

2016 (4) ALT 86 (D.B.)

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

K.C. BHANU and ANIS, JJ.

W.P. NO. 20058 of 2005

DECIDED ON : 22-01-2015

HEAD

NOTE

A.P. LAND GRABBING (PROHIBITION) ACT, 1982, Section 2(e) — Constitution of India, Article 226 — Land Grabbing — Order of Special Court declaring petitioners as land grabbers — Sustainability — LGC 148 of 1999 filed by writ petitioners against respondent Nos.2 to 7 — 8th respondent filed LGC 156 of 1997 against writ petitioners and respondent No.5 — Special Court allowed LGC filed by 8th respondent and dismissed the LGC filed by writ petitioners — Hence the writ petition — A common order passed by Special Court in both the LGCs — Writ petitioners filed LGC against R-2 to R-8 alleging that they occupied the area in excess of their entitlement resulting in shifting of plots in the layout and praying to declare them as owners of application schedule plot and to declare respondents as land grabbers — Writ petitioners claim to have purchased plot No.4 — First petitioner as P.W.1 deposed to various encroachments of plots — Petitioners have not filed the LGC 148 of 1999 against R-8 who filed LGC 156 of 1987 against them — Petitioners not disputing the ownership of plot Nos.1 to 7 — All the plots abut each other — Reports of Commissioner and Inspector of Survey and plans filed by them show that writ petitioners occupied the land of R-8/applicant in LGC 156 of 1997 ad measuring 146 sq. yards and R-5 occupied 121 sq. yards — During the pendency of the case, R-5 settled the matter with R-8 — Petitioners claim that R-3 occupied their land to an extent of 121 sq. yards — The same was reported by Commissioner in his report — But the prayer of petitioners in LGC 146 of 1999 is beyond the scope of LGC case — Writ petitioners seeking direction against Society to make a ratification deed in favour of R-8/petitioner in the other LGC without impleading Society as a party — Admittedly all the plot owners moved into neighbouring plots as the report of Commissioner proves — As per evidence of writ petitioners and the relief claimed in their LGC, plot owners are in possession of extent beyond their sale deeds — Their possession is illegal without any legal entitlement — Admittedly, writ petitioners not filed the LGC against the applicant in LGC 156 of 1997 (R-8) and no relief claimed against him — However, writ petitioners are in possession of 146 sq. yards of land belonging to R-8 herein/applicant in LGC 156 of 1997 without any legal entitlement — After considering the evidence on record, Special Court rightly held the writ petitioners as land grabbers within the meaning of Section 2 (e) of 1982 Act — Findings of Special Court based on evidence on record — Writ petitioners not made out any case to set aside the common judgment passed in the two LGCs — Writ petition dismissed — Case law discussed.

QUOTABLE POINT

- (1) Land grabber “ When the writ petitioners are in possession of certain extent of land belonging to respondent without any legal entitlement, order passed by Special Court holding them as land grabbers is sustainable. (Paras 22 and 23)
- (2) Writ jurisdiction “ High Court in writ jurisdiction under Article 226 of Constitution of India may interfere with findings of fact arrived at by Special Court under Land Grabbing (Prohibition) Act if findings are based on no evidence and based on conjectures and

surmises. (Para 20)

ADVOCATES

Mr. N. Bharat Babu, Counsel for the Petitioners. G.P. for Revenue for Respondent No.1. Mr. Shafath Ahmed Khan, Counsel for Respondent No.2. Mr. V. Ravinder Rao, Counsel for Respondent No.3. Mr. M.M. Firdos, Counsel for Respondent No.4. None appeared for Respondent Nos.5, 6 and 8. Mr. S. Narasimha Rao, Counsel for Respondent No.7. Mr. **MUDDU** Vijay, Counsel for Respondent Nos.9 to 13.

CASES REFERRED

- 1 . 2002 3 SCC 258 - Konda Lashmana Bapuji Vs. Govt. of Andhra Pradesh
- 2 . 2004 ALT(REV.)(SC) 31 - Gouni Satya Reddi Vs. Government of Andhra Pradesh and others
- 3 . 2005 1 ALT 56 - M. Yadagiri Reddy Vs. V.C.Brahmanna and another
- 4 . 2008 ALT(REV.)(SC) 89 - State of Andhra Pradesh Vs. Abdul Khuddus (dead) by L.Rs and others

ORDER

(Per Smt. Anis, J.)

