

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.A.M.P. No. 3000 of 2016

and

Writ Appeal No.260 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

W.A.M.P. No.3000 of 2016, seeking leave to prefer an appeal against the order passed in W.P. No. 22101 of 2016, is filed by the 4th respondent in W.P. No. 3715 of 2016. While the earlier round of litigation resulted in W.P. No. 3715 of 2016 being disposed of directing the Land Acquisition Officer to take an appropriate decision on the documents submitted by the respondent-writ petitioner and the appellant, and to pass appropriate orders in accordance with law, the Special Deputy Collector, Eluru is said to have passed an order on 10.5.2016 holding that the petitioner in W.P. No.22101 of 2016 was not granted any assignment patta in R.S. No. 27/12. The respondent-writ petitioner filed W.P. No. 22101 of 2016 without even arraying the applicant-appellant as a respondent in W.P. No.22101 of 2016, resulting in the order dated 8.8.2016 being passed directing the Land Acquisition Officer to pay the compensation. As the applicant-appellant herein was the 4th respondent in W.P. No. 3715 of 2016, she ought to have been arrayed as a respondent in W.P. No.22101 of 2016 also. Sri Sitaram Chaparla, learned counsel for the respondent-writ petitioner, would fairly state that the applicant-appellant ought to have been arrayed as a respondent in the said writ petition.

The contention of Sri Appadhar Reddy, that the respondent-writ petitioner has played fraud on the Court, would also necessitate examination in the writ petition. It would suffice,

therefore, if the order under appeal is set aside on the short ground that the appellant, a necessary party to the writ petition, has not been arrayed as a respondent therein.

The order under appeal is set aside and the appellant herein shall stand impleaded as the 3rd respondent in the writ petition. The writ petition shall stand restored to file, and shall be heard and decided in accordance with law.

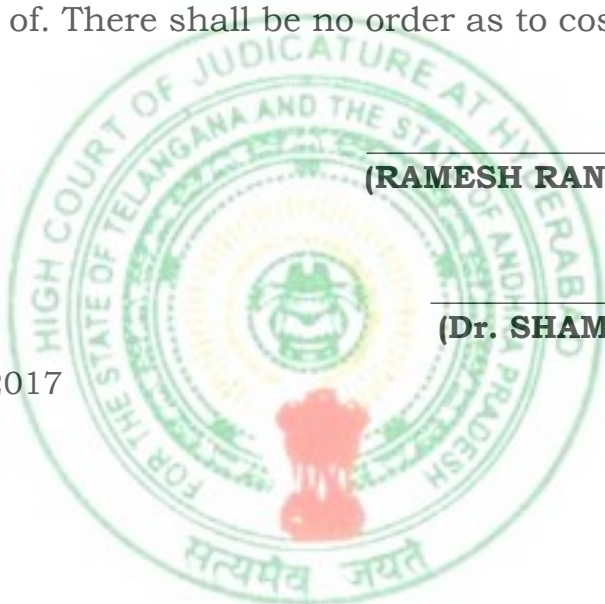
W.A.M.P. No. 3000 of 2016, seeking leave to prefer the appeal, is allowed. W.A.(SR) No. 232341 of 2016 also stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

22nd February, 2017

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