

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.329 OF 2015

DATED:28.4.2015

Between:

D. Durgamma

... Appellant

And

P. Anil Kumar

and others ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT APPEAL NO.329 OF 2015

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JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Initially we granted leave to prefer this appeal against the impugned judgment and order dated 12.11.2014 by which the Hon'ble Trial Judge has been pleased to give direction upon the Tahsildar, Asif Nagar Mandal, to undertake and complete the exercise of survey and demarcation of the land, as applied for by the writ petitioners on 31.1.2014, within a maximum period of eight weeks at any rate before 31.1.2015. Reading the aforesaid direction, we think that this order is an innocuous order as it

does not affect any right of any one. Therefore, we do not think that the appellant is aggrieved by this order. However, learned counsel for the appellant submits that the aforesaid order was obtained by suppression of material facts and had those facts been brought, the writ petition would have been dismissed. We think that this question of suppression of facts by the litigant has to be examined by the Hon'ble Trial Judge at the first instance, not by the appellate Court, as the Hon'ble Trial Judge had no occasion to deal with this issue. The appellant was not a party to the writ petition. The writ petition is not pending and it has been disposed of finally. Therefore, we think that the appellant may approach the Hon'ble Trial Judge with a suitable application on the ground stated before us.

Therefore, we close this appeal. We however give liberty to the appellant to take steps for filing an application for appropriate interim relief, if such occasion arises.

Pending miscellaneous petitions, if any, shall also stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

28.4.2015

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