This Writ Petition is filed by the writ petitioners, questioning the common judgment dated 21.07.2005, passed in L.G.C.Nos.148 of 1999 and 156 of 1997, on the file of the Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act, Hyderabad, (for short 'the Special Court), for issuance of Writ of Certiorari, setting aside the findings passed in L.G.C.No.156 of 1997 and allowing L.G.C.No.148 of 1999.

2. The writ petitioners filed L.G.C.No.148 of 1999 against respondent Nos.2 to 7 herein. Respondent No.8 herein filed L.G.C.No.156 of 1997 against the writ petitioners and respondent No.5 herein.

3. The brief facts of the case are that the writ petitioners filed L.G.C.No.148 of 1999 against respondent Nos.2 to 7 herein to declare the writ petitioners as owners of the property and to declare respondent Nos.2 to 7 herein as land grabbers and to deliver the vacant possession of the schedule property on the ground that they are the absolute owners of Plot No.4 admeasuring 262 Sq. Yards situated in Sy.No.367/1, 367/2 and 369/2 of Shaikpet Village and Mandal in the approved layout of M/s.Charminar Co-operative Housing Society Limited (for short 'the Society'), as they purchased the same under a registered sale deed from one Raheemunnisa Begum on 24.01.1996, for valuable consideration and as their vendor put them in possession. Their vendor before selling the plot to them, constructed a compound wall and small dwelling room after obtaining necessary permissions from Municipal Authorities. The writ petitioners raised the building up to basement level and pillars, and are paying property tax and NALA tax etc., for the said property. Respondent Nos.2 to 7 herein occupied the area in excess of their entitlement, resulting in shifting of plots from 7 to 1 in the layout.

4. The second respondent herein filed a counter in L.G.C.No.148 of 1999 and contended that the writ petitioners are in possession of an extent of 383 Sq. Yards against 262 Sq Yards purchased by them, which belongs to respondent No.8 herein, who filed L.G.C.No.156 of 1997 and who is the owner of plot No.3. The second respondent has not measured the land in view of the fact that to the west of plot No.6 up to the road, the land belongs to her. Having obtained permission from M.C.H, she raised structures and is in occupation of the same and

paying taxes to the concerned authorities and the writ petitioners have no locustandi to file L.G.C.No.148 of 1999, since they encroached over and above 121 Sq. Yards of the land.

5. The third respondent herein also filed a counter in L.G.C.No.148 of 1999 and contended that the writ petitioners having realized that they have no defence in L.G.C.No.156 of 1997 and as they would suffer a decree, filed this L.G.C. He stated that he is not a party to L.G.C.No.156 of 1997 and he has no knowledge about the allegations in the counters filed in the said case and also the Commissioner's report filed is not binding on him. Further, he specifically stated that he is the owner of plot No.6 bearing House No.9-4-87/B/6 of the Society situated at Tolichowki, Hyderabad, having purchased the same from Smt. Swarn Duggal through registered sale deed and since then, he is in possession and enjoyment of the property without any claim from any person and the writ petitioners are not entitled to initiate any land grabbing proceedings against him. Therefore, prayed the Court to dismiss the petition.

6. The fourth respondent herein also filed a counter in L.G.C.No.148 of 1999 and resisted the case contending that he purchased the plot under a registered sale deed on 24.06.1981 from the Society and constructed a compound wall and a residential house after obtaining permission from M.C.H in the year 1986 and since then, he has been in peaceful, undisturbed and unchallenged possession over the same. Therefore, prayed the Court to dismiss the petition against him.

7. The fifth respondent herein filed a counter in L.G.C.No.148 of 1999 and stated that he purchased plot No.4 bearing H.No.9-4- 87/B/2 admeasuring 233 Sq. Yards through registered sale deed dated 15.04.1985 from Smt. B.V.Muterja, who in turn, purchased the same from the Society under a registered sale deed. Himself and his predecessor-in-title have been in continuous possession and enjoyment of the said property since more than 18 years and he perfected his title by adverse possession. He further contended that he never encroached into any part of the land belonging to the writ petitioners. Therefore, stated that L.G.C is not maintainable against him.

8. The Special Court having taken cognizance of the case, as the counsel for both sides agreed and as the matter involves common question and parties are also the same, both the L.G.C's were clubbed for joint trial and disposed of by a common judgment.

