

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

W.A.No.669 of 2021

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of the order dated 30.07.2021 passed by the learned Single Judge in W.P.No.16126 of 2021.

The undisputed facts of the case reveal that the present appellants and respondent No.1/writ petitioner are having serious property dispute in respect of land bearing Survey No.82/A1/1 situated in Kongarakrudu Village, Maheshwaram Mandal, Ranga Reddy District. A civil suit i.e., O.S.No.91 of 2019 is also pending between the parties in the Court of X Junior Civil Judge, Maheshwaram, Ranga Reddy District. The facts further reveal the writ petition was preferred by the respondent No.1/writ petitioner before this Court stating that the Hyderabad Metropolitan Development Authority (HMDA) is not processing her application dated 06.05.2021 for grant of lay out and in those circumstances, the learned Single Judge has passed an order in the writ petition directing the authorities to pass necessary orders in respect of the application of respondent No.1/writ petitioner for lay out dated 06.05.2021.

Learned counsel for the appellants has argued before this Court that the appellants were deliberately not impleaded as respondents in the writ petition, there is no whisper of the civil suit pending between the parties, even though a civil suit is pending in respect of the same property and therefore, as the impugned order

has been passed without hearing the present appellants, the same deserves to be set aside.

This Court has carefully gone through the documents on record and the undisputed facts of the case reveal that there is a civil suit, in respect of the same property, pending between the parties. In all fairness, once a civil suit is pending, the respondent No.1/writ petitioner should have impleaded the appellants as respondents in the writ petition.

Resultantly, the writ appeal is allowed and the impugned order passed by the learned Single Judge is set aside. The learned Single Judge is requested to hear all the parties and to decide the matter afresh in accordance with law afresh. Office is directed to list the writ petition before the learned Single Judge on 28.02.2022.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

N. TUKARAMJI, J

31.12.2021
JSU