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C.A.No. 5474 OF 1999  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5474 OF 1999

BEDADALA AKKI REDDY ... APPELLANT

VERSUS

GOVT. OF A.P. AND ORS. ... RESPONDENTS

O R D E R

The appellant, who was unsuccessful before the two Tribunals and the High Court, is before us in this appeal. He was in possession of the land to the extent of 2 acres 39 guntas without an authority of law as an encroacher. The proceedings were initiated against him under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 ('the Act', for short). The Special Court under the Act, after inquiry, concluded that the appellant was a land grabber and consequently, passed an order under the provisions of the Act directing delivery of possession as well as payment of profits @ Rs.500/- per month from 1.3.1986 till the date of delivery of possession. Aggrieved by the order passed by the Special

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Court, the appellant filed appeal before the Special Tribunal under the Act. The Special Tribunal did not find any good reason to take a different view and affirmed the findings recorded by the Special Court. The appellant, aggrieved by the order of the Special Tribunal, filed writ petition before the High Court. The Division Bench partly allowed the writ petition to the extent of setting aside the direction for payment of profits @ Rs.500/- per month from the year 1986 till the date of delivery of possession. However, the High court affirmed the order of Tribunal in other respects, including delivery of possession. Hence, this appeal by the appellant to the extent he is aggrieved by the impugned judgment.

Learned counsel for the appellant contended that in view of definition of 'land grabbing' given under Section 2(e) of the Act, it cannot be said that the appellant had any intention to illegally occupy the land in question. Even though he was in possession of the land without authority of law or without any entitlement, that itself was not sufficient to hold that there has been a land grabbing by him in the absence of any intention to occupy the land illegally.

In support of his submission, he

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relied on the decision of this Court in the case of Gouni Satya Reddi vs. Govt. of A.P. & Ors. [ (2004) 5 SCALE 740 ].

Per contra, the learned counsel for the respondents made submissions supporting the impugned judgment.

The two Tribunals as well as the High Court, on the facts, found that the appellant was a 'land grabber' and there has been land grabbing by him. In doing so, particularly it was noted that the appellant himself applied for assignment of the land to the Revenue authorities and had

paid taxes under the A.P. Land Encroachment Act, 1905, that is 'Sivai Jamabandi' penalty for being in an unauthorised occupation and cultivation of the land. From the facts found it is clear that the appellant has neither claimed to be the owner of the land nor he has claimed his entitlement to be in possession of the land in accordance with law. The fact is that he had no right over the land, he has been in unauthorised possession and had paid 'Sivai Jamabandi' and penalty being in unauthorised occupation. The fact that the appellant had intention to illegally occupy the land can be gathered from the facts which were rightly found so by the Tribunals, as affirmed by the High Court. The decision in ..4/-

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Gouni Satya Reddy (Supra) does not help the appellant. That was a case where the appellant entered the land as a purchaser on the basis of sale deed which was good enough to show that he did not enter the land with a view to illegally take possession. That makes a difference. We do not find any merit in the appeal. The impugned judgment does not call for any interference. Consequently, the appeal is dismissed.  
No costs.

.....J.  
[ SHIVARAJ V. PATIL ]

.....J.  
New Delhi, [ B.N. SRIKRISHNA ]  
September 29, 2004.  
ITEM NO.103 COURT NO.6 SECTION XIIA

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

CIVIL APPEAL NO. 5474 OF 1999

BEDADALA AKKI REDDY Appellant (s)

VERSUS

GOVT. OF A.P. AND ORS Respondent(s)  
(With office report )

Date: 29/09/2004 This Appeal was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. P.S. Narasimha, Adv.  
Mr. Ananga Bhattacharya, Adv.  
Mrs. B.Sunita Rao, Adv.

For Respondent(s) Mr. Manoj Saxena, Adv.  
State Mr. Mohan Prasad Meharia, Adv.

Mr. S.K. Mitra, Adv.  
Mr. Khem Chand, Adv.

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

Mr. P.S. Narasimha, learned counsel for the appellant started his arguments at 2.5 p.m. and concluded at 2.30 p.m. Mr. Manoj Saxena, learned counsel for the State made his submissions in reply for a few minutes.  
The appeal is dismissed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)