9. In L.G.C.No.148 of 1999, the Special Court framed five issues, while in L.G.C.No.156 of 1997 it framed four issues.

10. To prove the rival claims, on behalf of the applicants in both the cases before the Special Court, respondent No.8 herein/applicant in L.G.C.No.156 of 1997 was examined as PW.1, while writ petitioner No.1 herein/applicant No.1 in L.G.C.No.148 of 1999 is examined as PW.2 and Exs.A1 to 71 got marked. On behalf of the respondents before the Special Court, respondent Nos.4 and 5 herein are examined as RW.1 and 2 and Exs.B1 to B3 got marked. On behalf of the Court, CW.1-Sri M. Krishna Reddy, Retired Assistant Director S and L.R is examined and Exs.C1 to C5 got marked.

11. After considering the oral and documentary evidence available on record, the Special Court allowed L.G.C.No.156 of 1997 and dismissed L.G.C.No.148 of 1999.

12. Aggrieved by said order dated 21.07.2005, passed by the Special Court, the writ petitioners i.e., applicants in L.G.C.No.148 of 1999, preferred the present Writ Petition.

13. The learned counsel appearing for the writ petitioners argued that the Society purchased the land admeasuring 14,188 Sq. Yards in Sy.Nos.367/1, 376/2 and 369/1 of Shaikpet Village under registered sale deed and obtained exemption under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976, and made the land into plots for the purpose of

construction of houses; that the vendor of the writ petitioners by name Smt. Raheemunnisa Begum purchased plot No.4 admeasuring 262 Sq. Yards from the Society under a registered sale deed dated 24.01.1982; that thereafter, writ petitioners purchased the said plot from her under the registered sale deed on 24.01.1996; that before the purchase by the writ petitioners, Smt.Raheemunnisa Begum constructed a house and a compound wall after obtaining the permission from M.C.H and the said property was assessed to municipal taxes and there is an electricity connection to the said property; that after survey was conducted by the Surveyor appointed by the office of Deputy Director (Surveys), the writ petitioners filed L.G.C.No.148 of 1999 and the eighth respondent herein/applicant in L.G.C.No.156 of 1997 failed to satisfy the ingredients of the land grabbing as defined under Sec.2(e) of the Andhra Pradesh Land Grabbing Act, 1982, (for short 'the 1982 Act'); that respondent No.8 herein did not plead and prove that he was in possession of the property and he was dispossessed illegally without any lawful entitlement and there is a dispute relating to identity of the schedule land; that therefore, it cannot be a case of land grabbing and prayed the Court to allow the writ petition. It is also argued that the Special Court erroneously came to a conclusion that writ petitioners are the land grabbers to an extent of 146 Sq. Yards of land and directed to vacate the said land; that the writ petitioners started construction of additional buildings after obtaining permission from M.C.H to their land and raised the basement level and pillars were erected at that time; that the eighth respondent herein filed L.G.C.No.156 of 1997 against the writ petitioners without any manner of right. It is also argued that Municipal Corporation did not raise any objection while sanctioning the building plan in respect of Smt. Raheemunnisa Begum; that as there was shifting of plots from 1 to 7 therefore question of land grabbing does not arise. Respondent No.8 herein filed the false land grabbing case L.G.C.No.156 of 1997 with reference to sanctioned layout plan; that the surveyor or Inspector of survey surveyed the plots basing on the revised layout of the Society. The learned counsel for the writ petitioners also argued that respondent Nos.2 to 6 and 8 herein are in occupation of land excess to their entitlement; that the Special Court erred in not appreciating the contention of the writ petitioners that the area of plot No.3 should have been ordered to be compensated against the owners of the plots 1, 2, 5, 6 and 7, who grabbed the land more than their entitlement; that as per their sale deeds, the Special Court ought to have appreciated the fact and the writ petitioners never occupied the land belonging to the eighth respondent herein as the writ petitioners are the purchasers of plot No.4 under a registered sale deed from their vendor Smt.Raheemunnisa Begum; that the claim of the eighth respondent herein by filing L.G.C.No.156 of 1997 is belated one; that he filed the case after 18 years of purchase; that relying on the commissioner's report Exs.C1 to C5, the Special Court allowed L.G.C.No.156 of 1997; that writ petitioners are the owners of plot No.4 admeasuring 262 Sq. Yards, and relied on the case law reported in Gouni Satya Reddi v. Government of Andhra Pradesh and others (1) 2004 ALT (Rev.) 31 (SC) = 2004 (5) ALD 1 (SC), wherein it is held at paras 9 and 12 as follows:

“9. From a reading of the definitions of the phrases “land grabber” and “land grabbing” it is clear that the grabbing of any land must be without any lawful entitlement and with a view to take possession of such lands illegally. That is to say the land grabber must be aware of the fact that he is entering into the possession illegally and without any lawful entitlement. If such elements as indicated above are missing in our view, it would not be a case of land grabbing.

