the matter is placed before VUDA Board for favour of perusal and for necessary instructions.

Sl. No.	Subject No.	Subject	Resolutions
			<p>i. Cancellation of registered document by approaching the competent civil court u/s 31 of the Specific Relief Act</p> <p>ii. By following with the Registration Department u/s 26 (k) (i) of the Rules framed by State of Andhra Pradesh framed under the Registration Act, 1908.</p> <p>As per the recommendations of the Government in two categories, the process of filing criminal complaint in all the categories should also be completed at the earliest.</p> <p>The necessary legal expenditure for the above processes is agreed to be incurred.</p>
10	61	Govt. Recommendations in MVP layout open space and ocean view layout exchange of plots with latest action – Reg.	Same as agenda no.61 with the addition that the required reports to the government should be sent at the earliest.


