

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

WRIT PETITION No.24149 of 2015

-

Between:

P.Venkateswarlu and others

...Petitioners

and

The State of Telangana and others

...Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment
may be marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.24149 of 2015

ORDER:

Petitioners in Revision Petition No.32 of 2014 pending before the second respondent, have filed the present Writ Petition seeking a direction to the second respondent to hear and decide the two Interlocutory Applications filed by them, one for rejection of the appeal filed by respondents 5 to 8 before the third respondent and the other is to bring on record the remaining legal representatives of the deceased.

The specific averment in the Writ Petition is that the third respondent has allowed ROR appeal No.A3-3834 of 2010 by his order, dated 28.02.2014 and questioning the said order, the petitioners have filed the above-mentioned Revision Petition before the second respondent and the same is pending. The petitioners state that legal representatives of the deceased Madiraju Seetharama Rao were not brought on record and they were neither notified nor were they heard before the second respondent. Hence, the petitioners seek impleadment of such parties in the Revision Petition and filed an I.A. therefor. The petitioners also filed I.A. seeking rejection of the appeal. The grievance of the petitioners is that without passing any orders on the said I.A.s, the second respondent reserved the Revision Petition for orders on 08.07.2015.

Learned Government Pleader has received instructions, which show that the revisional authority has already granted stay of the order of the third respondent in I.A.No.18 of 2014 and since the main revision itself is heard and reserved, the question of considering I.A. filed by the petitioners for rejection of appeal, does not arise.

So far as the I.A. for bringing on record the legal representatives of the deceased, as claimed by the petitioners, is concerned, it is stated that legal representatives are already on record and they were already heard. However, the learned counsel for the petitioners points out that only some of the legal representatives were made parties and it is on that account, the petitioners have filed I.A. to bring on record the remaining legal representatives so that they may also be heard by the revisional authority.

The instructions of the learned Government Pleader do not speak of any pending application for bringing on record the legal representatives of the deceased. It is also noted that this Court in Writ Petition No.9257 of 2015 directed the second respondent herein to decide the revision petition preferably within a period of three months and accordingly the second respondent has reserved the matter on 08.07.2015.

Hence, it is for the second respondent to verify whether any petition for bringing on record the legal representatives of the deceased is still pending, and if so, he shall take up the same, pass appropriate orders and then proceed with the matter after hearing the legal representatives, if they are to be brought on record. So far as the petitioners' application for rejection of the appeal before the third respondent is concerned, the same does not deserve any consideration as the second respondent is seized of the revision itself and the orders to be passed in the revision petition would either confirm or set aside the orders of the third respondent. Hence, no directions need be issued for disposal of the said I.A.

Accordingly, the Writ Petition is disposed of directing the second respondent to look into the I.A. for bringing on record the remaining legal representatives of the deceased and then take appropriate decision, as mentioned above. No order as to costs.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

7th AUGUST, 2015.

kvni