

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

LAND GRABBING APPEAL No.19 of 2017

JUDGMENT: (per Justice Sanjay Kumar)

This Land Grabbing Appeal, presented under Section 7-A(3) of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, read with Rule 16 of the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988, is sought to be maintained by the respondents in Land Grabbing Case No.6 of 2003 on the file of the learned II Additional District and Sessions Judge, Warangal, aggrieved by the judgment and decree dated 27.04.2016 passed therein.

Sri J.Prabhakar, learned counsel appearing for the respondent herein, the applicant in the Land Grabbing Case, would submit that in the light of the repeal of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, by the Government of Telangana *vide* G.O.Ms.No.113, Revenue (Land Matters) Department, dated 01.06.2016, this appeal would not lie before this Court.

Learned counsel would point out that appeals which were already pending before the Special Court stood transferred to this Court under clause 2(ii) of the Notification issued under the aforesaid G.O. but as this appeal was not pending before the Special Court on the date of the repeal *vide* the said G.O., the appellants cannot maintain this appeal directly before this Court.

We find merit in this submission. Perusal of the Notification issued by the Government of Telangana, *vide* G.O.Ms.No.113 dated 01.06.2016, demonstrates that though provision was made for transfer of pending appeals before the Special Court to this Court, no right was created for an

aggrieved party in a case decided by the Special Tribunal to maintain an independent appeal before this Court.

The appeal is accordingly dismissed on this short ground. This order shall however not preclude the appellants herein from working out their remedies before the proper forum in accordance with law. We make it clear that we have not gone into the validity of the provisions of the aforestated Notification or its impact on the right of appeal which may vest in a party upon institution of the original proceedings.

Interim order dated 17.04.2017 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

J. UMA DEVI, J

Date: 21.12.2017
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