

SUBJECT NO.47

Sub: VUDA – Reports submitted on certain allotments made by VUDA to the government – Government entrusted the case for enquiry to V&EDepartment for conducting detailed enquiry into the irregularities in allotment of House sites / lands in various survey numbers and layouts in VUDA area and furnish enquiry report brining out the revenue loss caused to the authority and also the persons responsible for the irregularities – Action plan for taking the corrective measures on these issues – action plan to be submitted to government for perusal and information – formation of the committee to finalize the list of unapproved / unpegmarked layouts where allotments are made-submission of the report-Reg

References:

1. Lr from VC, VUDA vide RC No.11693/2007/I-1 dated 11.11.2011
2. GO Rt No.75 of MA&UD (H2) Department dated 18.01.2012
3. Letter No.4465/H2/2012 of the Principal Secretary, MA&UD Department dated 17.2.2012
4. Lr from VC, VUDA vide RC No.16591/2001/F4 dated 21.2.2012
5. Letter No.3652/H2/2012 of the Principal Secretary, MA&UD Department dated 14.2.2012
6. Lr from VC, VUDA vide RC No.11693/2007/I-1 dated 12.3.2012
7. GO Rt No.341 of MA&UD (H2) Department dated 21.03.2012
8. Lr from VC, VUDA vide RC No.5973/2009/I-1 dated 17.2.2012
9. Audit Inspection Report on the accounts of VUDA Office for the year 2012-13 from O/o PAG (audit.I), AP, Hyderabad No.ICH.PAG(GSSA)/SS.III/U.V/2012-13/183 DATED 6.3.2013 received on 15.3.2013.

AGENDA NOTE :

Vide ref.1, a detailed report was sent to the Principal Secretary, MA&UD Department on the allotment of sites in Sy.No.127 of Mathurawada village to the land losers of Ozone Valley-Ph II of Land pooling scheme especially to the 'D' Patta Claimants of the government land handed over to the VUDA by the district collector and other 'D' Patta Claimants of the assigned lands without getting verified by the revenue department. The said layout is tentative one without any peg marking or development on field.

The VUDA board during its meeting on 15.9.2011 has instructed the following measures in Ozone Valley Land Pooling Project (OVLPP)

- a. Specific Proposals for each LPP after obtaining consent from all the land owners should be approved by the board and forwarded to the government for approval on case to case basis
- b. The developed plots allotted to the land losers should be in the same layout. The land losers should be convinced to wait till the land is developed for allotment of specific plots
- c. Wherever people claim to have 'D' Form Pattas on government lands already transferred to VUDA, they should be referred to the District Collector for confirmation
- d. Wherever 'D' Patta holders come forward to take part in the LPP, the genuineness of such 'D' Pattas should be verified from the concerned revenue authorities before any allotment is made by VUDA
- e. Wherever 'D' Patta holders are involved, the developed plots should be allotted in the name of the 'D' Patta holders or their legal heirs only and no direct third party registrations should be done by VUDA
- f. For each proposal approved by the government, exemption from Section 22-A of the Registration Act should be taken from the concerned District Collector wherever applicable.
- g. Since multiple transactions have already taken place in Sy.No.127 after allotments by VUDA, legal opinion may be taken by the government and the approved layout in Sy.No.127 may be cancelled since it is erroneous and not as per layout norms
- h. The 'D' Pattas which have been accepted by VUDA authorities without reference to revenue authorities for which allotments have been made by VUDA, may be referred to the revenue authorities for confirmation of the genuineness of the 'D' Pattas
- i. The government may order a further appropriate enquiry to get full details of the lapses and to initiate action against the erring officials

Vide ref.2, government has entrusted the case to V&E Department to conduct a detailed enquiry into the irregularities and furnish enquiry report to the government bringing out the revenue loss caused to the authority and the officers responsible for the irregularities.

The action by VUDA on above resolution on points 'g and h' have so far not initiated.

Based on 3rd reference, the details of allotment made against norms at MVP Colony, Sector II was furnished to the Principal Secretary, MA&UD Department vide ref.4. The letter contained the entire history along with the lapses found in the present issue, action taken so far and recommendations.

