

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 637 OF 2016

28-01-2016

Between:

Kadiyala Prasad

... Petitioner

And

State of Andhra Pradesh, rep., by its Principal Secretary, Municipal
Administration & Urban Development Department, Secretariat
Buildings, Hyderabad and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No. 637 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri K.S. Murthy, learned counsel for the petitioner; learned Government Pleader for Municipal Administration for respondent Nos.1 and 2 and Sri Ramesh, learned Standing Counsel for respondent No.3.

Having regard to the nature of prayer made in the writ petition, we are satisfied that this writ petition can be conveniently disposed of even without issuing notice to respondent Nos.4 to 6. In other words, we are disposing of this writ petition without passing any order adverse to respondent Nos.4 to 6.

In view of the statement made by Sri Murthy, challenge to G.O.Ms.No.128, dated 22-05-2015 as illegal and unconstitutional is kept open to be raised, if the circumstances so demand.

It is open to the petitioner to make an application to oppose regularisation sought by respondent Nos.4 to 6 and pending before respondent No.3 as per G.O.Ms.No.128, dated 22-05-2015. If such application is made by the petitioner, the concerned authority shall consider the same while dealing with the application for regularisation made by respondent Nos.4 to 6 on the basis of the aforementioned Government Order. We also direct respondent No.3, in view of the peculiar facts and circumstances of this case, to grant an opportunity of being heard to the petitioner and respondent Nos.4 to 6, if necessary.

With these observations, the writ petition is disposed of.

All contentions including challenge to G.O.Ms.No.128, dated 22-05-2015 are kept open. It is made clear that while passing this order, we have not made any observations against the right and interest of respondent Nos.4 to 6. The concerned authority shall not pass any order adverse to respondent Nos.4 to 6 while dealing with their regularisation application, without making the objections raised by the petitioner, in pursuance of this order, available to them. We direct respondent No.3 to complete the exercise within a period of three months from the date of receipt of this order. We direct the petitioner to place a copy of this order along with copy of the application and annexures before respondent No.3 within a period of three weeks from today.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

28-01-2016
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