

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

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B.
BHOSALE

AND
HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 1098 OF 2015

Date: 19.01.2016

Between:

Mulike Appanna
& others.

... Appellants

And

Perla Venkata Venugopala Rao
& others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 1098 OF 2015

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

This appeal is filed after seeking leave of this Court against the order, dated 18.08.2015, passed in W.P.No.16310 of 2015.

The appellants were not parties to the writ petition. Appellants claim that they have purchased the entire land/plots of land from original respondent Nos.5 and 6 in the writ petition (respondent Nos.8 and 9 in the appeal). Writ petition was filed by respondent Nos.1 to 3 challenging the layout sanctioned in favour of original respondent Nos.5 and 6 in respect of land to the extent of Ac.3.21 cents in Sy.Nos.359/8P and 360P, Thimmapuram Village, Kakinada Rural Mandal, East Godavari District.

Having considered rights of the parties in the writ petition, learned Single Judge, keeping in view that an appeal is pending before the District Panchayat Officer filed by respondent Nos.1 to 3, disposed of the writ petition with the following observations in paragraph 4, which read thus;

“However, in order to save innocent public from purchasing the plots when the layout is kept in abeyance and when there appears to be serious dispute between the petitioners and respondents 5 and 6, till orders are

passed by the District Panchayat Officer on the appeal filed by the petitioners dated 12.6.2015 and till further decision is taken by Regional Deputy Director, Town and Country Planning layout granted vide TLP No.57/2015/R dated 26.5.2015 stands suspended. The respondents 5 and 6 are entitled to be heard before District Panchayat Officer and Regional Deputy Director of Town and country Planning. Both authorities shall cause notice to them, give due opportunity of hearing before taking final decision.”

The appellants claim that they have purchased the property from original respondent Nos.5 and 6. That seems to be the reason why respondent Nos.5 and 6 did not pursue the matter further before District Panchayat Officer or Regional Deputy Director, Town and Country Planning and as a result thereof, we are informed, the District Panchayat Officer decided the appeal in the absence of original respondent Nos.5 and 6.

In this backdrop, when we expressed to dispose of this appeal in terms of the order that we propose to pass, they have agreed for the same. Hence, we dispose of the appeal by the following order:

“Order, dated 06.01.2016, passed by the District Panchayat Officer in appeal is set aside and the appeal is restored to file. The appellants are allowed to make an application either seeking their impleadment in the appeal or bringing them on record in the place of original respondent Nos.5 and 6 before the appellate authority within a period of ten days from today. If any such application is made, the appellate authority shall allow the same and then proceed to hear the appeal afresh and dispose of the same as expeditiously as possible, and preferably within a period of eight weeks from the date of receipt of this order.

It is open to the appellants to file reply to the objections

raised by respondent Nos.1 to 3 before the Regional Deputy Director, Town and Country Planning, within a period of two weeks from today. The concerned Regional Deputy Director, Town and Country Planning shall consider the appellants' representation and the objections of respondent Nos.1 to 3 and send his report to District Panchayat Officer within two weeks therefrom. In view of this order, the earlier report forwarded by the Regional Deputy Director, Town and Country Planning renders ineffective."

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 19.01.2016
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