

(2008) 08 AP CK 0071

In the Andhra Pradesh High Court

Case No : Writ Petition No. 15676 of 2008

Valluri Sitamahalakshmi and Another

APPELLANT

Vs

Sarchandra Environ Pvt. Ltd. and Others

RESPONDENT

Date of Decision : 04-08-2008

Acts Referred:

Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 — Section 10, 15, 2, 7(1), 7A(1)
Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988 — Rule 6, 7
Civil Procedure Code, 1908 (CPC) — Section 9
Constitution of India, 1950 — Article 14, 226
Evidence Act, 1872 — Section 4

Citation : (2008) 6 ALD 244 : (2008) 6 ALT 528

Hon'ble Judges : Ghulam Mohammed, J; C.V. Ramulu, J

Bench : Division Bench

Advocate : A.V. Sessa Sai, for the Appellant; V.L.N.G.K. Murthy, for the Respondent

Final Decision : Dismissed

Judgement

Ghulam Mohammed, J.—This writ petition has been filed challenging the order dated 21.4.2008 passed by the Special Court under A.P. Land Grabbing (Prohibition) Act at Hyderabad, (for short "the Special Court") in I.A. No. 121 of 2008 in LGC No. 84 of 2007.

2. Writ petitioners herein filed Land Grabbing Case No. 84 of 2007 against the respondents 1 to 3 herein on the file of the Special Court u/s 8(1) of the A.P. Land Grabbing (Prohibition) Act, 1982, inter alia, seeking to declare that the applicants are the owners of the petition schedule land and to evict the respondents from the land in question by declaring them as land grabbers. The Special Court took the cognizance of the case on 30.10.2007. Thereafter, the respondents herein filed LA. No. 121 of 2008 seeking to recall the order of taking cognizance of the LGC No. 84 of 2007, contending that the Special Court erred in taking cognizance of the case, without calling for the report of the Mandal Revenue Officer as stipulated under Rule 6 of the A.P. Land Grabbing

(Prohibition) Rules, 1988, (for short " the Rules"). The petitioners herein filed a counter resisting the said LA. The Special Court considering the rival contentions of the parties, by its order dated 21.4.2008 allowed the LA. No. 121 of 2008 by recalling the order dated 30.10.2007 of taking cognizance of the case. Assailing the said order passed by the Special Court, the present writ petition has been filed.

3. Sri A.V. Sesha Sai, learned Counsel for the petitioners contends that the Tribunal having taken the cognizance of the case on 30.10.2007, ought not to have recalled its earlier order. Learned Counsel also contends that mere averment made in the concise statement together with documentary evidence is sufficient for taking cognizance of the matter, that though report of the Mandal Revenue Officer is called for as required under Rule 6 of the Rules, the report was not made available on the relevant date and that since the report of the Mandal Revenue Officer is not mandatory, the order of the Special Court recalling its earlier order is unsustainable. In support of his contentions, learned Counsel relied upon the judgments reported in *Shalivahana Builders Private Limited and Another Vs. Sri Ganapathy Co-operative Housing Society and Others*, , Chenna Basvanna Vs. Special Court under A.P. Land Grabbing (Prohibition) Act and Others, , *Konda Lakshmana Bapuji v. Government of Andhra Pradesh* 2002 (2) ALD 56 (SC), *Mohd. Siddiq Ali Khan Vs. Shahsun Finance Limited*, , *Vonkela Subramanyam and Others Vs. Special Court under A.P. Land Grabbing (Prohibition) Act and Others*, , *Mahalaxmi Motors Ltd. Vs. Mandal Revenue Officer and Others*, . There is no dispute with regard to the propositions laid down in those judgments.

4. On the other hand, learned Counsel for the respondents contends that though the report of the Mandal Revenue Officer was called for, it was not available when the matter was taken cognizance of by the Special Court, as contemplated under Rule 6 of the Rules. Learned Counsel relying on the judgment of the Full Bench of this Court *Mohd. Siddiq Ali Khan's case* (supra), contends that the report of the Mandal Revenue Officer is a valuable piece of evidence and it is mandatory. Learned Counsel also submitted that the judgment reported in *Shalivahana's case* (supra), has become per incurium as the amended Rule 7 of the Rules was not brought to the notice of the Division Bench of this Court.

