

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT APPEAL No.183 OF 2017

JUDGMENT: (*Per Hon'ble The Acting Chief Justice Ramesh Ranganathan*)

This Appeal is preferred against the order passed by the learned single Judge in Writ Petition No.16933 of 2015 dated 22.09.2016, as amended by order dated 23.11.2016. By the said order, the learned single Judge directed respondents 2 and 3 to grant police aid to the writ petitioner for implementing the decree passed in O.S. No.36 of 2007 dated 30.11.2012 by the Principal Junior Civil Judge, Srikalahasthi, in respect of the subject land.

Sri V. Sudhakar Reddy, learned counsel for the appellants, would submit that a notice of the writ petition having been filed was not served either on the 4th respondent in the writ petition or on the appellants herein; and, the writ petition was allowed, by the order under appeal, behind their back, and without giving them an opportunity of being heard.

Sri P. Venugopala Rao, learned counsel for the 1st respondent-writ petitioner, while expressing ignorance as to whether the 4th respondent or the appellants herein were put on notice, would submit that the learned single Judge has only directed Police officials to provide aid for implementation of the decree.

The fact, however, remains that since it is contended by Sri V.Sudhakar Reddy, that neither the 4th respondent nor the appellants herein were put on notice of the writ petition having been filed, the order

under appeal is liable to be and is accordingly, set aside for violation of principles of natural justice. The writ petition is restored to file.

Sri P. Venugopala Rao, learned counsel for the 1st respondent-writ petitioner, would submit that an application to implead the appellants herein, as respondents in the writ petition, would be filed within ten (10) days from today; and a copy of the implead application shall be served on Sri V. Sudhakar Reddy, learned counsel for the appellants, who undertakes to enter appearance on behalf of the appellants herein and the respondents in the writ petition, on the application being ordered.

It is open to the 1st respondent-writ petitioner to request the learned single Judge to take up the writ petition for admission, and for grant of interlocutory relief, after their application to implead the appellants herein, as respondents in the writ petition, is ordered.

The Writ Appeal is, accordingly, disposed of.

As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No order as to costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 09-02-2017.

Note: Issue C.C. by 10.02.2017.
DSH/SIVA

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WRIT APPEAL No.183 OF 2017

(Judgment of the Division Bench delivered by
Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Date. 09-02-2017

DSH/SIVA