

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL No.99 of 2020

Date: 07.02.2020

Between:

Aradhya Green Avenue Developers Private Limited

... Appellant

and

State of Telangana,
Rep. by its Home Secretary,
Secretariat Buildings,
Hyderabad, and others.

...Respondents

Counsel for the appellant: Mr. T.V. Kalyan Singh

Counsel for the respondent Nos.1 to 3, 5 & 8: GP for Home

Counsel for the respondent Nos.4, 6 & 7: GP for Revenue

Counsel for the respondent Nos.9, 10 & 11: Mr. K.S. Murthy

The Court made the following:

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The appellant, who was the respondent No.9 in Writ Petition No.106 of 2020, has challenged the order dated 06.01.2020, passed by a learned Single Judge in the said writ petition, whereby the learned Single Judge has directed the petitioners therein to file a fresh representation before the Station House Officer, Rajapur, Mahabubnagar District, and has directed the police to provide aid for implementing the orders of the trial Court in O.S.No.124 of 2017 and C.M.A.No.9 of 2019.

The learned counsel for the appellant, the respondent No.9, submits that the impugned order has been passed by the learned Single Judge without issuing notice to the respondent No.9. However, the impugned order adversely affects the rights of the respondent No.9. Therefore, the impugned order is against the principles of natural justice.

The learned counsel for the respondent Nos.9, 10 and 11 (the petitioners) fairly concedes, and in the opinion of this Court rightly so that in fact, the impugned order was passed without issuing notice to the appellant.

As the impugned order has been passed behind the back of the appellant, the respondent No.9, and as it is a settled position of law that no adverse orders can be passed behind the back of a party, this Court has no other option but to set aside the impugned order dated 06.01.2020. Therefore, the said order is set aside by this Court. However, this Court

remands the case back to the learned Single Judge, and requests the learned Single Judge to hear the case on 12.02.2020, and decide the same after giving ample opportunities of hearing to all the parties.

Accordingly, the writ appeal is allowed. There shall be no order as to costs.

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

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 07.02.2020
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