

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE Dr.JUSTICE B. SIVA SANKARA RAO**

WRIT PETITION No.21315 OF 2015

ORDER: (Per NRR,J)

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This Writ Petition is preferred by the petitioner calling for records relating to order passed by the 1st respondent (Special Tribunal) in I.A.No.3018 of 2014 in L.G.O.P.No.43 of 2013 and also direct the 1st respondent in turn to direct the 2nd respondent herein to inspect application schedule of property and submit the report in prescribed format with reference to government records.

2. The petitioner herein on one hand, and the respondents No.3 on the other, are asserting their right, title and interest with regard to a parcel of land. Both assert that they have purchased it from two different persons, no doubt, but from the true owner. The petitioner herein is the one who moved LGOP No.43 of 2013 before the learned Special Sessions Judge for SC & ST(POA) Act, 1989—cum-VII Addl.District & Sessions Judge, Ranga Reddy at L.B.Nagar, and he also moved I.A.No.3018 of 2014 therein under Rule 16 of the Land Grabbing Rules, seeking a direction from the Court to refer the complaint of the petitioner for local inspection/verification by the Mandal Revenue Officer and to submit his inspection report based upon the Government record. That application was contested but the same was dismissed by the order, dt.17.04.2015. The learned counsel for the petitioner as well as the opposite side, placed reliance upon the judgment rendered by the Hon'ble Supreme Court in **Pesara Pushpamala Reddy Vs. G.Veera Swamy and others** ^[1] in which case the scope and width of Rule 6 has fallen for consideration of the Hon'ble Supreme Court. While the Supreme Court in particular holds that calling for a report from the Mandal Revenue officer would

subserve the objective for which the statute was made but nonetheless left it to the discretion of the Court. Since in the instant case, the complaint is lodged by a private person against a private person, we consider that the ends of justice would be served by preserving liberty to either party to move the Special Tribunal after leading evidence by both sides, and in case there be still any uncertainty or doubt with regard to whose right is paramount and takes precedence over the other.

3. Therefore preserving liberty to the petitioner, the W.P. is disposed of and in the event of any such application being moved, the Special Tribunal, without having any regard to the order now passed in I.A.No.3018 of 2014, dt.17.04.2015, will deal with the application independently and entirely on its merits, uninfluenced in any manner by the observations contained either in this Writ Petition or any order passed in I.A.No.3018 of 2014. No costs. Consequently, miscellaneous Petitions, pending if any, shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

Dr.B.SIVA SANKARA RAO, J

Date: 17.03.2016.
VVR

[\[1\]](#) (2011) 4 SCC page 306