5. Upon hearing the learned Counsel on either sides, and considering the circumstances that the lis is between two private parties, the only issue that fall for consideration in this writ petition is as to whether report of the Mandal Revenue Officer is mandatory or not before taking cognizance of a case by the Special Court ?.

Section 8 of the Act reads as follows:

8. Procedure and powers of the Special Courts.-(1)The Special Court may either suo motu or on application made by any person, officer or authority take cognizance of and try every case arising out of any alleged act of land grabbing

or with respect to the ownership and title to, or lawful possession of, the land grabbed, whether before or after the commencement of this Act, and pass such orders (including orders by way of interim directions) as it deems fit;

[x x x x]

(1-A) The Special Court shall, for the purpose of taking cognizance of the case, consider the location, or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved or in the interest of justice required or any other relevant matter:

Provided that the Special Court shall not take cognizance of any such case without hearing the petitioner.

Section 10 of the Act reads as follows:

10. Burden of proof.-Where in any proceedings under this Act, a land is alleged to have been grabbed, and such land is prima facie proved to be the land owned by the Government or by a private person the Special Court or as the case may be, the Special Tribunal shall presume that the person who is alleged to have grabbed the land is a land grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

Rule 6 of the Rules reads as follows:

Verification of Application.-(1) Every application filed under Sub-section (1) of Section 8 of the Act or every case taken cognizance of suo motu by the Special Court or an application filed under Sub-section (1) of Section 7-A of the Act, before the Special Tribunal, may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area or by any other officer of the Government authorized by the Court in this behalf.

(2) The Mandal Revenue Officer or the other officer to whom the application has been referred under Sub-rule (1) shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt of order with reference to Revenue Records and facts on ground as to the following:

(i) the correctness of the statements made in the application with regard to columns 1 to 15 and 19 in Form-I;

(ii) the facts relating to ownerships, actual possession and use of the land concerned; and

(iii) such other particulars and information as would be useful to the Court to arrive at a correct decision on the claims made in the application:

[Provided that the said report is not required to be submitted in respect of the application filed by the Mandal Revenue Officer]

(3) The Mandal Revenue Officer or the other officer to whom the application has

been referred under Sub-rule (1) shall also furnish copies of the extracts of the Government records to show the survey number and subdivision number and proof of possession, ownership and use of the land and the payment of dues to the Government.

(4) A copy of the report referred to in Sub-rule (2) may be furnished to the applicant, to the respondents and other persons, if any having interest in the land on payment of copying charges.

Rule 7 of the Rules reads as follows:

7. Notice of taking cognizance of a case:

(1) The Special Court shall before taking cognizance of the case under the Act give notice in Form II-A by publishing it in the Andhra Pradesh Gazette.

(2) The Special Tribunal shall before taking cognizance of the case under the Act give notice in Form II-B by publishing it in the Andhra Pradesh Gazette.

6. As submitted by the learned Counsel for the respondents, the judgment reported in Shalivahana Builders (P) Ltd.'s case (supra), was declared per incuriam as the same was rendered in ignorance of the amended Rule 7 of the Rules. In Chenna Basvanna's case (supra), it was held by the Division Bench of this Court that the Special Court may in appropriate cases refuse to take cognizance of the complaint on considerations of extent or value of the land in question and it has to exercise its jurisdiction on considerations of fairness, reasonableness and arbitrariness and with reference to facts in each case. The relevant portion of the judgment reads as follows:

