

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.2093 of 2004

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ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed by the legal representatives of the sole respondent in LGC.No.49 of 1996, seeking to quash the exparte common judgment dated 30.10.2003 in LGC.No.49 of 1996 (along with LGC.No.46 of 1996) passed by the Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad (for brevity "the Special Court").

2. LGC.No.49 of 1996 was disposed of along with LGC.No.46 of 1996 through a common judgment dated 30.10.2003 by the Special Court. As against the judgment in LGC.No.46 of 1996, the respondents therein have filed W.P.No.26967 of 2003 and a Division Bench of this Court has allowed the said writ petition, by order dated 29.01.2007, setting aside the order dated 30.10.2003 in LGC.No.46 of 1996 and remanded the matter for fresh consideration by the Special Court.

3. When the matter is called for hearing, it is represented by both the learned counsel that the subject matter in this writ petition is covered to be allowed by virtue of the order dated 29.01.2007 in W.P.No.26967 of 2003.

4. We have perused the said order dated 29.01.2007 in W.P.No.26967 of 2003.

5. It is also brought to the notice of this Court that petitioner No.2 died during the pendency of the writ petition.

6. In view of the said representation, we permit the legal heirs of the deceased-petitioner No.2 to file an appropriation application before the Special Court seeking to come on record as the legal representatives of the deceased-petitioner No.2.

7. Accordingly, following the order dated 29.01.2007 in W.P.No.26967 of 2003, this writ petition is allowed setting aside the order dated 30.10.2003 in LGC.No.49 of 1996 and the matter is remanded to the Special Court for fresh consideration and to pass appropriate orders in accordance with law, after giving notice and opportunity to both the parties. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

04.112015.

Msr

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