12. The first thing to be noted is that the case of the respondent No. 3 as sought to be made out in the petition as quoted in the earlier part of this judgment was that the appellant had created false documents by creating the false power of attorney in favour of Prabhakara Rao and got the sale deed registered in his favour and that the sale deed also false. But we don't

find any such finding having been recorded by the Special Court saying that the appellant had created the false document by creating the false power of attorney. In absence of any such finding it may be examined as to what extent taking over of possession by the appellant, without lawful entitlement was “with a view to take possession illegally”. Mere fact of not being lawfully entitled to enter into possession by itself would not lead to the inference of land grabbing unless possession is illegally taken with that view in mind. It is a necessary ingredient of land grabbing i.e. the person taking possession must know it that he is acting illegally while taking possession.”

and also the case law reported in *M. Yadagiri Reddy v. V.C.Brahmanna and another* (2) 2005 (1) ALT 56 (D.B.) = 2005 (1) ALD 1 (D.B.), wherein it is held at paras 19 and 32 as follows:

“19. It is observed in clear and categorical terms that merely not being entitled to get the possession itself is not enough to hold a person to be a land grabber unless the possession was taken with an intention to enter into possession illegally. The mere fact of legally not entitled to the possession would not fulfil the ingredients of the definition “land grabber” and “land grabbing”. Mere fact that one is not lawfully entitled to enter into possession would not be enough to characterise one to be a land grabber and such entry does not amount to land grabbing unless possession is illegally taken with that view in mind. The person taking possession must know that he is acting illegally while taking possession of the land.

32. The Special Court completely ignored the material evidence available on record as to the nature and identity of the land claimed by the writ petitioner as well as the 1st respondent - applicant. According to the respondent - applicant, the land admeasuring Acs. 12.00 of land purchased by him under Ex. A-22 sale deed admeasuring Acs. 12.00 of land is a waste land covered by shrubs and whereas the land claimed by the writ petitioner is an agricultural land with a well. There are lemon and goa trees in the land. Both of them are absolutely clear in their evidence and none of them claims the land belonging to the other. It is essentially a dispute of identity of the land. It is not a case of grabbing of land.”

Therefore, he prayed the Court to allow the writ petition.

14. On the other hand, the learned counsel for respondent Nos.4 and 5 herein argued that they are the bonafide purchasers of the plots under registered sale deeds dated 24.06.1981 and 15.04.1985 from the Society and Smt. B.V.Muterja, who in turn purchased from the Society and respondent No.4 herein constructed a compound wall and residential house by obtaining the permission in the year 1986 and since then, respondent No.4 herein is in possession of the property. The learned counsel for respondent No.5 also argued that the predecessor-in-title of this respondent have been in continuous possession and enjoyment of the property since more than 18 years and they never grabbed the property belonging to the writ petitioners and prayed the Court to dismiss the writ petition.

15. On the other hand, the learned counsel for respondent No.8 argued that he filed L.G.C.No.156 of 1997 against the writ petitioners and fifth respondent herein on the ground that they had encroached into his property. It is also argued that respondent No.8, who is the petitioner in L.G.C.No.156 of 1997, purchased plot No.3 admeasuring 245 Sq. Yards under registered sale deed dated 28.11.1981 and constructed a compound wall after obtaining necessary permission. In the year 1997, he visited the plot and noticed that writ petitioners and responded No.5 herein are digging the land for construction of the house without any manner of right and the Special Court after considering the oral and documentary evidence, rightly allowed L.G.C.No.156 of 1997 and dismissed L.G.C.No.148 of 1999 of the writ petitioners and the said order needs no interference and relied on the case law reported in *State of Andhra Pradesh v. Abdul Khuddus (dead) by L.Rs and others* (3) 2008 ALT (Rev.)