Action taken

1. The District Registrar and Joint Registrar have been intimated to stop further registrations in the said land
2. GVMC Commissioner was requested not to issue occupancy certificate to the apartment buildings being constructed in the said land
3. GVMC Commissioner was also requested to cancel all building permissions which have been issued in the said land in violation of Honourable High Court and Supreme Court orders
4. VUDA & GVMC officials have conducted a joint inspection of the said land on 18.2.2012 and have identified encroachments
5. GVMC Commissioner has informed the VC, VUDA that orders have been issued to the developers / applicants u/s 450 of HMC Act directing them to stop all further constructions forthwith and also directed them to show cause within 7 days as to why the permissions granted shall not be revoked for misrepresenting and suppressing the facts.

Recommendations

1. The Government may take immediate steps to comply with the Honourable High Court and Supreme Court orders and cancel the registrations done by VUDA to the six illegal allottees since there was a criminal misrepresentation of facts and tampering of official documents
2. The Government may direct the GVMC Commissioner to immediately cancel and demolish / seize the existing structures in the said land which have been built in violation of the Honourable High Court and Supreme Court orders and also to remove the encroachments.
3. A further appropriate enquiry may be ordered by the government to fix responsibilities of all officials and private individuals involved since there was a connivance in fraudulent misrepresentation of facts, criminal tampering of records and loss of revenue to VUDA.

Pursuant to 5th ref, a detailed report was sent to the government vide ref.6. The letter contained the entire history of the events issue wise along with the overall analysis, lapses found, action taken so far and recommendations.

The issues are as follow

1. Allotments in Sy.No.34 and 35 of Rushikonda village
 - a. To 'D' Patta claimants in government lands handed over to VUDA viz sy.nos. 126/9, 126/10, 126/11, 126/12, 127/1,2,3 & 4 of Madhurawada village.
 - b. To 'D' Patta claimants in various government lands handed over to VUDA viz Sy.Nos.127/6, 127/7, 126/6, 126/7, 355/2, 355/10, 370/1, 370/2 and 108/5 of Madhurawada village, 383/1 of Kapuluppada village and 133/10 of Paradesipalem village.
 - c. 'D' Patta claimant namely Smt Mediboyina Seethamma (given land in three places – this sy no, Sy.No.130/1A of Madhurawada and 355/1P of Madhurawada village)
 - d. 'D' Patta claimant namely Duvvi Appa rao (three plots in this sy.no, in Sy.No.1 of Yendada village and additional land on nominal rate basis)
 - e. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA under various road projects under taken by VUDA between 1997, 2004, 2007 and 2010.

- i. Excess land allotted to the above Zeroythi land losers over and above their extent lost in road projects at meager value.
- 2. Allotments in Sy.No.370 and 371 in Madhurawada
 - a. To 'D' Patta claimants in government lands handed over to VUDA (15 Pattas and 63 plots)
 - b. Claimant namely Thotakura Krishnam Raju who lost land in Rushikonda village in Sy.No.17/4 for an extent of 0.43 acres (he was given 1033.61 sq.yards in this sy.no. and 1033.61 in Sy.No.1 of Yendada village)
- 3. Allotments in Sy.No.1 of Yendada village
 - a. To 'D' Patta claimants in government lands handed over to VUDA at Paradesipalem, Madhurawada and Rushikonda villages (20 plots)
 - b. Totally 130 plots; 96 plots auctioned in December 2008; remaining plots used for above claimants
- 4. Allotments in Cyber Valley Sector I and II
 - a. Sector I consists of 148 plots in 15.67 acres and sector II with 51 plots in 5.26 acres. Five odd bits / plots not connected to above sectors allotted to four 'D' Patta claimants
 - b. To 'D' Patta claimants in government lands handed over to VUDA – three claimants at 3000 sq.yards in sy.no.355/1
 - c. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA - 7663 / 7018 sq.yards in 355/1 and 352/1 and 2.
- 5. Allotments in Ozone Valley Layout at Paradesipalem
 - a. To 'D' Patta claimants in government lands handed over to VUDA in Phase I area – 975 sq.yards
- 6. Allotments in Sy.No.127 of Madhurawada
 - a. To 'D' Patta claimants in government lands handed over to VUDA – 11 claimants at 28557392 sq.yards
 - b. Earlier auctioned land in favour of M/s Aditya Housing was included in the approved layout sketch
 - c. 4 large sized plots in this layout directly allotted to third parties

