

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

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THE HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.28808 of 2008

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

Challenging an order of the Special Court under the A.P. Land Grabbing (Prohibition) Act, 1982, allowing an application for amendment of the pleadings, the respondents 3 and 4 before the Special Court, have come up with the above writ petition.

2. Heard Ms. Maamu Vani, learned counsel for the petitioners and Mr. A. Sudershan Reddy, learned senior counsel, appearing for the first respondent, who was the petitioner before the Special Court.

3. The first respondent, in this writ petition, filed an application in LGC.No.40 of 2002 on the file of the Special Court under the A.P. Land Grabbing (Prohibition) Act, 1982. The application was filed under Section 8(1) of the said Act. In the first instance, the first respondent herein, who was the applicant before the Special Court, impleaded only two persons as respondents viz. (1) T. Govindaiah and (2) State of A.P.

4. Subsequently, the first respondent herein/applicant before the Special Court impleaded two more persons as respondents 3 and 4, on the ground that they were inducted into the property by the original second respondent. This impleading was ordered in IA.No.730 of 2003, by order dated 04.12.2003.

5. After the impleadment of the writ petitioners herein as respondents 3 and 4 in the land grabbing case, the writ petitioners

herein, despite being respondents 3 and 4, impleaded two more persons as respondents 5 and 6 to the main case. This impleading was in application I.A.No.1 of 2007 and it was ordered on 08.02.2007.

6. Thereafter, seven more persons got impleaded as respondents 7 to 13 in the main case, by filing I.A.No.63 of 2008 and the same was allowed on 28.02.2008.

7. Thus, the scope of the enquiry in the original land grabbing case, has got enlarged with the impleadment of the writ petitioners herein as respondents 3 and 4, at the instance of the first respondent herein/applicant before the Special Court. Then, nine parties came to be impleaded.

8. Therefore, the first respondent herein filed an application in IA.No.1418 of 2008 to make consequential amendments to his pleadings. The pleadings on the side of the petitioner before the Special Court are described as concise statement of fact. This application for amendment was allowed by the Special Court by order dated 12.12.2008. Challenging the said order, the respondents 3 and 4 before the Special Court have come up with the above writ petition.

9. The main contentions of the learned counsel for the petitioners are (1) that the amendments sought by the first respondent herein/applicant before the Special Court, ought to have been sought by him simultaneously along with the application for impleadment, in tune with Rule 28 of the Civil Rules of Practice and (2) that the application for amendment under Order 6 Rule 17 of the Civil

Procedure Code cannot be allowed, after the commencement of the trial and that too after a long period of time after impleadment of some parties.

10. We have carefully considered the above submissions.

11. The A.P. Land Grabbing (Prohibition) Act, 1982, is a special enactment. This Act seeks to create a Special Court for the trial of offences committed by persons, who come within the definition of the expression 'land grabbing'. Any orders passed by the Special Court are made appealable to the appellate tribunal constituted by the Act. Despite the fact that the Special Court constituted under the Act, is also a civil Court, it exercises jurisdiction quasi civil and quasi criminal. Therefore, it is only by virtue of specific provisions made in the Act that the provisions of CPC and Cr.P.C, are made applicable. Therefore, the normal rules applicable to the civil Court and the restrictions imposed by CPC under the amendments of 2002 may *per se* be applicable to the Special Court. The Land Grabbing Court is a Special Court. Therefore, the fact that Rule 28 of the Civil Rules of Practice was not followed and the rigours of Order 6 Rule 17 CPC are not applied in letter, cannot be put against the Special Court.

12. This is a case where at the instance of the first respondent, who was the applicant before the Special Court, the petitioners 1 and 2 alone were impleaded as respondents 3 and 4. If the petitioner had left the matter at that, perhaps they would be justified in saying that consequential amendments were not at sought at the appropriate time. Instead the petitioners herein sought to implead other parties to the main case and those impleading applications were allowed.

13. In other words, if the first respondent, who was the applicant before the Special Court, enlarged the scope of the enquiry a little, the petitioners are guilty of enlarging it further by introducing at least two more parties and thereafter, seven more parties jumped into fray. Therefore, it does not lie in the mouth of the petitioners to object to the amendments.

14. An argument is sought to be advanced that the amendments may be time barred. In fact, a look at the amendments would show that there was only one paragraph related to the petitioners herein and that paragraph does not introduce any fact, which is barred by time. In any case, this is an issue which the petitioners can always raise before the trial Court after the amendments are allowed.

15. It is true that the Special Court could have written an order, which is little more elaborate. The fact that the order is cryptic, does not make it a bad order.

Therefore, the writ petition is dismissed.

16. It appears that the Special Court under the A.P. Land Grabbing (Prohibition) Act, has been abolished by the State of Telangana and now, even the cases pending before the Special Courts are transferred to normal civil Courts. Since the original application filed before the Special Court was of the year 2002 and a period of nearly 17 years have passed, the Court to which the case has been transferred viz. IX Additional Chief Judge, City Civil Court, Hyderabad, shall endeavour to dispose of LGOP.No.3047 of 2016 as expeditiously as possible, preferably, within a period of four (4) months from the date of receipt

of a copy of this order. Since the order of amendment now stands confirmed, the Court below shall give an opportunity to the petitioners to file an additional written statement and all issues may be raised by the petitioners.

Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHAVA RAO, J

June 10, 2019
DSK

