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SLP(C)No. 6487 OF 2001

ITEM No.69

Court No. 1

SECTION XIIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.6487/2001

(From the judgement and order dated 11/12/2000 in WP 16097/2000
of The HIGH COURT OF A.P AT HYDERABAD)

STATE OF A.P.

Petitioner (s)

VERSUS

ANAND PARBAT COOP.HSNG. SOC.LTD.& ORS.

Respondent (s)

(With appln(s). for substitution, prayer for interim relief and
office report)

With
SLP(C)No.7831 of 2002
(With prayer for interim relief and office report)

Date : 21/04/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s) Mr. K.N. Raval, SG
Ms. K. Amareswari, Sr.Adv.
Mr. Guntur Prabhakar, Adv.

For Respondent (s)
in SLP 6487/2001: Mr. L.N. Rao, Sr.Adv.
Mr. Abhijit Sengupta, Adv.
Mr. Anand, Adv.
Mr. D. Bharat Kumar, Adv.

in SLP 6487/2001: Mr. Rakesh Dwivedi, Sr.Adv.
Mr. T.N. Rao, Adv.
Mr. A. Ramesh, Adv.

in SLP 7831/2002: Mr. G.R.K. Prasad, Adv.
Mr. Mohd. Wasay Khan, Adv.
Mr. K.C. Sudarshan, Adv.
Mr. Jayant Muthuraj, Adv.

in SLP 7831/2002: Mr. K. Ram Kumar, Adv.

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UPON hearing counsel the Court made the following
O R D E R

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No orders on application for substitution.

Leave granted.

The appeals are allowed. There shall be no order as to costs.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3607 of 2003@@
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(Arising out of S.L.P.(C) No. 6487 of 2001)

State of A.P. ... Appellant (s)

Vs.

Anand Parbat Cooperative Housing Society
Ltd. and Ors. ... Respondent (s)

With
Civil Appeal No. 3608 of 2003
arising out of S.L.P.(C) No. 7831 of 2002.

O R D E R@@
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Heard counsel.

Leave granted.

It is not disputed that the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, (for short 'the Special Court') is required to consider and decide the plea of res judicata as a preliminary issue. In this case, we find that the plea of res judicata was raised and the same was not dealt with as a preliminary issue. On this short ground alone, we set aside the judgment under challenge and remit the matter to the ...2/-

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Special Court. The Special Court shall, on receipt of the record, proceed to decide the plea of res judicata as a preliminary issue expeditiously.

The appeals are allowed. There shall be no order as to costs.

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.....CJI.@@
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.....J.@@
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(S.B. Sinha)@@
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New Delhi,
April 21, 2003.