

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.22731 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare.

With the consent of both sides, the Writ Petition is disposed of at the admission stage.

The present Writ Petition came to be filed seeking to declare the action of respondent No.3 in not considering the application of the petitioner dated 19.05.2016 for re-adjudicating upon O.S.No.4 of 2009 on merits by setting aside the exparte order dated 23.04.2016 on the file of the 3rd respondent-The Agency Divisional Officer, Kothagudem, Khammam District as arbitrary and illegal and declare the said order as null and void due to non-joinder of necessary parties and consequently direct the 4th respondent not to construct any structures over the suit schedule property.

Though various grounds are raised, learned counsel for the petitioner mainly submits that the request made by the petitioner to the 3rd respondent for setting aside the exparte order dated 23.04.2016 is directed to be considered.

Learned Government Pleader for Social Welfare strictly opposed the same stating that the petitioner has to file appropriate application/representation before the authorities concerned seeking to set aside the exparte order.

Having regard to the contentions raised, since no orders are passed in the earlier application/representation, the petitioner may file an appropriate application before the 3rd respondent to set aside the exparte order dated 23.04.2016 within a period of two weeks

from today. In which event, the 3rd respondent shall pass appropriate orders thereon in accordance with law after hearing the petitioner within a period of three weeks. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

15.06.2016

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