(8) THE specific submission of Sri Venkatramana is that provisions of Sub-section (1-A) of Section 8 clearly indicates that the Special Court in appropriate cases can refuse to take cognizance having regard to the location or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved in the case or in the interest of justice required or any other relevant matter. According to Sri Venkatramana, the Special Court ought not to have taken cognizance of the case having regard to the extent and value of the application schedule land. Sri Venkatramana also submitted that the provisions of Sub-section (1-A) of Section 8 are vague and they do not provide necessary guidelines to exercise the discretion vested in the Special Court either to take cognizance or not to take cognizance. But, that contention of the learned Counsel need not be considered in the present case, because, we are not called upon to decide the validity of Sub-section (1-A) of Section 8 of the Act. If we may say so, the provisions of Sub-section (1) of Section 8, are badly drafted. The provisions of Sub-section (1) and the provisions of Sub-section (1-A), if they are read together harmoniously, it is permissible for the Special Court in appropriate cases not to take cognizance having regard to the location or extent or value of the application schedule land and other factors to which reference is made in Sub-section (1-A). However, that if the provision of Sub-section (1) is read separately,

it becomes clear the Special Court is required to take cognizance of every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of the land grabbed and try the same. The word "every" occurring in Sub-section (1) is very significant. According to Black's Law Dictionary, the word "every" means "each one of all, all the separate individuals who constitute the whole, regarded one by one". It also means "all and each". Thus the word "every" is often synonymous with either "all and each". Its generality may be restricted by the context in which that word occurs in a Statute. The word "every" indicates that it has been used in Sub-section (1) of Section 8 in wider sense extending from one to all. The word "every" excludes limitation or qualification. The word "every" is expressive and it indicates in the context "all or every", "in the given category"; it has no reference to any particular or definite individual case, but to a positive but undetermined number in that category without restriction or limitation of choice. Therefore, in terms of provisions of Sub-section (1) of Section 8 of the Act, the Special Court is required to take cognizance of each and every case arising out of any alleged act of land grabbing or with respect to the ownership and the title, or lawful possession of, the land grabbed, whether before or after the commencement of this Act. Therefore, if Sub-section (1-A) were not to be there in Section 8, such an interpretation could have been placed, but having regard to the provisions of Sub-section (1-A) and the legislative intendment flowing from that provision, it is obvious that, as already stated supra, in appropriate cases, the Special Court may refuse to take cognizance on considerations of the location or extent or value of the land in question and other factors set out in Sub-section (1-A). It is true that Sub-section (1-A) does not lay down any guideline to guide the Special Court to take or not to take cognizance of cases on considerations of location or extent or value of the land in question and other considerations. The discretion to be exercised under Sub-section (1-A) is left to the good faith of the Special Court. Therefore, it becomes necessary to read the postulates of Article 14 of the Constitution into Sub-sections (1) and (1-A) of Section 8 so that the discretion of the Special Court exercised by the Special Court in taking cognizance of a case instituted before can be scrutinised/reviewed by the reviewing Court on the touchstone of postulates of Article 14, that is to say, on considerations of fairness, reasonableness and non-arbitrariness. There cannot be any hard and fast rule to apply the standards with regard to location or extent or value of the concerned land and the question whether the Special Court has exercised its discretion judiciously, fairly and reasonably has to be decided with reference to the totality of facts and circumstances of each case. The Court cannot assume the role of a law-maker and define standards either to take cognizance or not to take cognizance. For example, the Court cannot specify or prescribe standards or ceilings with regard to location or extent or value of the land for the purpose of taking cognizance of the case under Sub-section (1). It is outside the power of the Court under Article 226 of the Constitution.

(9) SRI Venkatramana also contended that whereas the proviso to Sub-section

(1-A) of Section 8 provides that applicant should be heard before taking cognizance of a case, it does not provide any opportunity of hearing to the alleged land grabber before taking cognizance. We do not find the relevancy of this submission in the context of this case because we are not called upon to decide the validity of Sub-section (1-A) of Section 8. Simply because, proviso to Sub-section (1-A) does not require issuance of notice to the alleged land grabber giving him an opportunity of being heard before the Special Court takes cognizance of a case filed before it, it cannot be said that the cognizance taken by the Special Court is bad only on that count without anything further. It is true that at the stage of taking cognizance in terms of the statute, the alleged land grabber will not have any opportunity of being heard or to contest that the case filed before the Special Court is not a fit case in respect of which cognizance can be taken. However, it is permissible for the alleged land grabber on appearance to contend that the Special Court ought not to have taken cognizance of the case and if such a plea is urged by the respondent-land grabber on his appearance, by filing necessary application in that regard, it becomes necessary for the Special Court to deal with the question and record its finding. Although the petitioner did not file any application in the LGC raising question of maintainability, it is true that the petitioner on appearance filed counter-affidavit opposing the LGC. In Para (2) of the counter-affidavit, he has stated thus:

2. The respondent at the outset submits that the present case does not satisfy the mandatory provisions of the Land Grabbing Act. That the disputed land has neither substantial value of the extent is substantial in nature, as such, this Hon'ble Court does not have any jurisdiction to take cognizance of the case much less the proceedings under reply.