89 (SC) = (2007) 15 SCC 261, wherein it is held at para 9 as follows:

“9. It is this order of the Special Court, which was challenged by the respondents by way of a Writ Petition. At this juncture, we may now consider as to when the High Court could interfere, with a finding of fact arrived at by the Special Court, in the exercise of its jurisdiction under Article 226 of the Constitution. It is now well settled that the High Court, in its writ jurisdiction under Article 226 of the Constitution, may interfere with the findings of fact arrived at by the Special Court only if the findings are based on no evidence or based on conjectures or surmises and if no reasonable man would on given facts and circumstances come to the conclusion reached by the Special Court. Therefore, it is pellucid that it is only in these special circumstances that it would be open to the High Court to interfere with the findings of fact arrived at by the Special Court.”

and prayed the Court to dismiss the writ petition.

16. Having regard to the submissions made by the learned counsel appearing for both parties, the point which is to be decided in this petition is as follows:

Whether the writ petitioners are entitled for any relief against the order passed in common judgment dated 21.07.2005 in L.G.C.Nos.148 of 1999 and 156 of 1997, by the Special Court or not?.

17. POINT: The writ petitioners filed L.G.C.No.148 of 1999 against respondent Nos.2 to 8 herein alleging that they occupied the area in excess of their entitlement, resulting in shifting of plots from 7 to 1 in the layout and to declare them as owners of the application schedule plot and to declare the respondents as land grabbers and to deliver the vacant possession of the application schedule property and to punish the respondents. The writ petitioners also claimed that the area of plot No.3 may be compensated against the respondents, who are the owners of plot Nos.1, 2, 6 and 7 and directed the Society to make ratification deed in favour of owner of plot No.3 or open land towards plot No.7 deserved to be allotted to the owner of Plot No.3. After considering the evidence on record, the Special Court dismissed L.G.C.No.148 of 1999, filed by the writ petitioners. The claim of the writ petitioners in the said L.G.C is that they purchased plot No.4 admeasuring 262 Sq.Yards from their vendor Smt.Raheemunisa Begum under Ex.A8 on 24.01.1996 and their vendor in turn purchased the same from the Society by registered sale deed dated 24.01.1982 under Ex.A11. The second petitioner purchased the plot under registered sale deed under Ex.A9 on 24.01.1996 and obtained permission for construction of the building from M.CH and thereafter, paid taxes to the municipality. It is their further case that their vendor constructed small house and they have taken the electricity connection to the property. According to them, they have started construction of building. The eighth respondent herein filed L.G.C.No.156 of 1997 against the writ petitioners. The first petitioner is examined as PW.1 and supported her evidence by filing Exs.A8 to A71 documents. First petitioner in her evidence also explained about the various encroachments of plots. According to PW.1, the owner of plot No.7 i.e., second respondent herein occupied the extra area of 90.5 sq. yards from plot No.6 of the third respondent herein and plot No.6 owner occupied 102 Sq. Yards area in plot No.5 of the fourth respondent herein. Likewise, respondent No.4 herein is in possession of the land of the writ petitioners falling in plot No.4 as per the dimension and measurements of 40 feet width and 60 feet to an extent of 121 Sq. Yards. The writ petitioners also stated that plot No.5 owner i.e., fourth respondent herein encroached 111 Sq. Yards of plot No.4 and fifth respondent herein encroached 83 Sq. Yards in plot No.3 and owner of plot No.1 i.e., sixth respondent herein encroached 35 sq. yards in plot No.2. Thus, shifting of plots from 7 to 1 in the layout.

18. RW.1 is the third respondent in L.G.C.No.148 of 1999, stated about the purchase of the

plot No.5 admeasuring 258.80 sq. yards from the Society under registered sale deed Ex.B1 dated 24.06.1981 and since then, he is in possession of the said plot. He obtained permission and constructed a house and paying the taxes regularly. According to him, excess of the land is found in plot Nos.1, 2, 6 and 7. Similarly, fifth respondent herein/fourth respondent In L.G.C.No.148 of 1999 examined as RW.2 and he is the owner of plot No.2 admeasuring 233 Sq. Yards and he settled the matter with the applicant. The evidence of CW.1 and report of the Commissioner is an important piece of evidence in this case. Admittedly, the writ petitioners had not filed the land grabbing case against eighth respondent herein, who filed L.G.C.No.156 of 1997 against them and the Special Court after considering the evidence on record dismissed the L.G.C of the writ petitioners and allowed the L.G.C filed by the eighth respondent herein.

19. Section 2(e) of the 1982 Act defines the expression “land grabbing” which reads as under:

“land grabbing” means every activity of grabbing or any land (whether belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person) by a person or group of persons, without any lawful entitlement and with a view to illegally taking possession of such lands, or enter into or create illegal tenancies or lease and licences agreements or any other illegal agreements in respect of such lands, or to construct unauthorized structures thereon for sale or hire, or give such lands to any person on rental or lease and licence basis for construction, or use and occupation, of unauthorized structures; and the term “to grab land” shall be construed accordingly”.

