

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION NO.11522 OF 2011

ORDER:

1. This Writ Petition is filed by the petitioner seeking to declare the proceedings FDC/ET-2/11.29/13/MLC-IGZP/2010/318, dated 23.11.2010 and Proceedings FDC/ET-2/11.29/13/MLC-IGZP/2010/380, dated 30.12.2010 issued by the Andhra Pradesh Forest Development Corporation, whereunder the 3rd respondent had withdrawn the memorandum of understanding dated 18.6.2003, as illegal and arbitrary and consequently, to direct respondent No.3 to proceed further in pursuance of the Memorandum of Understanding dated 18.6.2003.

2. Brief facts of the case are as follows:

In pursuance of the policy decision taken by the Government to entrust the responsibility of taking up ECO-Tourism projects in the forest land and Sanctuary area to the A.P. Forest Development Corporation under the private and public partnership, the Government of Andhra Pradesh issued G.O.Ms.No.54 EFS & T Department dated 26.6.2001 listing the approved ECO-Tourism Projects in the State including the development of Indira Gandhi Zoological Park at Visakhapatnam. In pursuance of the same, the 3rd respondent called for expression of interest by a new paper advertisement on 17.1.2002. In response to the same, 5 proposals were received from prospective developers including the petitioner. The 3rd respondent selected the petitioner and entered into Memorandum of Understanding on 18.6.2003 and the petitioner paid Rs.5 lakhs towards caution money deposit fee with the Director, A.P. Forest Development Corporation. The 3rd respondent mentioned the allowable revenue earning activities in the Zoo premises in the Expression of Interest and on

the basis of which, presentations were made during identification process. These activities were disallowed by the Central Zoo Authority, which rendered the whole project unviable. In order to sustain the viability of the project, it was decided to annex 11.93 acres in the Marine Land Complex to this project to allow revenue earning activities and the third respondent requested the petitioner through proceedings dated 22.9.2003 to develop 40 acres existing deer park. The petitioner got the land surveyed and found that the actual area available was only 10.66 acres in the Marine Land complex. The petitioner submitted a detailed preliminary report to the 3rd respondent. Meanwhile, the Government of A.P. decided to hand over the development of entire Marine Land Complex with an area of Ac.53.24 cents to the petitioner herein and the authorities concerned informed the same to the petitioner on 3.12.2003. The petitioner got the land surveyed and found that the available land was only Ac.26.84 cents and the petitioner submitted a report to the 3rd respondent. The Principal Secretary, Environment, Forest, Science and Technology, Government of A.P., took a decision to hand over Ac.53.24 cents of Marine Land Complex Area to the A.P. Forest Development Corporation for development of Marine Park through the petitioner herein. The petitioner also submitted a report. While so, Sri Madhusudhana Rao, who took charge as Director of ECO-Tourism reviewed the situation and entrusted the above project to another developer viz., M/s. Lotus Granges, Visakhapatnam. In spite of several representations of the petitioner, there was no progress. The 3rd respondent issued the impugned proceedings withdrawing from the Memorandum of Understanding dated 18.6.2003. The petitioner made representations on 5.1.2011 and 10.1.2011 to respondents Nos.1 and 3

requesting them to give an opportunity to putforth its plans. But the said representations are kept pending. Hence, the petitioner filed this petition.

3. Heard and perused the material available on record.

4. After arguing for some time, the learned Counsel for the petitioner submitted that the 3rd respondent may be directed to consider the representation made by the petitioner dated 5/1/2011.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“Respondent No.3 is directed to consider the representation of the petitioner dated 5.1.2011 and dispose of the same as expeditiously as possible.”

6. With the above direction, the Writ Petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

Dated: 10.3.2017.
Nn

Justice Raja Elango

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