

Andhra Pradesh Land Grabbing (Prohibition) Special Court Regulations, 1988

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-LAND-GRABBING-PROHIBITION-SPECIAL-COURT of 1988

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Andhra Pradesh Land Grabbing (Prohibition) Special Court Regulations, 1988R.S. to Part 2 A.P. Gazette (Extraordinary) dated 25.8.1988. In exercise of powers conferred by sub-section (5-A) of Section 7 of Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, the Special Court makes the following regulations relating to the procedure to be followed for the conduct of the cases and for regulating the manner of taking decision.

Chapter I General

1. Title -

These regulations may be called the Andhra Pradesh Land Grabbing (Prohibition) Special Court Regulations, 1988.

2. Commencement -

These regulations shall come into force on the date of publication in Andhra Pradesh Gazette.

3. Interpretation -

In these regulations, unless the context otherwise requires,-(i)"Act" means Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.(ii)"The Special Court" means the Special Court constituted under Section 7 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.(iii)"Registrar" means the Registrar of the Special Court.

4. Place of sitting of the Special Court -

The place of sitting of the Special Court shall be either at the principal seat at Hyderabad or at such other place or places in the State as may be specified by the Chairman from time to time.

5. Sitting hours of the Special Court -

The Special Court shall ordinarily sit from 10.30 A.M. to 4.30 P.M. unless the work of the day is disposed off earlier, except for lunch between 1.30 P.M. and 2.30 P.M.

6. Working hours of the office of the Special Court -

Except on 2nd Saturdays, Sundays and other public holidays, the office of the Special Court shall, subject to any order made by the Chairman, remain open from 10-15 A.M. to 5-00 P.M.

7. -

All applications, interlocutory applications and appeals shall be filed before the Registrar or such other officer as may be authorised by him, on all working days during working hours.

8. Scrutiny -

On receipt of application or appeal and before initiating any action on it, the Registrar shall have it scrutinized by the office on the following points -(i)Whether the application falls within the jurisdiction of the Special Court.(ii)Whether it is within the period of limitation in the case of appeal.(iii)Whether it is in the prescribed form.(iv)Whether it is supported by material papers duly authenticated.(v)Whether the necessary parties have been impleaded.(vi)Whether the proper Court fee is paid.(vii)Whether vakalat is properly stamped and executed(viii)Any other relevant point as to the admissibility of the application.If on scrutiny, the application or appeal is found to be defective or deficient in any respect of the required particulars, the applicant/appellant shall be called upon to rectify the same within 10 days.If the applicant/appellant does not so rectify within the time allowed the matter will be posted for order before the Bench.If the application/appeal is in order it will be posted before the Bench.

Chapter II

Allotment of Work

9. Constitution of Benches -

The Chairman shall constitute the Benches and allot cases to each Bench.

10. -

When the Chairman is, by reason of absence or otherwise unable to perform the duties of his office, the Senior Judicial Member shall discharge the duties and functions of the Chairman.

11. Weekly and daily cause list -

All cases in which the respondents have been served with notice of the application/appeal shall be included in the list termed as "ready list" and such a list shall be exhibited every month on the notice board. The Registrar shall cause the weekly list of such cases displayed on the notice-board of office on the last working day of each week. The Registrar shall also cause a daily list of the cases fixed before each Bench taken in serial order from the weekly list in accordance with the direction of the Chairman and such list shall be published in the evening immediately prior to the date of hearing and shall also be exhibited on the notice-board of each Bench of the Special Court. The Registrar shall also publish, on the last working day of each week a chart showing the sitting arrangement of the members in the following week.

12. Documents to accompany summons to the respondent -

The following documents shall be sent along with the summons.(a)Copy of the application filed by the applicant and other document filed along with the application.(b)The verification report of the Mandal Revenue Officer, if any.

Chapter III

13. Powers and Functions of the Officers of the Court -

The Powers and Functions which, under these regulations or rules or the practice of the Special Court are exercisable by the Registrar (except such as may from time to time be expressly excepted by the Chairman) may be exercised by Deputy Registrar or Assistant Registrars.

14. -

The Registrar shall have the following duties and powers in addition to the powers conferred by these regulations. He shall perform his duties subject to any Special or General Orders made by the

