

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.24037 OF 2002

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Date:31-08-2005

Between:

K.Kausalya and others ...Petitioners

And

J.Sreeramulu Patel ...Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.24037 OF 2002

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O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

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Heard learned counsel for the parties.

This a writ petition challenging the order passed by the Special Court under A.P.Land Grabbing (Prohibition) Act, (for short "the Special Court"), in L.G.C.No.57 of 2000. One J.Sreeramulu Patel was the applicant and one G.Satyanarayana was the respondent before the Special Court. The case of the applicant before the

Special Court was that G.Satyanarayana had grabbed the land, therefore, a decree may be passed in his favour. The said Satyanarayana despite service did not appear before the Special Court and did not contest the case. A decree was accordingly passed. The writ petition has been filed by persons other than those persons, who were the parties before the Special Court. The contention of the writ petitioners is that Satyanarayana, the respondent before the Special Court, had sold the disputed land to them by virtue of an agreement of sale dated 06-05-1995 and they had become the owners of the land and they were in possession of the land. At the time of filing of the land grabbing case by Sreeramulu Patel, the said Satyanarayana was not at all in possession of the land and the present writ petitioners were in possession of the land.

On the other hand, learned counsel for respondent No.1-Sreeramulu Patel submits that Satyanarayana had no title at any point of time, therefore, any agreement executed by him in favour of the writ petitioners would not give any title to them with regard to the suit land.

Since the matter was decided in *ex parte* by the Special Court, as the respondent-Satyanarayana did not appear before the Special Court, therefore, we feel it would be in the interest of justice that the writ petitioners are also heard by the Special Court. *Prima facie*, there is an agreement of sale in their favour and *prima facie* it appears that they were in possession of the property when the land grabbing case was filed. They were not made parties to the land grabbing case. Therefore, we set aside the order of the Special Court and remand the matter back to it with a direction to dispose of the matter afresh after giving a chance to the writ petitioners to contest the claim of the applicant. The matter shall be decided within three months and any observation made in this order shall not be taken as an expression of opinion over the controversy between the parties. The present writ petitioners stand impleaded as respondents in the land grabbing case. They may file their counter within two weeks from today without any further orders from the Special Court.

The writ petition is accordingly disposed of. No order as to costs.

(Bilal Nazki, ACJ)

31st August, 2005

(R.Subhash Reddy,J)

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