

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.34519 of 2013

ORDER: (per SK,J)

The prayer of the petitioner in this case is as under:

'For the reasons stated in the accompanying affidavit the petitioner prays that this Court may be pleased to issue an appropriate writ or direction or pass an appropriate order more particularly in the nature of Writ of Certiorari quashing the impugned order dated 18-7-2013 passed in I.A.No.870/2011 consequently quash the impugned order of rejection of LGC No. 17/2011 passed by Hon'ble LGC-II, Hyderabad for the purpose of disposal of the same on merits after holding full-fledged trial and pass such other necessary order or orders as deem fit and proper in the circumstances of the case.'

As the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short, 'the Act of 1982'), was repealed in the State of Telangana with effect from 01.06.2016, the question of remitting the subject land grabbing case to the Special Court at this stage would not arise.

Though Sri A.Sanjeewa Reddy, learned counsel for the petitioner, would contend that as cognizance was already taken in this case prior to its rejection by the order under challenge, we are of the opinion that even if this land grabbing case had been transferred consequent upon the repeal of the Act of 1982 in the State of Telangana, it would have been re-numbered as a suit of the year 2016 or 2017.

That being so, as rejection of the case by the order under challenge was only on technical grounds and the same would not preclude the petitioner from filing a fresh suit before the competent civil Court, we are of the opinion that this writ petition does not warrant adjudication on merits at this stage.

The writ petition is accordingly dismissed leaving it open to the petitioner to present a fresh comprehensive suit before the competent civil Court, if she so desires. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

T.AMARNATH GOUD,J

Date:05.10.2017
GJ

