

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.No.1 of 2018
In/ And
WRIT PETITION No.39540 of 2017

COMMON ORDER:

I.A.No.1 of 2018 is filed by the fourth respondent in the writ petition requesting to recall the order dated 28.11.2017 passed by this Court in the writ petition.

2. I have heard the submissions of the learned counsel for the fourth respondent/petitioner herein and of the learned counsel, who formerly appeared for the first respondent/writ petitioner.

3. At the hearing, it is stated that the writ petitioner died on 27.06.2012; that as the said fact was not brought to the notice of this Court, the writ petition was disposed of on merits by the order dated 28.11.2017; that the order passed in favour of a dead person, who was represented by GPA Holder, is *non est* in the eye of law; and, that therefore, the said order is to be recalled.

4. Learned counsel for the first respondent/writ petitioner submits that the order dated 28.11.2017 may be recalled and the writ petition may be dismissed as abated.

5. Recording the submissions, I.A.No.1 of 2018 is allowed and the order dated 28.11.2017 passed by this Court in the writ petition is recalled, as desired. The writ petition is dismissed as abated. As a sequel to this order, the second respondent in the writ petition, that is, Hyderabad Metropolitan Development Authority shall not permit to be pursued, applications, if any, filed pursuant to the order, which is now recalled.

JUSTICE M. SEETHARAMA MURTI

Date: 04.12.2018
Note: Issue CC in two days
B/o
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