

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

L.G.A.No.39 of 2017

Date: 13.08.2018

Between:

Shaik Dastagiri (Died)
and four others

...

Appellants

And

Jagannati Narasaiah (Died)
and three others

...

Respondents

Counsel for the Appellants : ---

Counsel for the Respondents:

Mr.P.Ganga Ram Reddy

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This land grabbing appeal is filed against order and decree dated 20.03.2017 in L.G.O.P.No.1 of 2011 on the file of the Special Tribunal constituted under A.P. Land Grabbing Prohibition 1989-cum-Principal Sessions and District Judge, Nellore.

2. At the hearing, there is no representation for the appellants. A perusal of the docket proceedings shows that from 02.07.2018, the case was adjourned on three occasions on the ground that there is no representation on behalf of the appellants. On 24.07.2018, a Division Bench has directed to delete the case from the caption of 'dismissal' and to post after one week. The case underwent two more adjournments since then. During the last hearing i.e. on 06.08.2018 again, the case was adjourned on the ground that there was no representation for the appellants. From the continuous absence of the counsel for the appellants, it is reasonable to presume that the appellants are not interested in pursuing their cause in this appeal.

3. Even otherwise, the appeal is liable to be dismissed on merits. The appellants are respondents No.3, 4, 6 and 7 in L.G.O.P.No.1 of 2011 filed by the respondents. Assailing the same order and decree which is impugned in this C.M.A., the co-respondents i.e. respondent No.2 and 5 in the LGOP, initially filed W.P.No.23618 of 2017, which was dismissed on merits by a Division Bench of this Court, of which one of us (**CVNR,J**) was a party. The same respondents again filed

L.G.A.No.35 of 2017, which was dismissed by another Division Bench, holding that as the impugned order and decree was upheld on merits and the writ petition was dismissed, the petitioners therein were not entitled to file an appeal. Evidently, the said respondents have set up the appellants herein, who as noted above, are co-respondents, to file the present appeal.

4. Though the appellants have not joined respondents No.2 and 5 in L.G.O.P.No.1 of 2011, in filing the writ petition and L.G.A. as noted earlier, for the same reasons for which W.P.No.23618 of 2017 was dismissed, this appeal is also liable to be dismissed.

5. Accordingly, L.G.A. is dismissed.

6. As a sequel to the dismissal of the L.G.A., I.A.No.2 of 2017 (LGAMP.No.18047 of 2017) and I.A.No.4 of 2017 (LGAMP.No.18049 of 2017) stand dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 13th August, 2018

msb