Chairman.(i)To receive all applications, appeals and other proceedings ;(ii)To require any application, Memorandum of appeal, interlocutory application or other proceedings presented to the Special Court or to the Registrar to be amended in accordance with the procedure or practice of the Special Court or to be represented after such other requisition as the Registrar is empowered to make, has been complied with :Provided that the Registrar shall, when so required, refer the matter to the Chairman ;(iii)To direct the part to file such number of copies of material papers in a case as may be necessary for the disposal of the case ;(iv)To transmit copy of order or orders of the Special Court of the parties concerned ;(v)To appoint or discharge a next friend or guardian adlitem to a minor, and direct the amendment of the record accordingly ;(vi)To bring on record the name of the legal representative of a deceased applicant, appellant or respondent :Provided that the contested applications and applications presented out of time falling within Clauses (v) and (vi) shall be posted before the Bench for disposal.(vii)To make the order for leave to search the record of the Special Court under the relevant regulations in that behalf.(viii)To dispose of all applications for copies of judicial records in the custody of the Special Court;(ix)To allow from time to time any period or periods not exceeding 10 days in all for filing slips, furnishing information, for filing covers for issuing notices or for any similar act necessary to make an application or an appeal complete;(x)To register Advocate clerks ;(xi)To refer any matter before him to the Chairman ;(xii)To direct substituted service under Order V Rule 20 CPC;(xiii)To condone delay not beyond 10 days in representation of the application, interlocutory applications or appeals ;(xiv)To condone delay in payment of deficit Court fee up to a maximum period of ten days failing which it shall be put-up before Court for orders ;(xv)To rectify clerical errors relating to cause title or the description of the parties ;(xvi)To return the documents produced in pending cases ;(xvii)To excuse delay in filing the fees certificate.

15. Proceedings before the Special Court -

(1)The Special Court while issuing summons to the respondent shall fix the date, normally 14 days for the respondent to appear in person or by advocate to answer and file counter and simultaneously serve a copy thereof on the other party.(2)Within 14 days of the receipt of the counter referred above, the opposite party may file his rejoinder if any with the permission of the Court and simultaneously serve a copy thereof on the other party.(3)The Special Court shall fix the date of first hearing of the dispute, within 60 days of the date on which the notification is issued.(4)The hearing of the case shall ordinarily be continued from day to day. The arguments shall follow immediately and not beyond 14 days after the closing of the evidence.(5)The Special Court shall not ordinarily grant an adjournment for a period exceeding a week at a time, not more than three adjournments, in all, at the instance of any one of the parties to the dispute.(6)Where, applicant or respondent fails to appear when the application is called on for hearing the Court may make an ex parte order on the application.(7)In any case, in which ex parte order is passed, the aggrieved party may apply to the Court, to set aside the order, if he satisfies the Court, the reasons for the absence.(8)The Special Court shall deliver judgment within 15 days from the date on which the judgment was reserved, or where it is not practicable to do so, within 30 days from the date on which the Judgment was reserved.

16. Inspection of Documents -

A party or his advocate to the proceedings shall be at liberty to inspect the documents on a request made in writing in that behalf to the Registrar. If such request is refused he shall be entitled to apply to the Bench concerned for directions in that regard. No stranger can inspect the records of a case without the orders of the Special Court.

17. Inspection of Documents by Strangers -

The application for inspection of documents by a stranger shall be supported by an affidavit stating whether the applicant has any and what interest in the subject matter of the documents or of the proceedings in which the record or document is filed, the purpose for which inspection of a copy is required and if the same is required for the purpose of an intended or pending proceedings, the nature of the said proceedings and the relevancy of record or document in relation to the applicant.

18. Inspection of Records -

If leave to inspect is granted, the inspection of the record shall be made in the presence of the record-keeper or an officer of the Court designated for that purpose. The fees for inspection shall be Rs. 2/for every hour or part thereof, spent in making the inspection. The person inspecting the records shall not be entitled to take a copy of the proceedings or documents or any part thereof while inspecting the records but may take notes of relevant facts or dates.

19. Production of Records in the custody of a Court -

(1)An application for the production of the records in the custody of a Court shall specify the particulars of documents required to be produced. Unless it is made to appear to the Court that the production of the original documents is necessary, the party shall be required to obtain and file certified copies thereof and the original shall not be sent for. If the Court dispenses with the affidavit mentioned in Order XIII, Rule 10 (2) of the Code of Civil Procedure, it shall record in writing the reasons for so doing.(2)When a Court finds it necessary to require the production of the records of another Court, either within or outside the State, it shall address a letter of request direct to the Presiding Judge of that Court.(3)Where the document to be sent for by a Court either from its own records or from those of another Court under Order XIII, Rule 13 is an account book, or another document, not being a record (e.g. Judgment, decree, written statement etc.) which has to be in the custody of a Court and belongs to a person other than a party at whose instance it is sent for, the Court may require the party to deposit in Court before the letter of request is to be issued, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.(4)When the letter of request is to be issued by the Court itself acting of its own, motion it shall be open to the Court to call upon either party to make the deposit as aforesaid.(5)On the production of the document in compliance with the letter of request, the Court shall cause a notice to be affixed to the notice board that the document has been received and that the parties may apply to the Court for inspection of the same. The Court shall not grant inspection to either party, unless it

is satisfied that the application is made with the consent of the person to whom the document belongs. After the document has been admitted in evidence, the Court shall, unless it considers it necessary to retain the original, direct the parties to specify the portion or portions thereof on which they respectively rely, and require a copy to be made of the same at the expense of the party requiring such portion, and shall thereafter, with all convenient speed, return the original to the Court from which it was received, retaining the copies as part of the record.

