

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.5841-5845 OF 2008

[Arising out of SLP(C)Nos.23859-23863 of 2007]

PARVEEN JEHAN BEGUM

Petitioner(s)

VERSUS

S. ANJALIAH GOUD & ORS. ETC.

Respondent(s)

ORDER

Leave granted.

These appeals are directed against the judgment and order dated 5th November, 2007, passed by the Andhra Pradesh High Court in five different writ petitions filed by the appellant herein.

Briefly stated, the facts which gave rise to the writ petitions are that two land grabbing cases were filed, being LGC Nos. 122/99 and 75/2001, by the respondents herein, alleging that the appellant had wrongfully and illegally occupied certain portions of the land which belonged to them and thereby committed an offence under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

The said two cases were taken up by a Bench of

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two Members of the Special Court constituted under Section 7 of the aforesaid Act

consisting of the Judicial member and a Revenue member. After considering the case made out on behalf of the respective parties, the two members differed in their views while delivering the final order. We need not go into the question of difference between the members. In terms of Section 7(4B)(e) of the aforesaid Act, the separate opinions of the two members were placed before the Chairman and the Chairman himself took up the matter for delivering his opinion in the matter. While the matter was pending before the Chairman, several interlocutory applications were filed by the appellant herein, which, we are informed, are 12 in number. The same were filed in two stages, and at the first stage IA Nos. 422 to 426 of 2007 were filed. At the second stage, 7 more interlocutory applications, namely, I.As. 33 to 37, 80 and 81 of 2008 were also filed.

It is the case of the appellant that despite submissions having been made before the Chairman for hearing of the said applications first, the Chairman chose not to do so and proceeded with the main case. As against the same the 5 writ petitions came to be filed before the

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High Court. The same prayer was made before the High Court which was rejected with the direction that the applications and the main case could be heard together and there was no case for having the said interlocutory applications decided separately before the main matter was heard.

It is against the said order of the High Court that these appeals have been filed.

Having heard Mr. Ahmadi, learned counsel for the appellant, and Mr. Sanjeev Kumar, learned counsel for the respondents, we are of the view that there is substance in the submissions made by Mr. Ahmadi regarding the disposal of the interlocutory applications before the main case is taken up for hearing. However, we are also conscious of the fact that the matter has been pending since 1999. Accordingly, in order to prevent further delay in disposing of the matter, we allow and dispose of these appeals by directing the Chairman to take up the interlocutory applications along with the main case, but to dispose of the interlocutory applications first by passing orders in each interlocutory application as soon as possible and thereafter to proceed with the hearing of the

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main case. In the event the applications are allowed and fresh evidence is required to be taken, the final opinion will have to be rendered only thereafter. We also make it clear that the appellant before us will not be entitled to question the decision of the Chairman on the interlocutory applications separately from the main opinion, which may be given by him on the basis of which the final decision will follow. This will be equally applicable to both the appellant as well as the respondents.

Since the matter is pending for quite some time, we also request the Chairman of the Bench to dispose of the pending matter and the interlocutory applications as expeditiously as possible, but preferably within a period of six months from the date of communication of this order. We also make it clear that

we have not expressed any opinion on the merits of the interlocutory applications, which the Chairman will be free to decide.

We also record the submissions made by Mr. Ahmadi that of the pending 12 interlocutory applications, his client will only be pressing IAs 422 to 426 of 2007 and IA 35 of 2008 and not others.

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The appeals are allowed and disposed of in the above terms.

There will be no order as to costs.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

NEW DELHI;
September 25, 2008.

JUDGMENT