

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.37760 OF 2014

DATED: 04-08-2016

Ms. Ravija Nirman Private Limited,
A Company registered under the Companies Act,
Rep. by its Managing Director,
G. Shyam Prasad Reddy, S/o. G. Ranga Reddy,
H. No.12-13-588/0,
Street No.20, Nagarjun Nagar, Tarnaka
Hyderabad and another.

--- Petitioners.

And

Special Court under the A.P. Land Grabbing
(Prohibition) Act, Hyderabad,
Rep. by its Registrar and
fourteen others. - - - Respondents.

Counsel for the petitioners : Mr. O. Manohar Reddy.

Counsel for the respondent No.1 : ---

Counsel for the respondent No.2 : Mr. K. Raghuvendra
Reddy.

Counsel for the respondent Nos.3 to 14 : ---

This Court made the following:

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

At the interlocutory stage, the Writ Petition is taken up for hearing and disposal.

Respondent No.2 has given a complaint before respondent No.1 that the petitioners and other private respondents herein have grabbed his land. The said complaint was taken cognizance by the Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short, 'the Act'), Hyderabad (for short, 'the Special Court') as L.G.C. No.16 of 2012. Petitioners herein have filed I.A. No.579 of 2014 under Section 8 (2-A) of the Act to reject the case as frivolous, vexatious and not maintainable. Similarly, respondent No.10 herein has filed I.A. No.617 of 2013 for rejection of the case on a different ground. Both these applications were heard together and by common order, dated 24.10.2014, the Special Court has dismissed the same.

We have heard Mr. O. Manohar Reddy, learned counsel for the petitioners, and, Mr. K. Raghuveer Reddy, learned counsel for the respondent No.2. As regards I.A. No.579 of 2014, filed by the petitioners, the only ground on which they sought rejection of L.G.C. No.16 of 2012 was that respondent No.2 has placed reliance on an un-registered document, which does not confer any title on him, and therefore, the complaint filed by him and the cognizance taken by the Special Court, based on such a document, are not sustainable. While dealing with this aspect, the Special Court held as under:

"Since the vendor of the document appeared before the Revenue Authorities and confirmed the sale and the sale document came to be validated, it is not the stage to discard the mutation proceedings. The real controversy in this case

is whether the application schedule property is in Sy.No.98 or in Sy.No.99. The respondents claim that they are in possession of the land in Sy.No.98, whereas the applicant asserts that respondents grabbed the land bearing Sy.No.99. This issue is required to be resolved in the LGC on full fledged trial.”

In our opinion, the Special Court has made a correct approach in rejecting the application, filed by the petitioners, in view of the *prima-facie* evidence placed before it, consisting of the statement of Ch. Ramachandraiah, Pattadar, and also the vendor of the document, who appeared before the Revenue Divisional Officer, and confirmed validation of the sale document. The Special Court has rightly held, that was not the appropriate stage at which the mutation proceedings need to be discarded and that the real controversy in the case, namely, whether the application schedule property was in Survey No.98 or in Survey No.99, required to be resolved in the L.G.C. after full-fledged trial.

As the reasoning of the Special Court is sound and rational, we have no reason to interfere with its order. Accordingly, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, *interim* stay granted earlier, on 28.01.2015, is vacated and both the W.P.M.P. No.47240 of 2014 and W.V.M.P. No.1937 of 2015, shall stand dismissed as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

Date: 04-08-2016.
Dsh

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WRIT PETITION No.37760 OF 2014
(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

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Date. 04-08-2016

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