

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.559 of 2015

Dt:07.07.2015

Between:

Nela Sujatha.

... Appellant

And

Seelam Ganga Rau and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.559 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This appeal by original respondent No.6 in W.P.No.13763 of 2015 is directed against the order, dated 08.06.2015, whereby the writ petition filed by respondent No.1 challenging the order, dated 25.03.2015, came to be allowed even without issuing notice to the appellant-respondent No.6.

It is not in dispute that the order impugned in the writ petition, dated 25.03.2015, was passed by the revisional authority, namely District Collector, East Godavari District, Kakinada in the revision filed by the appellant. The orders passed by the authorities below are in respect of fair price shop that was initially granted in favour of respondent No.1. By the order, dated 25.03.2015, the revisional authority set aside the authorisation in favour of respondent No.1 and that order was challenged in the writ petition. It is not in dispute that even notice to the appellant was not issued in the writ petition. In view thereof, when we expressed that the writ petition deserves to be heard afresh, learned counsel appearing for respondent No.1 did not oppose the suggestion and learned counsel for the parties have agreed for the

following order:

“The order, dated 08.06.2015, passed in W.P.No.13763 of 2015 is set aside by consent. The writ petition is restored to file. Learned Judge is requested to hear and decide the writ petition afresh on merits. Mr.K.Chidambaram, learned counsel appearing for the appellant undertakes to enter appearance in the writ petition within one week from today. His statement is recorded and accepted. If the appellant fails to enter her appearance in the writ petition, learned Single Judge may proceed to decide the writ petition *ex parte*.

With these observations, the writ appeal is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:07.07.2015
kdl