20. Production of Records in the custody of Public Officer other than a Court

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(1) A summons for the production of records in the custody of a public officer other than a Court shall be addressed to the Head of the office concerned and in the case of a summons to a District Registrar or Sub-Registrar be Assurances, it shall be addressed to the Registrar or Sub-Registrar in whose office or sub-office as the case may be, the required records are kept : Provided that where the summons is for the production of village accounts, including field measurement books, such summons shall be addressed to the M.R.O. (2) Every application for such summons shall be made by an affidavit setting out,

1. the document or document the production of which is required ;

2. the relevancy of the document or documents ; and

3. in cases where the production of a certified copy would answer the purpose, whether application was made to the proper officer for a certified copy or copies and the result of such application.

(3) The Special Court shall not issue such summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The Court shall in every case record its reasons in writing and shall require the applicant to deposit in Court, before the summons is issued, to abide by the order of the Court, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced. (4) On production of the document in obedience to the summons, the Court unless it thinks it necessary to retain the original, shall direct a copy to be made at the expense of the applicant, and shall with all convenient speed return the original, retaining the copy. (5) Unless the Court requires the production of the original, every such summons to a public officer shall state that he is at liberty to produce, instead of the original, a copy certified in the manner prescribed by Section 76 of the Evidence Act. (6) Nothing in the above Regulations shall prevent the Special Court of its own motion from issuing summons for the production of public records or other documents in the custody of a public officer, in accordance with sub-(1) if it thinks it necessary for the ends of justice to do so.

21. Return of Records -

(1) Application for return of records filed in the Special Court may be made only after the final disposal of the case by the Special Court. (2) Original documents filed in the Special Court or exhibited may be returned in pending matters to the persons who produce the said documents : Provided that the applicant shall substitute certified copies of the documents sought to be taken back and undertake to produce the said originals when directed by the Special Court.

22. Certified Copies -

(1) When a person is entitled to obtain a copy to the proceedings or document filed in or in the custody of Special Court, he may present an application for it to the Registrar. (2) The application shall set out the description to the document of which the copy is required. (3) The application not conforming to the requirements of the Regulations shall not be entertained until defect or defects are rectified. Nothing in the Regulations shall entitle a person to a copy of the Minutes or Notes of the Chairman or Members and Correspondence not strictly judicial and confidential. (4) A list showing the applications in which the records have been received and the number of stamp papers required, shall be affixed to the notice board of the Registrar every day. Such list shall remain on the notice board for 3 days and if the last day is a holiday, till the next working day. (5) After the required stamped papers are deposited a copy shall be made ready. A list of copies ready for delivery shall be exhibited on the notice board for 3 clear working days. A certified copy and any unused stamp papers shall be delivered to the applicant. Every copy furnished by the Special Court shall be certified by the Section Officer, to be a true copy and the seal of the Special Court shall be affixed. (6) Every copy shall bear an endorsement showing dates of the following, - (a) Application made on ; (b) Stamp papers called for ; (c) Stamp paper deposited ; (d) Copy ready ; (e) Copy delivered. (7) One stamp paper shall be furnished for every 200 words or fraction thereof.

23. -

Forms given in the appendix to Civil Procedure Code shall be used in connection with the matters instituted in the Special Court with such variations as may be necessary.

Chapter IV Miscellaneous

24. Registration of Advocate's Clerk -

(1) No clerk employed by an advocate shall act as such in the Special Court or be permitted to have access to the records and obtain the copies of the papers of the Special Court, unless his name is entered in the Register maintained by the Special Court. Such clerk shall be known as Registered Clerk. (2) An Advocate desirous of having a Registered Clerk shall make an application to the Registrar giving following information. (a) Name (b) Father's Name (c) Age (d) Educational

qualifications(e)Residential Address(f)Specimen signatureAn advocate shall have at a time not more than 2 Registered Clerks unless the Registrar by general or special order otherwise permits.(3)A register of all the Registered Clerks shall be maintained in the office of the Registrar.

25. Advocate's fees certificate -

The Advocate's fees shall be determined by the Special Court. Unless the Special Court otherwise orders and except in the case of an advocate-appearing on behalf of the Government no fees shall in any case be entered as recoverable in the order except on production of a certificate signed by the advocate that he had received such fees and such certificate shall be filed in the office of the Registrar within 7 days from the date of order of the Special Court.

26. -

If the applicant/appellant or the respondent to any proceeding requires a copy of the order or proceeding, the same shall be supplied to him on such terms and conditions, on payment of such fees as may be fixed by the Chairman by a General or Special order.

27. -

In matters not provided for in these regulations, the Special Court may in its discretion apply the provisions of Civil Rules of Practice and Criminal Rules of Practice, Mutatis Mutandis in so far as they are not inconsistent with the Act and the Rules.

28. -

The dress for the members of the Special Court including the chairman and members of the staff of the Special Court shall be such, as the Chairman may specify.

29. -

The dress for the advocate or the presenting officer, shall be such as the Chairman may specify.