

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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W.P.NO.4721 OF 2001
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O R D E R (Per the Hon'ble Sri Justice T.Ch.Surya Rao)

In the instant writ petition, the petitioner seek to assail the order passed by the learned Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad dated 17.08.2000 in L.A.C.No.38.1997.

2. The 1st respondent herein is the applicant before the Special Court, who sought to evict the petitioner and four others on the premise that they were land grabbers. At the culmination of the enquiry conducted by the Special Court, where both the parties adduced voluminous documentary evidence besides oral evidence of several witnesses, the Special Court was of the view that the present petitioner and the 2nd respondent herein were the land grabbers and were liable to be evicted from the plots "A and B", measuring 29 and 46 square meters respectively, as shown in the sketch Ex.A-4, while dismissing the application filed by the State insofar as respondents 3 to 5 are concerned, whose plots were shown as "C, D and E" in Ex.A-4 sketch.

3. While parting with the matter, the learned Special Court

in paragraph no.33 *inter alia* of its order made an equitable observation and directed the writ petitioner and another to approach the Government with necessary representation for regularization and in which event, to consider the same by the Government. At the same time, the learned Special Court was very critical of the stands taken by the Government in having proceeded against the petitioner and another while leaving 97 others among 100 encroachers, thereby showing discrimination.

4. We have heard learned counsel for the petitioner Sri T.Jagadish and perused the impugned order and the record connected therewith. We are of the considered view that we have no reason to interfere with the eventual finding of the Special Court and the direction consequently given in the impugned order.

5. The learned counsel for the petitioner seeks to invoke the sympathy as is shown by the Special Court while parting with the matter. When the Government has not proceeded against majority of the encroachers of the same locality and isolated the petitioner and another alone, we are of the considered view that the observations made by the Special Court, that it amounts to discrimination, cannot be considered as totally baseless. Whatever may be the reason, that part of the order, wherein the Special Court directed the writ petitioner

and another to approach the Government for regularization, attained finality having not been assailed by the Government. We have every reason, therefore, to consider the request of the petitioner, as a special case, in this case to reiterate the same observations while disposing of the matter.

6. In the result, there is nothing to interfere with the finding given by the Special Court and the writ petition is disposed of accordingly while reiterating the observations made by the Special Court that the petitioner is at liberty to approach the Government for regularization, in which event the Government may consider his request sympathetically. Such an application filed by the petitioner may be disposed of appropriately within three months from the date of presentation thereof.

7. No order as to costs.

T.CH.SURYA RAO,J

G.CHANDRAIAH,J

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AVS
DATE:08.06.2006