7. Allotments in Sy.No.105/P and 106/P of Yendada village – ADIBHATLA NAGAR LAYOUT
 - a. To 'D' Patta claimants in government lands handed over to VUDA – 5 plots
 - b. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA during 1992 Kapuluppada road formation – 1677 sq.yards
8. Allotments in MVP Colony Sector - Open space / Community purpose space
 - a. Six plots illegally allotted against Honourable High Court and Supreme Court orders
 - b. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA during 1992 Kapuluppada road formation – 869.19 sq.yards for Y.Akkayamma but registered in favour of third parties (she was also given plots @ 1433.34 sq.yards in sy.no.34 and 35 of Rushikonda)
9. Allotments in Kurmannapalem Layout
 - a. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA during 1992 Kapuluppada road formation – two claimants in phase VI directly registered in favour of third parties.
10. Allotment in Ocean View Layout
 - a. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA during 1992 Kapuluppada road formation – VAPMS was allotted 55.55 sq.yards here and additional land in other layouts – total 4258 / 4313.88
11. Other allotments
 - a. Alternative plot allotment in Ocean view layout on 13.7.2009 at 451.64 sq.yards in lieu of allotment in Pedagantyada phase II Layout II during 1.8.1989 at 417 sq.yards to Dr IAV Prasad Lal collecting Rs.118.80 per sq.yard for the excess of 34.64 sq.yards.

The salient features of the reports submitted underline the points as given;

- 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
- 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 and in few cases, collecting nominal amounts
- g. In one case, the land not belonging to VUDA but belonging to Gedda is also allotted.
- h. In most of the cases referred above, alienation of said government lands in favour of VUDA is still due.

For the purpose of handling and categorization, all the above allotments can be categorized as below;

Categorization based on type

1. Allotment of lands to 'D' Patta claimants (original allottees and / or their legal heirs) in government lands handed over to VUDA;
 - a. These claimants have approached VUDA instead of approaching the revenue department opposing the handing over of the lands to VUDA without settling their claims.
 - b. Eligibility of claimants towards assignment has to be verified by the revenue department and confirmed.
2. Allotment of lands in the name of 'D' Patta claimants (original allottees and / or their legal heirs) in government lands handed over to VUDA but registered in favour of third parties.

3. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA in the past – cases may or may not be covered in LA for VUDA. Claim of losing the land to VUDA has to be verified and confirmed.
4. Allotment of developed plots in the name of Zeroythi Land losers who have lost their private lands to VUDA in the past but registered in favour of third parties – cases may or may not be covered in LA for VUDA.
5. Allotment of ALTERNATIVE plot to the allottees in lieu of allotment in the erstwhile layout of VUDA long time back.
6. Allotment of plots against the orders of the Honourable High Court and Supreme Court in Open Space / Community Purpose site.

Categorization based on extent

1. Allotment of equal extent
2. Allotment of equal extent + excess extent allotted on nominal cost
3. Allotment of equal extent + excess extent without cost

Categorization based on location

1. Allotment to a claimant in single location
2. Allotment to a claimant in multiple locations

Categorization based on type of layouts

1. Allotment in already peg marked layout
2. Allotment in un peg marked layout
3. Allotment of bulk land without forming into layout
4. Allotment in open space of the layout
5. Allotment in land not belonging to VUDA

The layouts covered in the above issues and similar issues are given as below and these have to be examined for settling the issues.

