

**HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE MS. JUSTICE J.UMA DEVI**

L.G.A.No.35 of 2017 and L.G.A.M.P.No.21 of 2017 in L.G.A.No.35 of 2017

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This appeal is sought to be maintained under Section 16 of the Land Grabbing (Prohibition) Amendment Act, 2012, by respondents 2 and 5 in L.G.O.P.No.1 of 2011 on the file of the Special Tribunal constituted under the A.P.Land Grabbing (Prohibition) Act, 1989 -cum- Principal District and Sessions Judge, Nellore, aggrieved by the order and decree dated 20.03.2017 passed therein.

L.G.A.M.P.No.21 of 2017 was filed therein by the appellants seeking condonation of the delay of 116 days in the presentation of the appeal.

Notice having been ordered, Sri P.Ganga Rami Reddy, learned counsel, entered appearance for respondent No.2 in the appeal. He would point out that the very same order which is sought to be subjected to appeal presently was assailed before this Court in Writ Petition No.23618 of 2017 and by order dated 28.07.2017, a Division Bench of this Court dismissed the said Writ Petition on merits. A copy of the said order is placed on record. Perusal thereof reflects that the Division Bench considered the submissions made by the learned counsel appearing for the parties on the merits of the order passed by the Special Tribunal in L.G.O.P.No.1 of 2011 and held that the Special Tribunal was justified in passing the said order. The

Division Bench further observed that this Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India would not examine the impugned order of the Special Tribunal as a Court of appeal. It is by virtue of this observation that Sri M.Janardhan Rao, learned counsel for the appellants, would submit that his clients preferred this appeal. However, having chosen to file a Writ Petition in their own wisdom, it is not open to the appellants to prefer an appeal at this stage after dismissal of the said Writ Petition on merits. Significantly, no liberty was granted by the Division Bench while dismissing the said Writ Petition enabling the petitioners therein to prefer an appeal independently. This appeal is therefore not maintainable on grounds more than one, as we find no valid ground for condoning the delay also.

L.G.A.M.P.No.21 of 2017 is accordingly dismissed. In consequence, L.G.A.No.35 of 2017 also stands dismissed.

Other pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

J.UMA DEVI, J

14.12.2017

Gsn.