

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEAL No. 325 of 2019

Date: 15.04.2019

Between:

Narla Narsaiah and others.

...Appellants

and

The State of Telangana and others.

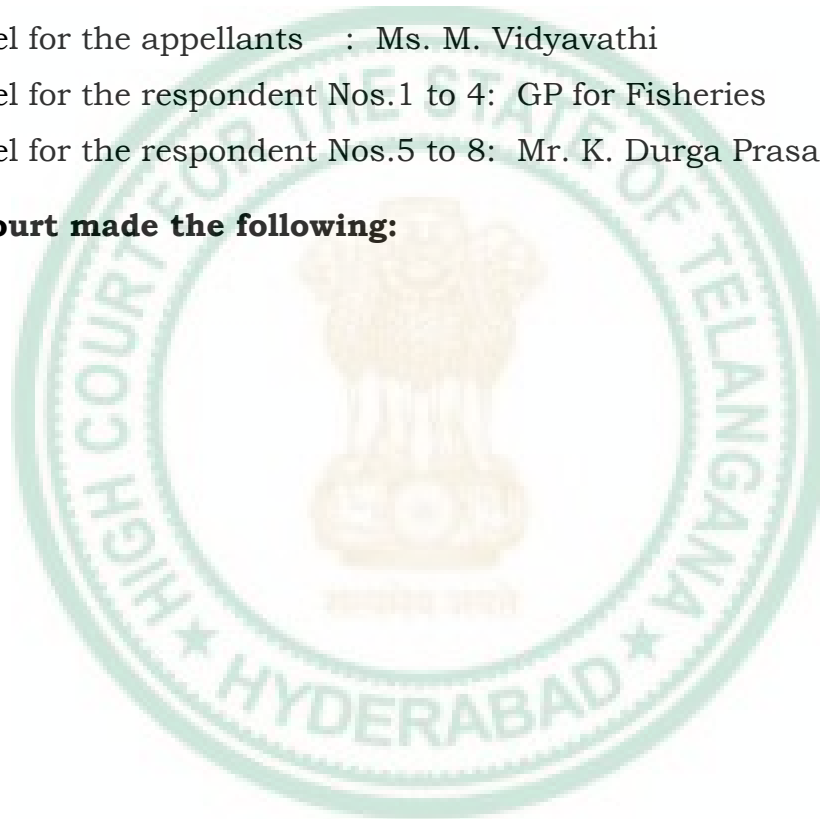
...Respondents

Counsel for the appellants : Ms. M. Vidyavathi

Counsel for the respondent Nos.1 to 4: GP for Fisheries

Counsel for the respondent Nos.5 to 8: Mr. K. Durga Prasad

The Court made the following:



JUDGMENT: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

The appellants are aggrieved by the order dated 20.03.2019 passed by a learned Single Judge, in I.A.Nos.3 and 4 of 2018, and I.A.No.1 of 2019, in W.P.No.2416 of 2018.

The only grievance of the appellants, as pleaded by the learned counsel, Ms. M. Vidyavathi, is that the impugned order has been passed behind the back of the appellants. For, according to the learned Single Judge himself, there was no representation on behalf of the writ petitioners, when the said order was passed. Therefore, the appellants have been denied an opportunity to defend the grant of stay by the Court by order dated 29.01.2018.

Mr. K. Durga Prasad, the learned counsel for the respondent Nos.5 to 8, has feebly claimed that while the petitioners in W.P.No.2416 of 2018 were not represented, the petitioners in other identical writ petitions were duly represented. Therefore, the rights of the appellants, under the principles of natural justice, have not been violated.

Heard the learned counsel for the parties.

A bare perusal of the impugned order clearly reveals that the learned Single Judge has observed that "*there is no representation on behalf of the writ petitioners*". Therefore, the possibility that the writ petitioners were duly represented in the other writ petitions is belied by the observations made by the learned Single Judge. Needless to state an order should not be passed in the absence of a party. For, such an order would be in violation of the principles of natural justice.

Therefore, this Court sets aside the order dated 20.03.2019, passed in I.A.Nos.3 and 4 of 2018 and I.A.No.1 of 2019, in

W.P.No.2416 of 2018 and remands the case to the learned Single Judge with a request that the interim application for vacating of the stay order dated 29.01.2018 should be decided within a period of one week from the date the certified copy of this order is produced before the learned Single Judge.

With these directions, the Writ Appeal stands disposed of. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

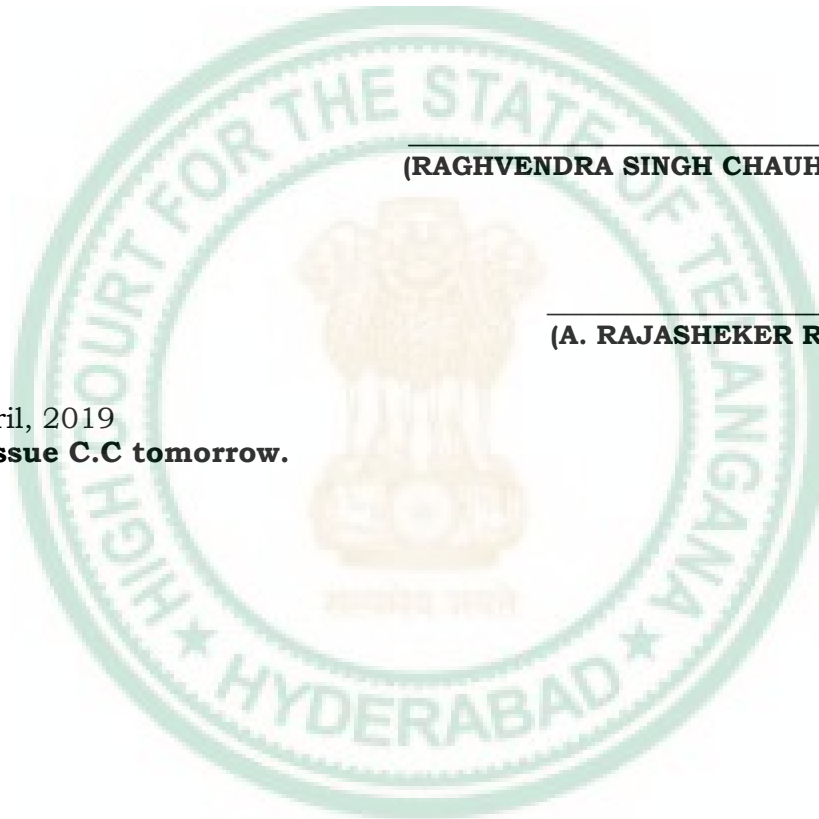
(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A. RAJASHEKER REDDY, J)

15th April, 2019

Note: Issue C.C tomorrow.

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