

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE P.KESAVA RAO

W.P.No.19062 of 2011

Date: 17.08.2018

Between:

M/s. Hyderabad Industries Limited,
Sanathnagar, Hyderabad
rep. by its General Manager (HR)
Sri L.N.Murthy R/o. Hyderabad.

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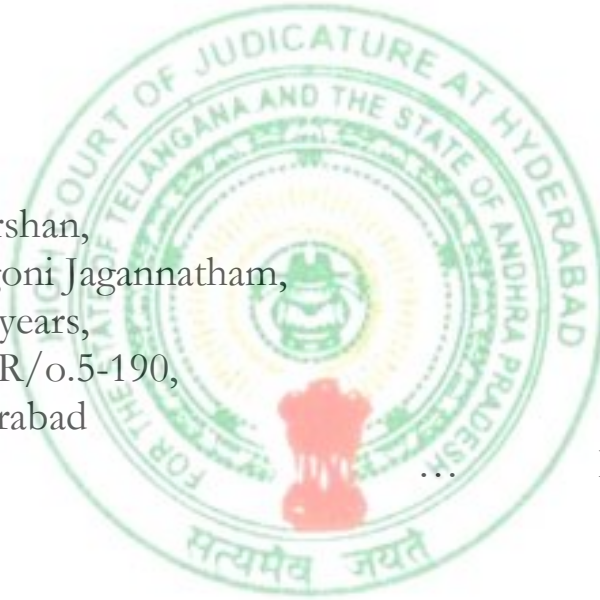
Petitioner

And

Naragoni Sudarshan,
S/o.Late Naragoni Jagannatham,
Aged about 60 years,
Occ: Business, R/o.5-190,
Medchal, Hyderabad
and two others

...

Respondents



Counsel for the Petitioner

:

Mr. A.K.Jaya Prakash Rao

Counsel for the Respondents

:

G.P. for Civil Supplies for R2
None appeared for other
respondents

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of certiorari, for quashing order dated 13.04.2011 in E.A.No.74 of 2006 in C.C.No.752 of 2006 on the file of respondent No.2.

2. Though notice has been sent to respondent No.1 to the same address which was furnished by him in C.C.No.752 of 2006 filed by him before respondent No.2 – Forum, the same has been returned with the endorsement, 'no such person in the address'. As notice was sent to respondent No.1 to his last known address through registered post, we treat that respondent No.1 is deemed to have been served. In spite of the deemed service, respondent No.1 has not entered appearance for the last 7 years.

3. We have heard Mr.A.K.Jayaprakash Rao, learned counsel for the petitioner and perused the record.

4. Respondent No.1 has raised a consumer dispute before respondent No.2 – Forum. The said case registered as C.C.No.752 of 2006, was disposed of by the Forum. The relevant portion of the order reads as under:

“In the result, the opposite party is directed to fulfil the condition agreed to the effect, to allot a housing plot to the complainant in Sy.Nos.348 to 351, 352(P), 357(P) and 358(P) situated at Kukatpally in Hyderabad Urban and to carry out all developmental works and there after the

opposite party has to execute a valid conveyance deed conveying the plot in favour of the complainant. Apart from that the opposite party is further directed to pay compensation of Rs.20,000/- (rupees Twenty thousand only) towards mental agony, hardship and inconvenience meted out by the complainant. Further, an amount of Rs.5,000/- (Rupees five thousand only) is also awarded towards litigation costs.

The above order shall be complied within one month from the date of receipt of this order”.

5. On the ground that the said order of the Forum was not implemented, respondent No.1 has filed E.A.No.74 of 2006 under Section 27 of the Consumer Protection Act, 1986, against respondent No.3. At the instance of respondent No.1, the Forum appears to have issued notice to the purported Personal Manager of the petitioner industry. The petitioner filed a Memo, stating that the notice to its Personal Manager is not sustainable, as the petitioner is no way concerned with the dispute between respondent Nos.1 and 3 and that, it is not even a party to C.C.No.752 of 2006 filed by respondent No.1.

6. The Forum rejected the objections of the petitioner by holding that as the land was allotted at the request of the Personal Manager of the petitioner industry by the Government, for eventual allotment to its workers vide G.O.Ms.No.923 and G.O.Ms.No.65 Revenue (UC.II) Department dated 22.01.1992, the Personal Manager of the petitioner is responsible for implementation of the order passed by it

in C.C.No.752 of 2006. So holding, respondent No.2 has directed bailable warrants to be issued to the Personal Manager of the petitioner, while posting the case to 30.05.2011.

7. As pleaded by the petitioner, it has not been impleaded as respondent in C.C.No.752 of 2006. It is averred on behalf of the petitioner that once the land was placed at the disposal of the respondent society, which was formed by the workers for the purpose of allotment of plots among themselves, the petitioner has ceased to have anything to do with the said land and that this was the precise reason why, respondent No.1 has not impleaded the petitioner in the consumer dispute. When the petitioner or any of its functionaries have not been impleaded in C.C.No.752 of 2006 and no order was passed against them in the said case, it defies any reason or logic for respondent No.2 to hold the Personal Manager of the petitioner, responsible for the implementation of the order passed by it. In our opinion, the order of respondent No.2 – Forum, is wholly unsustainable and the Forum has far too exceeded its jurisdiction in trying to hold an agency which is not even a party to C.C.No.752 of 2006, disposed of by it, responsible for non-implementation of its order.

8. In this view of the matter, the impugned order is quashed.

9. The writ petition is, accordingly, allowed.

(C.V.Nagarjuna Reddy, J)

(P.Kesava Rao,J)

Date: 17th August, 2018

msb