1. MVP Colony Layout - Sector-II open space – Old Layout
2. Layout in Sy.No.34 and 35 of Rushikonda village – without pegmarking
3. Layout in Sy.No.370 and 371 in Madhurawada
4. Layout in Sy.No.1 of Yendada village
5. Layout in Cyber Valley Phase I (Sy.No.355/1 & 355/2 of Madhurawada)

6. Layout in Cyber Valley Phase II (Sy.No.352/1P & 129/P/2P of Madhurawada)
7. Layout in Ozone Valley Layout at Paradesipalem
8. Layout in Sy.No.127 of Madhurawada
9. Layout in Sy.No.105/P and 106/P of Yendada village – ADIBHATLA NAGAR LAYOUT
10. Ocean view layout
11. Kurmannapalem Layout Phase VI – Sy.No.69/P
12. Sy.No.332 of Madhurawada beside Tarakramnagar Layout
13. Sy.No.141 and 142 of China Gantyada and Pedda Gantyada villages
14. Sy.No.130/1A of Madhurawada beside cyber valley layout.

The following steps are to be followed

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.

- Though eligible claims are there, they are not entitled for alternative land @ 750 Sq.yards as 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 of a particular referred case
- 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 for the 'D' Patta holders

As given in the file No.10964/2010/I-1, Note file pages 20-26, there are around 32 cases of claims are pending for allotment of alternative land for the land lost in road formation for the purpose of VUDA in the past on par with the above errant cases. Recently, High Court has delivered judgement to treat those cases under LA Act and provide compensation (WP No.8144/2012). UNLESS we take corrective measures in the similarly placed cases, we cannot finalize these pending petitions and we will not be able to defend our cases in the Court matters.

An action plan as given below is proposed to settle and bring the issue to a logical conclusion. The action plan should also be conducted in a fixed time frame. Already Estate Officer Section have done the preliminary works and prepared the draft lists viz List of Layouts in which alternative plots are allotted by Estate Wing in 14 layouts as given above with the file details (will be communicated to all members by Estate Officer), list of plots allotted in Sy.No.34 & 35 of Madhurawada village by Allotment wing under Secretary with the file detail, abstract of plots allotted and balance plots in VUDA layouts (by Allotment wing) and all the references to government with necessary appendices are available in Secretary / EO wings. Wherever original files are handed over to the investigating agencies or preserved in the Treasury, available Xerox copies of the files have to be pursued and if required, original files available in the Treasury can be referred.

1. A Committee of HoDs viz Estate Officer, Secretary, CUP and CAO is formed to finalize the following issues.
 - a. To finalize the list of unapproved / unpegmarked layouts where allotments are made.
 - b. To finalize the following details in three modes – layout wise, allottee wise and file wise duly categorizing the into above categories.

- i. Allotment of lands to 'D' Patta claimants (original allottees and / or their legal heirs) in government lands handed over to VUDA – in different categories given above
 - ii. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA in the past – in different categories given above
 - iii. Allotment of ALTERNATIVE plot to the allottees in the erstwhile layout of VUDA.
 - iv. Allotment of plots against the orders of the Honourable High Court and Supreme Court in Open Space / Community Purpose site
2. Verification of the claims of 'D' Patta holders for whom the alternative lands are allotted from the revenue department
3. After the above report is received from the revenue department by writing to District Collector, to follow the principles of Natural Justice, a notice 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 based on the facts of both steps 1 and 2.
 - a. The notice has to be vetoed by the standing counsel.
 - b. The notice should elaborate the Act and Rule Provisions of the Revenue Department and VUDA which were violated and vitiated in the said allotments
 - c. The pending writ petitions on different cases have to be properly perused before issuing notices and the mentioning of pending cases will be strengthening the procedure being followed.
4. After providing the required time span, the said allotments have to be cancelled by proceedings. The Proceeding has to be vetoed by the standing counsel. Prior to the proceedings caveats have to be filed in the required stages. Cancellation of proceedings will be in the following four categories in ineligible / illegal cases.