20. There is no dispute about the legal propositions relied by the learned counsel for writ petitioners, but, in Abdul Khuddu’s case (third cited supra) relied on by the respondents, the Hon’ble Supreme Court specifically stated when the High Court could interfere with a finding of fact arrived at by the Special Court, in the exercise of its jurisdiction under Article 226 of the Constitution. The Hon’ble Supreme Court clearly held that the High Court, in its writ jurisdiction under Article 226 of the Constitution, may interfere with the findings of fact arrived at by the Special Court only if the findings are based on no evidence or based on conjectures or surmises and if no reasonable man would on given facts and circumstances come to the conclusion reached by the Special Court.

21. In *Konda Lashmana Bapuji v. Govt. of Andhra Pradesh* (4) (2002) 3 SCC 258, the Hon’ble Supreme Court while dealing with the provisions of the Act decided the question as to when could the High Court, in the exercise of its writ jurisdiction, interfere with the findings of fact arrived at by the Special Court and observed in para 49 as under:

“49. On a careful perusal of the judgment of the Special Court on the question of title of the first respondent and that of the appellant and his lessor Inamdar we are satisfied that neither was any relevant material excluded from consideration nor was any irrelevant material relied upon by the Special Court in recording its finding. There was, therefore, no scope for the High court to interfere with those findings. In our view, the High Court committed no error of law in not interfering with the findings of the Special Court in regard to the title of the first respondent and absence of title in the appellant to the land in dispute.”

22. Admittedly, the writ petitioners are not disputing regarding the ownership of plot Nos.1 to 7. Writ petitioners purchased plot No.4 admeasuring 262 sq. yards under registered sale deed from Smt.Raheemunnisa Begum on 24.01.1996. All the seven plots were originally sold by the Society as per its approved layout plan. All the plots are situated abutting each other and the Commissioner and Inspector of survey filed the reports and plans under Exs.C2 to C5, which was established. A perusal of the plans shows that the writ petitioners occupied

the land of the eighth petitioner (sic. respondent) herein/applicant in L.G.C.No.156 of 1997 admeasuring 146 sq. yards and fifth respondent herein occupied 121 sq. Yards. During the pendency of the case, fifth respondent herein, who occupied 121 Sq. Yards settled the matter with the eighth respondent herein. As such, the case was dismissed against respondent No.5 herein/respondent No.4 in LG.C.No.148 of 1999 and respondent No. 3 in LG.C.No.156 of 1997. Admittedly, the writ petitioners' claim is that third respondent occupied their land to an extent of 121 sq. Yards. The same fact was reported by the Commissioner under Ex.C4 and C5. But, the prayer in L.G.C.No.146 of 1999 is beyond the scope of L.G.C case, whereas the writ petitioners are seeking direction against the Society to make a ratification deed in favour of eighth respondent herein/petitioner in L.G.C.No.156 of 1997. The writ petitioners did not implead the Society as a party. Admittedly, all the plot owners moved into the neighbouring plots mostly on the western side. A perusal of the Commissioner's report will prove this fact. In view of the evidence of writ petitioners and the relief claimed in L.G.C case, it is clear that the plot owners are in possession of the extent beyond their sale deeds. Therefore, their possession is illegal without any legal entitlement. Thus, as per the Commissioner's report, each plot owner moved into the neighbours' plot on the western side. Admittedly, writ petitioners had not filed the L.G.C case against the applicant in L.G.C.No.156 of 1997. No relief was claimed against him. As far as the writ petitioners are concerned, they are in possession of 146 Sq. Yards of the land belonging to respondent No.8 herein/applicant in L.G.C.No.156 of 1997 without any legal entitlement.

23. Therefore, the special Court after considering the evidence on record, rightly held that the writ petitioners are the land grabbers within the meaning of Sec.2(e) of the 1982 Act. Further, the findings of the Special Court are based on evidence on record and therefore, the writ petitioners have not made out any case to set aside the common judgment dated 21.07.2005 passed in L.G.C.Nos.148 of 1999 and 156 of 1997 on the file of the Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act, Hyderabad.

24. In view of the above discussion, the Writ Petition is dismissed. No order as to costs. The miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

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1 . ALT(REV.) 2016 329

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