The above contentions raised in the counter-affidavit was considered by the Special Court in Para (22) of the impugned order and for the reasons stated therein it has rejected the contention. Para (22) reads as follows:

22. The learned Counsel for the respondent then contended that having regard to the small extent that is involved in this case viz., 44 Sq.yards the LGC itself is not maintainable. The contention is based on Sub-section (1-A) of Section 8 of Act XII of 1982, which says that the Special Court shall, for the purpose of taking cognizance of the case, consider the location, extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved or in the interest of justice etc. According to the learned Counsel, the present case does not involve that much of value or location or extent of the property to take cognizance of the case. Cognizance has already been taken by this Court having taken into consideration of the facts and the circumstances. Apart from that grabbing of any property without any entitlement by another itself is to be dealt with in the interest of justice. A person, who is guilty of grabbing of land of another without any entitlement, should not be allowed to raise this contention. It is for this Court, having regard to the location, extent or value of the subject-matter, to take cognizance of. One important factor for taking cognizance is the

interest of justice. In a given case the evil of grabbing is itself may be substantial irrespective of the extent or location or value. 44 Sq.yards may not be valuable to one but, may be valuable to another in a given case. We cannot fix the entire process in a straight jacket and no hard and fast rule can be laid in that regard, it depends upon each individual case and that is why the discretion is left to this Court with reference to each case. Therefore, we are not accepting this contention.

We are of the considered opinion that the circumstances and factors set out by the Special Court in Para (22) are valid grounds to take cognizance of the application even in terms of the provisions of Sub-section (1-A) of Section 8 of the Act. We accord our approval to the opinion of the Special Court that in a given case the evil of land grabbing itself may be substantial ground to take cognizance of the case irrespective of the extent or location or value of the land. The concepts of extent, location, value are relative in nature and the significance and importance of the same may vary from person to person, from place to place, from time to time, that is to say, a land which is valuable to "a" person may not be so valuable to "b" person having regard to the situation in which "b" person is placed in terms of place and time and other attendant circumstances. Similarly, are the considerations of location and extent.

7. In Konda Laxmana Bapuji's case (supra), it was held by the Supreme Court as follows:

The requisite intention which is an important ingredient of the land grabber, though not stated specifically, can be inferred by necessary implication from the averments in the petition and the plaint and the deposition of witness like any other fact. If a person comes into occupation of any Government land under the guise of a perpetual lease executed by an unauthorized person having no title to or interest in the land it cannot but be with a view to illegally taking possession of such land. ...

(17) IT is pertinent to note that mere allegation of an act of land grabbing is sufficient to invoke the jurisdiction of the Special Court. In both Section 7(1) and Section 8(1) of the Act the phrase "any alleged act of land grabbing" is employed and not "act of land grabbing". It appears to us that it is designedly done by the Legislature to obviate the difficulty of duplication of trial once in the Courts under the Act and over again in the ordinary Civil Court. The purpose of the Act is to identify cases involving allegation of land grabbing for speedy enquiry and trial. The Courts under the Act are nonetheless Civil Courts which follow CPC and are competent to grant the same reliefs which can be obtained from ordinary Civil Courts. For the purpose of taking cognizance of the case the Special Court is required to consider the location or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved or in the interest of justice required and to give an opportunity of being heard to the petitioner (sub-section (1-A)). It is plain that Sub-section (2) opens with a non-obstante clause and mandates that notwithstanding anything in the CPC the Code of Criminal

