

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WP.No.41970 of 2016

Date:02.12.2016

Between:

Godishala Eshwaraiah,
S/o Veeranna

..... **Petitioner**

And:

The Special Tribunal for the Prohibition
of Land Grabbing, Waranga, now
Principal District Judge, Warangal
and 17 others.

....**Respondents**

Counsel for the petitioner: Mr. Sirumalla Ravinder

Counsel for respondent Nos.1 & 2: GP for Revenue (TS)

Counsel for respondent No.3: GP for Municipal Admn(TS)

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a *Mandamus* to set aside order, dated 26.9.2016, in S.R.No.759 of 2016 on the file of the Principal District Judge, Warangal.

At the outset, we would like to note that the nature of the Writ Petition filed by the petitioner seeking *Prohibition* is inappropriate in the facts of the present case and he should instead have prayed for a writ of *Mandamus*.

The petitioner has filed the afore-mentioned case before the Principal District Judge designated as Special Tribunal (A.P. Land Grabbing Prohibition Act), 1982, on 29.01.2016. In February, 2016, the Special Tribunal has returned the said case filed by the petitioner raising certain objections and that the case was stated to be re-presented on 11.3.2016. Before the said case was taken cognizance, the Government of Telangana issued G.O.Ms.No.113, Revenue (Land Matters) Department, dated 01.6.2016, under Section 101 of the Andhra Pradesh Reorganization Act, 2014 abolishing the Special Courts and Tribunals. Following the same, the unregistered case filed by the petitioner was directed to be returned by the Principal District Judge, Warangal by the impugned order.

The grievance of the petitioner, as projected by the learned counsel appearing for him, is that but for the inaction on the part of the District Court in registering the case filed by him and taking cognizance before G.O.Ms.No.113 was issued, the petitioner would not have suffered the impugned order.

Mr. Sirumalla Ravinder, learned counsel for the petitioner, has not disputed the fact that G.O.Ms.No.113, while abolishing the Special Courts and Tribunals, has directed transmission of the cases where cognizance was taken and that no such direction is issued in respect of pre-cognizance cases pending before the Special Courts and Tribunals. If the petitioner has the grievance against the District Court for not processing his file and taking cognizance prior to issuance of G.O.Ms.No.113, he is entitled to avail an appropriate remedy available to him in law. On that count, no *Mandamus* can be issued to the District Judge, Warangal to take cognizance of the case as, he is denued of the jurisdiction to take such cognizance after issuance of G.O.Ms.No.113, dated 01.6.2016.

In the light of the above discussion and subject to the observations made hereinbefore, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition,
WPMP.No.51740 of 2016 filed by the petitioner for interim
relief shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL

02nd December 2016

DR