- i. Allotment of lands to 'D' Patta claimants (original allottees and / or their legal heirs) in government lands handed over to VUDA
 - ii. Allotment of developed plots to Zeroythi Land losers who have lost their private lands to VUDA in the past
 - iii. Allotment of ALTERNATIVE plot to the allottees in the erstwhile layout of VUDA
 - iv. Allotment of plots against the orders of the Honourable High Court and Supreme Court in Open Space / Community Purpose site
 - 5. Post cancellation action have to be taken by the departments / officials as below;
 - a. VUDA – all concerned wings
 - b. Revenue Department – with the order of the District Collector, RDO and Tahsildar Concerned
 - c. GVMC Commissioner
 - d. ULB / GP concerned.
- The assignees, if found genuine, have to be processed by the District Collector on the relevant provisions available.
- Alternative plots in case of already allotted plots by VUDA has to be examined on case to case basis and efforts are to be made to restore the original plot allotted. Similarly, the released plots have to be put up for subsequent allotment to the public by way of drawl of lots duly following the due procedure available.
- GVMC Commissioner has to initiate action on canceling the building permissions given in the above cases established as wrong or illegal and start processing to restore the open space in layout duly demolishing the buildings constructed if any.

6. Similarly, in cases of layouts which are not peg marked and not fixed on field, the layouts per se have to be cancelled by following due process available in the AP Urban Areas (Development) Act, 1975 and rules thereon and to avoid difficulties to the allottees, necessary survey and followed by forming a new layout has to be done with the feasible number of plots duly taking into account the plot size required. It is preferred to have new layout duly canceling old layouts proved wrong so as to have year of formation as a relevant factor.

It is directed that the Committee should work in the time frame and should complete the tasks of step '1' before 23.5.2013 as already base works are completed. The District Collector will be requested to give the details sought vide step '2' above within 10 days. The Principal Secretary, MA&UD Department, Hyderabad may also request the revenue department for the same.

The above Action Plan is put up for kind perusal of the Board. The Committee is doing the mandatory works and further improvements will be put up to the Board for necessary perusal and approval.

Sl No	Subj ect No	Subject	RESOLUTIONS
45	45	VUDA – Visakhapatnam – 3 rd party transfer of allotment not allowed by the Registration Department for Registration – Proposals for stopping 3 rd party transfer hereafter and arranging registration in the name of original allottee - Ratification - Reg.	The stand taken is approved and ratified. III party transfer is not allowed both in plots and flats.
46	46	VUDA – Visakhapatnam – Allotment of houses in Row Housing at Rushikonda – Delay in construction and handing over – Request of Waiver of penal interest for the belated handing over period –Reg.	The provision of penal interest is part of the allotment conditions and there are no changed circumstances to review or revisit the same
47	47	VUDA – Reports submitted on certain allotments made by VUDA to the government – Government entrusted the case for enquiry to V&E Department for conducting detailed enquiry into the irregularities in allotment of House sites / lands in various survey numbers and layouts in VUDA area and furnish enquiry report brining out the revenue loss caused to the authority and also the persons responsible for the irregularities – Action	Action plan proposed is perused and it is directed to produce the committee's findings in the next meeting.


CHAIRMAN, VUDA


2013/12/13

Sl No	Subject No	Subject	RESOLUTIONS
		plan for taking the corrective measures on these issues – action plan to be submitted to government for perusal and information – formation of the committee to finalize the list of unapproved / unpegmarked layouts where allotments are made- submission of the report-Reg	
48	48	Land Acquisition wing – VUDA – Status of LA cases wherein Awards are passed but possession are not with VUDA – reg	Perused. Steps to be taken to take the possession of these lands at the earliest duly following the procedure and lands should be put into use for the purpose, for which they were acquired. VC to come up with the necessary proposal on these lands at the earliest
49	49	VUDA – Estate – Visakhapatnam – Regarding Paradesipalem Land Pooling Scheme in LP No.1/2011	The request of withdrawal of GPA entered amounts to denotification and same cannot be proceeded further without obtaining the remarks of the Learned Advocate General. Meanwhile, VC is directed to explore the possibilities of developing the layouts as per the original plan on these lands along with available adjoining lands.

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CHAIRMAN, VUDA

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20/12/2013