Procedure, or in the Andhra Pradesh Civil Courts Act, 1972, any case in respect of an alleged act of land grabbing or the determination of question of title and ownership to, or lawful possession of any land alleged to have been grabbed under the Act, shall be triable only in a Special Court constituted for the area in which the land grabbed is situated and the decision of the Special Court shall be final. Sub-section (2b) specifically provides that notwithstanding anything in the Code of Criminal Procedure, 1973, it shall be lawful for the Special Court to try all offences punishable under this Act. It is left to the Special Court to determine the order in which the civil and criminal liability against a land grabber be initiated. Sub-section (6) provides that every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of the land grabbing and of the persons who committed such land grabbing and every judgment of the Special Court with regard to determination of title and ownership to, or lawful possession of, any land alleged to have been grabbed, shall be binding on all persons having interest in such land. It contains three provisos but they are not relevant for the present discussion. Sub-section (8) brings about automatic transfer of any case pending before any Court or authority immediately before the constitution of a Special Court, as would have been within the jurisdiction of the Special Court if the cause of action on which such suit or proceeding is based, has arisen after the constitution of the Special Court. The provisions of Sub-section (2) of Section 8 which commences with a non-obstante clause confer jurisdiction on the Special Court and Section 15 of the Act directs that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a Court or any other Tribunal or authority. A combined reading of these provisions leads to the conclusion that the jurisdiction of Civil Court u/s 9 of the CPC and under the Civil Courts Act is ousted and the Act which is special law will prevail and as such the Special Court will have jurisdiction in respect of the matters dealt with thereunder.

(18) SECTION 9 provides, inter alia, that except as expressly provided in this Act, the provisions of the Code of Criminal Procedure, insofar as they are not inconsistent with the provisions of the Act, shall apply to the proceedings before the Special Court and for purposes of the said Code, the Special Court shall be deemed to be a Court of Session and shall have all the powers of Court of Session.

(19) THE discussion of the above provisions would be incomplete without taking note of Section 10 of the Act which is a procedural provision and deals with burden of proof. A plain reading of this section would indicate that in any proceedings under this Act - (i) where a land is alleged to have been grabbed; and (ii) such land is prima facie proved to be the land owned by the Government or by a private person, the Special Court/Special Tribunal shall presume that the person who is alleged to have grabbed the land is a land grabber. When the presumption u/s 10 is drawn by the Special Court/Special Tribunal, the burden of

proving that the land has not been grabbed by him is cast on the alleged land grabber. In view of the meaning of the words "shall presume" in Section 4 of the Indian Evidence Act, the effect of raising presumption u/s 10 of the Act would be that unless the alleged land grabber disproves that the land has been grabbed by him, the Special Court/Special Tribunal shall regard that the land in question has been grabbed by the alleged land grabber.

8. In Mohd. Sidiq Ali Khan's case (supra), the Full Bench of this Court following the judgment of the Supreme Court Konda Laxman Bapuji's case (supra), has held as follows:

(85) IN all cases, wherever, the Special Court takes cognizance of a case suo motu, local inspection or verification shall be after taking such suo motu cognizance by the Special Court, as is evident from a plain reading of Rule 6 of the Rules, which says every application filed under Sub-section (1) of Section 8 of the Act or every case taken cognizance of suo motu by the Special Court, and in all other cases, where application filed under Sub-section (1) of Section 8 of fee Act, the same required to be referred for local inspection or verification or both by the Mandal Revenue Officer even before taking cognizance of the case. The portion of the Rule 6 of the Rules, "or every case taken cognizance of suo motu by the Special Court", if not be read, the Rule 6 of the Rules would read:

every application filed under Sub-section (1) of Section 8 of the Act or on application filed under Sub-section (1) of Section 7-A of the Act, before the Special Tribunal, may be referred for local inspection or verification or both by the Mandal Revenue Officer having jurisdiction over the area or by any other officer of the Government authorised by the Court in this behalf.

