

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

***HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN**

HON'BLE SRI JUSTICE SANJAY KUMAR

AND

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

+ Writ Petition No.27162 of 2018

% 16-8-2018

Between:

Sama Narasimha Goud, S/o Sama Laxmaiah Goud,
Hindu, aged 53 years, Occ: Business, R/o H.No.6-151,
Plot No.151, Madurapuri Colony, Almasguda,
Hyderabad.

... Peritioner

Vs.

The State of Telangana, represented by its Principal
Secretary, Municipal Administration Department,
Hyderabad and 15 others

... Respondents

! Counsel for the Petitioner : Mr. K. Chidambaram

^ Counsel for Respondents : G.P. for Municipal Administration
G.P. for Revenue
Mr. V. Raghunath for R-12
Mr. S. Satyam Reddy, Sr. counsel
for R-5, 7, 8 & 15
Mr. D.V. Sitharam Murthy for R-13
Mr. D. Prakash Reddy, for R-4
Mr. B. Vijaysen Reddy for R-9

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> Head Note:

? Cases referred:

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

HON'BLE SRI JUSTICE SANJAY KUMAR

AND

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

Writ Petition No.27162 of 2018

ORDER: *(per V. Ramasubramanian, J)*

The writ petition was referred to this Full Bench for reconsideration of the decision in **Dr. Nallamothu Ruthrani v. State of Andhra Pradesh and others (2009 (6) ALD 92 (DB)** and for the final disposal of the writ petition, if considered appropriate, in view of the fact that the Division Bench before which the writ petition was placed expressed doubts about the correctness of the view taken in **Dr. Nallamothu Ruthrani.**

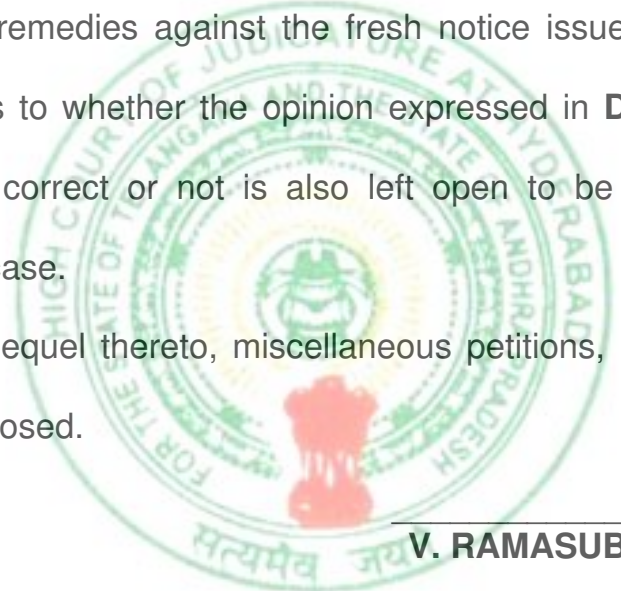
2. The writ petition arose out of a notice served on the petitioner for a No Confidence Motion in terms of Section 46 (1) of the Andhra Pradesh Municipalities Act, 1965. On 03-08-2018, while ordering notice and also referring the matter to the Full Bench, a Division Bench of this Court granted interim stay of further proceedings, pursuant to the notice for No Confidence Motion, without prejudice to the appropriate authority to issue a fresh notice in conformity with the Section 46 (1) of the Act and Rule 3 of the Rules.

3. Today, it is stated by Sri K. Chidambaram, learned counsel for the petitioner that taking clue from the liberty granted, the 2nd respondent has withdrawn the notice impugned in the writ petition and has issued a fresh notice. In other words, the cause of action

with which the writ petitioner came up does not survive any more, though he may have a grievance about the fresh show cause notice. Hence, the reconsideration of the decision in **Dr. Nallamothu Ruthrani** passed by this Court will purely be an academic exercise without leading to any consequential action either in favour or against the writ petitioner. To such an exercise, the Full Bench need not venture.

Hence, the writ petition is closed with liberty to the petitioner to workout his remedies against the fresh notice issued against him. The issue as to whether the opinion expressed in **Dr. Nallamothu Ruthrani** is correct or not is also left open to be decided in an appropriate case.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.



V. RAMASUBRAMANIAN, J

SANJAY KUMAR, J

SURESH KUMAR KAIT, J

Date: 16-08-2018

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