

HIGH COURT OF ANDHRA PRADESH::AMARAVATI

ROC.No.667 /SO/2024

Dated: 4.02.2025

CIRCULAR No. 01 /2025

Sub: High Court of Andhra Pradesh – Enemy Property (Amendment and Validation) Act, 2017 – Certain instructions – Reg.

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It is brought to the notice of the High Court that a larger number of cases pertaining to Enemy Property are pending for adjudication in various Civil Courts in Andhra Pradesh India and many new cases are being filed in such Courts. In this context, following provisions of the Enemy Property (Amendment and Validation) Act, 2017 are referred for consideration:

Section 18B: *“Exclusion of Jurisdiction of Civil Courts – Save as otherwise provided in this Act, no Civil Court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any property, subject matter of this Act, as amended by the Enemy Property (Amendment and Validation Act, 2017,” or any action taken by the Central Government or the Custodian in this regard.*

Section 22A (c): *No suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any Court or Tribunal or authority for the enforcement of any decree or order or direction given by such Court or Tribunal or Authority directing divestment of enemy property from the Custodian vested in him under Section of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, and such enemy property shall continue to vest in the Custodian under Section 5 of this Act, as amended by the aforesaid Act, as the said Section, as amended by the aforesaid Act was in force at all material times.*

Notwithstanding above legal provisions, the Civil Courts are entertaining cases pertaining to enemy properties vested with the Custodian of Enemy Property and that the prolonged pendency of these cases is not only causing delay in monetization of these Government assets, but also paving the way for unnecessary and unavoidable litigation.

In this regard, after due consideration of the same, the High Court directs to issue an advisory to all Civil Courts for strict adherence of the legal provisions of the Enemy Property (Amendment and Validation) Act, 2017.

Therefore, all the Judicial officers are directed to strictly adhere the provisions of the Enemy Property Act, 1968 as amended vide Enemy Property (Amendment and Validation) Act, 2017.

All the unit heads are requested to acknowledge the receipt of the circular and communicate the same to all Judicial Officers working within their respective units.

Strict compliance with the circular instructions is expected to ensure full adherence.


REGISTRAR (JUDICIAL)
4/1/15.

To

- 1) The Prl. Secretary to the Hon'ble the Chief Justice.
(with a request to place the same for His Lordship's kind perusal)
- 2) All the Personal Secretaries to the Hon'ble Judges.
(with a request to place the same before their Lordship's kind perusal)
- 3) All Registrars, High Court of Andhra Pradesh.
- 4) The Registrar (IT-cum-CPC), High Court of Andhra Pradesh, (with a request to instruct the concerned to place the same in the Official website of the High Court).
- 5) All the Unit Heads in the State Andhra Pradesh (with a request to circulate the same to all the Judicial Officers in their respective units).