

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

W.A.M.P.No.1664 of 2016
IN/ AND
WRIT APPEAL No. 1215 OF 2016

Common Judgment *(Per the Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)*

W.A.M.P.No.1664 of 2016 is filed seeking leave to prefer an appeal, against the order passed in W.P.No.11159 of 2016 dated 06.04.2016, on the ground that the applicant, who had lodged the complaint before the Special Deputy Collector (Tribal Welfare) at Kota Ramachandrapuram, was not arrayed as a respondent in the writ petition; and an order against her was obtained behind her back.

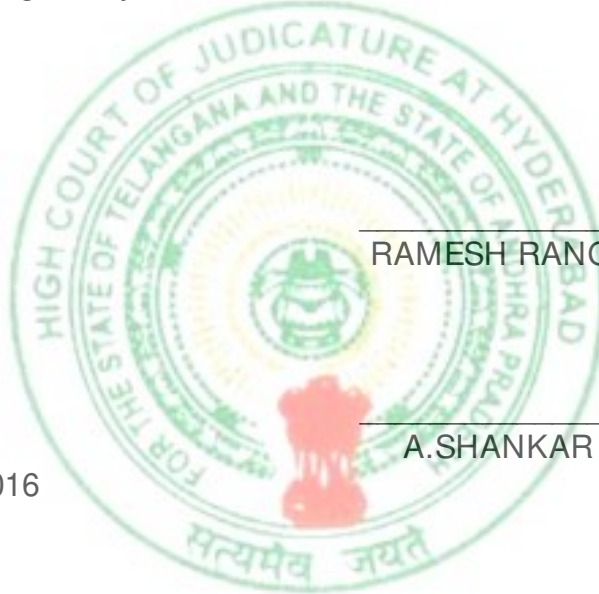
Ms. Vasudha Nagaraj, learned counsel for the applicant, would draw our attention to the averments in paragraph 4 of the writ affidavit wherein the respondent-writ petitioners have themselves stated that a complaint was lodged before the Special Deputy Collector (Tribal Welfare), Kota Ramachandrapuram, alleging that the writ petitioners were holding the land contrary to the provisions of Regulation 1 of 1959 as amended by Regulation 2 of 1970; the authority had allowed the said complaint; and, against the same, the writ petitioners had preferred an appeal before the Agent to the Government.

Sri Nimmagadda Satyanarayana, learned counsel for the respondent-writ petitioners, admits that the applicant herein is the complainant before the Special Deputy Collector (Tribal Welfare), Kota Ramachandrapuram. Consequently, she ought to have been arrayed as a respondent in the writ petition. While several other allegations, regarding the conduct of the respondent-writ petitioners are made by Ms.Vasudha Nagaraj, learned counsel for the applicant, it is not necessary for us to

dwel on these aspects as the order under appeal must be set aside solely on the ground of non-joinder of necessary parties. The applicant herein shall stand impleaded as respondent No.4 in W.P.No.11159 of 2016.

The order under appeal is, accordingly, set aside. W.P.No.11159 of 2016 is restored to file, and shall be heard and decided in accordance with law, after giving the fourth respondent an opportunity of filing her counter affidavit.

In the result, the application seeking leave to prefer the appeal is ordered, and the Writ Appeal stands disposed of. The miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.



RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date: 03.11.2016
va