(86) THE report submitted by the Mandal Revenue Officer, obviously, renders valuable assistance to the Special Court in order to decide as to whether the application filed is a fit case to be taken cognizance of. In our considered opinion, reference of every application under Sub-section (1) of Section 8 of the Act or on application filed under Sub-section (1) of Section 7-A of the Act, for local inspection or verification or both by the Mandal Revenue Officer before the Special Court or the Special Tribunal takes cognizance of the case is a mandatory requirement

(87) However, in Shalivahana Builders" case (supra), this Court without noticing the amendments to Rule 7 of the Rules observed that the objections preferred by the interested persons, if any, pursuant to the notice issued in accordance with Rule 7 of the Rules may also be taken into consideration for the purposes of forming opinion by the Special Court that it is a fit case to be taken cognizance of. That portion of the judgment is obviously based on interpretation of un-amended Rule, which provided for issuance of a notice in Form II-A before taking cognizance of the case. The amended rule obviously has not been brought to the notice of the Court, which says, "the Special Court shall after taking cognizance of the case under the Act gives notice in Form II-A by publishing it in the Andhra

Pradesh Gazette,"

(88) The notice under Form II-A and II-B in accordance with the amended Rules is required to be issued only after taking cognizance of the case under the Act and not before taking cognizance of the case. Therefore, the question of considering the objections preferred by the interested persons pursuant to the notice issued in accordance with Rule 7 of the Rules for the purpose of deciding as to whether a case is a fit one to be taken cognizance of does not arise. That portion of the judgment rendered in ignorance of the amended Rule 7 of the Rules is per incuriam.

(89) In the result, we hold that the Special Court is required to follow the procedure under Rule 6 of the Rules before taking cognizance of a case. It is unnecessary to restate that registering or numbering of an application filed under Sub-section (1) of Section 8 of the Act or an application filed under Sub-section (1) of Section 7-A of the Act cannot be equated to that of taking cognizance of a case for the purpose of passing such orders as the Special Court may deem fit and proper in the case.

(90) The report to be submitted by me Mandal Revenue Officer is required to contain the correctness of the statements made in the applications with regard to columns 1 to 15 and 19. Columns 6 to 14 relate to the details of the land alleged to have been grabbed, the market value of the land and its location etc. That in terms of Sub-section (1) of Section 7-A of the Act and Sub-section (1) of Section 8 of the Act, those are the essential aspects, required to be taken into consideration by the Special Court for the purpose of taking cognizance of a case. The report cannot be equated to that of any evidence or collection of material. Therefore, taking into consideration the verification report submitted by the Mandal Revenue Officer would not amount to relying upon any evidence produced by the parties even before taking cognizance of the case. The verification report may render valuable assistance to the Court for the purposes of taking cognizance of a case. The report merely provides inputs enabling the Special Court to apply its mind to the fact situation for the purposes of taking cognizance of the case.

9. In M/s. Mahalaxmi Motors Ltd.'s case (supra), the Apex Court held as follows:

An averment that the appellant had been in unlawful possession itself is sufficient to invoke the provisions of the said Act in view of the decision of this Court in Konda Lakshmana Bapuji's case (supra). Keeping in view the fact that the appellant or the Ramender Reddy had no title and consequently he could not acquire any title, all other contentions raised on its behalf, in our opinion, pales into insignificance. The fact of the matter squarely covers the ingredients of Section 2(e) of the Act as interpreted by this Court in Konda Lakshmana Bapuji's case (supra).

10. In Mohd. Siddiq Ali Khan's case (supra), the Full Bench of this Court considering the provisions of the Act and the Rules held that the report of the

Mandal Revenue Officer render valuable assistance to the Court for the purposes of taking cognizance of a case. In the instant case, the Special Court took cognizance of the case, even though the report of the Mandal Revenue Officer is awaited, and subsequently, on an application made by the respondents herein by the impugned order, following the judgment of the Full Bench in Mohd. Siddiq Ali Khan's case (supra), has rightly recalled the order. Obviously, the report submitted by the Mandal Revenue Officer would render valuable assistance to the Special Court in order to decide as to whether the application filed is a fit case to be taken cognizance of.

11. In the circumstances, following the judgment of the Full Bench of this Court in Mohd. Siddiq Ali Khan's case (supra), we do not see any ground to interfere with the impugned order passed by the Special Court. The writ petition is meritless and is liable to be dismissed.

12. However, it is now represented by the learned Counsel for the petitioners that the report of the Mandal Revenue Officer has been received by the Special Court. It is therefore open for the Special Court to proceed with the matter as per law.

13. The writ petition is accordingly dismissed. No costs.