

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

-
WRIT PETITION No.4560 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

As the dispute in this Writ Petition relates only to registration of the case without awaiting the verification report which was called for, and as the petitioner before the Tribunal is required to be heard before the case is registered, we see no reason to keep the Writ Petition pending on the file of this Court.

This Writ Petition is filed against the order passed by the Principal District Judge, Warangal (the Chairman, Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for brevity, 'the Act') in L.G.C.S.R. No.6029 of 2010 dated 14.03.2014 whereby the L.G.C. was directed to be registered, if it was otherwise in order.

Sri J.Prabhakar, learned counsel for the petitioners, would contend that the Tribunal, having directed the Tahsildar to submit a verification report in terms of Rule 6 of the Land Grabbing (Prohibition) Rules, 1988, could not have directed registration of the case even before the verification report was submitted by the Tahsildar. Learned counsel would draw our attention to the correspondence between the Tribunal and the Tahsildar with regards submission of the verification report.

Rule 6 of the Rules relates to verification of the application and, sub-rule (1) thereof, enables the Special Tribunal to refer, for local inspection or verification or both, to the Mandal Revenue Officer having jurisdiction over the area. Section 7-A of the Act enables the Tribunal to try cases relating to any alleged act of land grabbing. The contention urged before us is that, while Section 7-A of the Act

enables the Tribunal to try any case relating to an alleged act of land grabbing, the Tribunal, having called for a verification report, could not have registered the case before receipt of the verification report.

When the matter came up before us on 26.02.2015, learned Government Pleader for Land Grabbing Cases, on instructions, stated that the Mandal Revenue Officer would submit a report to the Tribunal within one week. Thereafter when the matter was listed before us on 11.03.2015, the Mandal Revenue Officer stated that the verification report was submitted to the Tribunal on 10.03.2015. While the verification report would not preclude the Tribunal from registering the case, having called for the verification report, the Tribunal should examine it before deciding whether or not to register the case. As the Special Tribunal had registered the case earlier without awaiting the verification report, the impugned order, whereby the case was registered, is set aside. As the verification report has now been submitted by the Tahsildar, the Tribunal shall consider the said report, and take action thereafter in accordance with law, for registration of the case.

Sri J. Prabhakar, learned counsel for the petitioner, would submit that the petitioner is entitled to a copy of the verification report and, in terms of the Full Bench judgment of this Court in **Mohd. Siddiq Ali Khan and others v. Shahsun Finance Limited, Chennai and another**^[1], to appear before the Special Court/Tribunal even at the stage of taking cognizance/registration of the case. As the dispute in this Writ Petition relates only to registration of the case by the Tribunal, without awaiting the verification report it had called for earlier, we see no reason to examine the aforesaid contentions in these proceedings.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

12th March, 2015.
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[\[1\]](#) 2005 (2) ALD 675 (FB)