

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

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WRIT PETITION No.40281 of 2015

BETWEEN

Thayyuri Munirathnam.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 04.01.2016

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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

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ORDER:

Petitioner filed a revision petition bearing No.D.Dis.D4/4982/2013 before the third respondent herein. The said revision petition was, however, dismissed for non-prosecution on 19.03.2014. Petitioner has, thereafter, filed an application for restoration of the said revision petition. However, under the impugned endorsement dated 03.10.2015 the second respondent rejected the said application of the petitioner by treating it as a review petition and holding that there is no power of review in revisional authority.

2. Learned Government Pleader for revenue has since received instructions.

3. It is evident that the application of the petitioner is not one for review but for restoration of the revision petition, as is evident from the prayer in the application filed by the petitioner seeking to set aside the dismissal order dated 19.03.2014 so as to enable him to argue the said revision petition on merits. The affidavit filed by the petitioner in support of the said application also makes it clear that the restoration of the revision petition is sought along with an application seeking condonation of delay of 443 days in filing the said restoration petition.

4. Apparently, without noticing the application, which is filed for restoration and treating it as one filed for review, the impugned endorsement is given by the second respondent. Since the impugned endorsement suffers from factual error, in my view, it is liable to be set aside and is accordingly set aside. The application of the petitioner for restoration of the revision petition shall stand remitted to the third respondent, who had earlier disposed of the revision petition for non-prosecution. The third respondent shall examine the petitioner's application aforesaid and after notice to all the contesting parties and after

hearing both sides, shall pass appropriate orders on the said application of the petitioner expeditiously.

The writ petition is allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 4, 2016
DSK