

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 44899 of 2016

ORDER: (*Per VRS,J*)

The petitioners have come up with the above writ petition, challenging an order of the Andhra Pradesh Administrative Tribunal dismissing an application for restoration of the original application that was dismissed for non-prosecution.

2. Heard Mr. M. Das Mohapatra, learned counsel for the petitioners. The learned Government Pleader for Services (Telangana) takes notice for the respondents 1 and 2, and Mr. V. Narasimha Goud, learned standing counsel for Hyderabad Metropolitan Development Authority, takes notice for the respondents 3 and 4.

3. The original application was dismissed for non-prosecution on 24.03.2016. The petitioners filed an application for restoration. But, the Tribunal adopted a pedantic approach and dismissed the restoration application, on the short ground that on the previous occasion also, the petitioners did not appear, even after the case was posted for dismissal.

4. But, we find from the restoration application that the counsel for the petitioners actually reached the Tribunal, but by the time he

reached the Tribunal, the case had already been dismissed. According to the petitioners, their counsel waited till afternoon, but there was no sitting in the afternoon. Taking into account the above, the writ petition deserves to be allowed. But, there is one more difficulty for the petitioners. If the writ petition is allowed and the original application is restored, the Tribunal cannot now deal with the original application, in view of the Telangana Government withdrawing from the jurisdiction of the Tribunal. Therefore, the petitioners may have to come up before this Court as against their original cause.

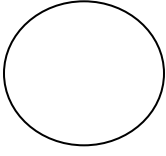
5. In view of the above, the Writ Petition is allowed, the order of the Tribunal is set aside, and the restoration application is allowed. However, since the original application cannot now be taken up by the Tribunal for disposal, it will be open to the petitioners to come up with a writ petition, in respect of the original cause of action for which they went before the Tribunal.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

22nd December, 2016
cbs



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Writ Petition No. 44899 of 2016
(dismissed)

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