

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.1456 of 2014

DATE: 20.01.2015

Between:

Mufthi Gulam Mustafa,
Kurnool District.

... Appellant

And

Qazi Mohd. Samdani,
Kurnool District and two others

... Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.1456 of 2014

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

We have heard the learned counsel for the parties, namely, the appellant and the respondent/writ petitioner.

It appears that the impugned order has been passed in the proceedings, which are not lawfully instituted. We notice that the Writ Petition was filed against Government of Andhra Pradesh, which is not a *sui juris* under Article 300 of the Constitution of India. Therefore, we set aside the impugned order on that ground alone and restore the Writ Petition on file. It will be open for the respondent-writ petitioner to take steps for amendment of the cause title in accordance with law. Such steps shall be taken within seven days from the date of receipt of a copy of this order. After this amendment is carried out, the Hon'ble Trial Judge is requested to hear out the matter afresh in accordance with law and independently.

The Writ Appeal is accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed.

No order as to costs.

K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 20.01.2015
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