

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.337 OF 2015

DATED:28.4.2015

Between:

Vommina Chinna Easwaraiah
... Appellant

And

The State of Andhra Pradesh
Rep. by its Additional Director General of Police
CID, Andhra Pradesh
Hyderabad
and others ... Respondents

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

WRIT APPEAL NO.337 OF 2015

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

Learned counsel for the writ petitioners – respondents is present and he takes notice of this appeal.

After hearing the learned counsel for the parties, we find that the writ petition, being W.P. No.8096 of 2010, has been filed against the Government of Andhra Pradesh. We are of the view that the Government of Andhra Pradesh is not *sui juris* in terms of Article 300 of the Constitution of India. Since the proceedings have been initiated against a non-existent party, the same, unless proper steps are taken, cannot be allowed to continue and the order, if any, passed therein cannot be sustained. On that ground, we set aside the judgment and order, which was passed in a number of connected matters. We restore the writ petition and give liberty to the writ petitioners to take suitable steps for amendment of the causes title within one week after Summer Vacation, 2015, failing which the writ petition filed against the Government of Andhra Pradesh, shall stand dismissed. If such steps are taken by the petitioners, we request the Hon'ble Trial Judge to decide the writ petition separately and independently.

The appeal is accordingly allowed.

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

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

28.4.2015
bnr