

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Writ Petition No.27823 of 2019

Date: 20.12.2019

Between:

Majid-ur-Rahman

..Petitioner

And

The Hon'ble High Court of Telangana,
Hyderabad, rep. by Registrar General
And three others

..Respondents

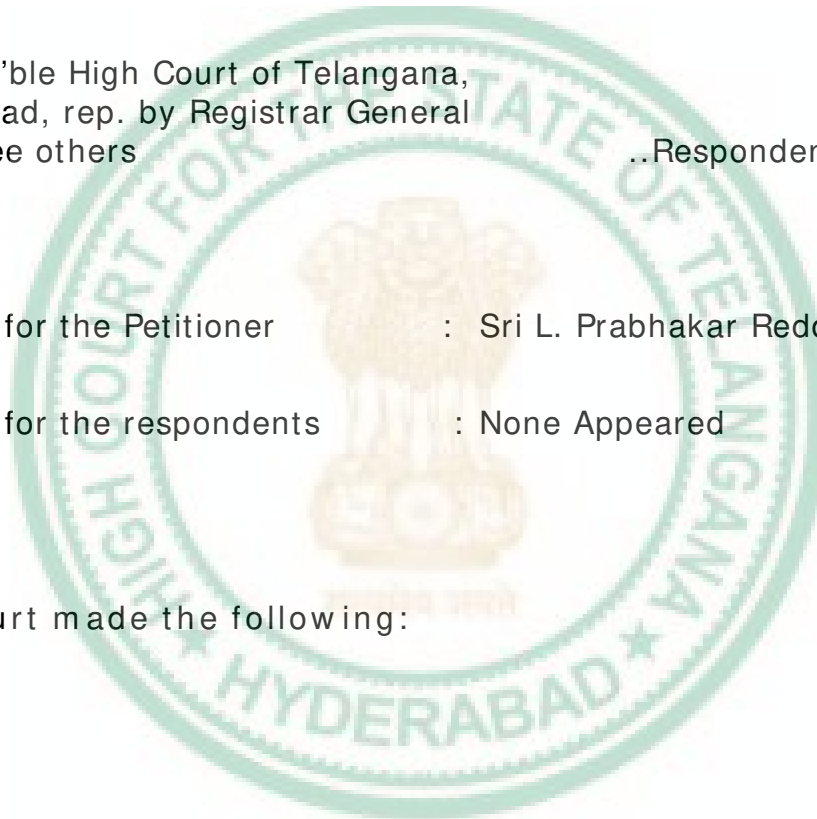
Counsel for the Petitioner

: Sri L. Prabhakar Reddy

Counsel for the respondents

: None Appeared

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice A.Abhishek Reddy)

The present writ petition is filed by the plaintiff, in O.S.No.8 of 2012, aggrieved by the reopening of O.S.No.8 of 2012 on the file of the XII Additional District Judge, Ranga Reddy District at Vikarabad.

2. The case of the petitioner is that he has filed a suit for specific performance against the 4th respondent herein; the same was numbered as O.S.No.8 of 2012 on the file of XII Additional District Judge at Vikarabad. It is the contention of the petitioner that after completion of the pleadings and evidence in the above said suit, the matter was reserved for Judgment. Subsequently, the said suit was decreed on 03.04.2018. However, when he applied for the certified copy of the Judgment and Decree, dated 03.04.2018, vide Copy Application No.711/2018, the same was returned with the following endorsement:

As per the Lr.Dis.No.3743/Admn/2019 dated 18.06.2019 and letter Dis.No.3932/Admn/2019 dated 25.06.2019 of the Hon'ble Prl. Dist. & Sessions Judge R.R. District, this case file is returned back to this Court on 2.7.2019, with directions "to hear afresh the matter & dispose off in accordance with law, therefore the matter is reopened. Hence copy application is returned.

Questioning the above said endorsement, the present writ petition is filed.

3. Heard Sri L. Prabhakar Reddy, the learned Counsel appearing for the petitioner.

4. The learned Counsel appearing for the petitioner has assailed the orders in Lr.Dis.No.3743/Admn/2019 dated 18.06.2019 and letter Dis.No.3932/Admn/2019 dated 25.06.2019 of the Hon'ble Prl. Dist. & Sessions Judge R.R. District, in reopening of suit without there being any application from any party, and contrary to the provisions of the Code of Civil Procedure (for short 'CPC'). It is the contention of the learned Counsel for the petitioner that the once the order is pronounced, it cannot be set aside, reversed, altered, or modified by the same Court which has passed the order. And the same can only be done by the appellate Court in an appeal preferred under Section 96 read with Order XVI of CPC. In the absence of any appeal by any person, the question of reopening the matter does not arise. Therefore, the orders directing to reopen of the case are liable to be set aside.

5. After hearing the learned Counsel for the petitioner, when this Court asked him to produce the copy of the judgment, he has expressed his inability to produce the same. When this Court posed a question as to on what basis, he has stated that the suit is decreed, he has fairly stated that except the endorsement made in the 'A' diary to the effect that the suit is decreed, there is no other material on record to show that any Judgment was passed or that the suit was decreed.

6. It is pertinent to note that this is a peculiar case where the Judicial Officer presiding at that point of time i.e., Sri Kolla Ranga Rao, had reserved almost forty-four cases, and without giving any dictation in the said cases or passing the orders, he pronounced only the operative portions of the case i.e., whether the case was

decreed or dismissed. When complaints were received from various litigants regarding the manner in which the said Judicial Officer was disposing of the cases, an enquiry was initiated by this Court. On finding that the allegations made against the incumbent were true, this Court vide proceedings Order ROC.No.2984/2017, 1060, 1083 & 1100/2018-Vigilance Cell, dated 05.03.2019, the High Court has proposed to hold an enquiry in accordance with the procedure laid down under Rule 20 of the Telangana Civil Services (CC&A) Rules. Accordingly, the articles of charge were framed against the petitioner. Further, vide D.O. Letter No.2984/2017, 1060, 1083 & 1100/2018-Vigilance Cell, dated 14.06.2019, the Registrar General, (FAC Registrar (Vigilance), directed the Principal District Judge, Ranga Reddy, to instruct the Presiding Officer of the Court of XII Additional District & Sessions Judge, Vikarabad, to re-open the forty-four cases, mentioned in the letter dated 29.03.2019, and to hear them afresh, and to dispose them of in accordance with law, following the resolution of the Administrative Committee of Hon'ble Judges, which read as follows:

Resolved to reopen all the (44) cases as mentioned in the letter Dis.No.2155/LPR 302/18/Admn/2019, dated 29.03.2019 and direct the Presiding Officer of the Court of XII Additional District & Sessions Judge, Vikarabad, to hear afresh the matters and dispose them off in accordance with law.

7. In view of the above mentioned peculiar facts and circumstances of the case, and more particularly in view of the resolution passed by this Court, on the administrative side, we do not find any merit in the writ petition. The same is, accordingly, dismissed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

A.ABHISHEK REDDY, J

20th December, 2019
smr

