

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.159 OF 2022

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

The present writ appeal is arising out of order dated 10.02.2022 passed in W.P.No.7099 of 2022.

Learned counsel for the appellants has argued before this Court that the appellants are the absolute owners, possessors and pattadars of land bearing Sy.Nos.84, 86, 88, 89, 91, 92, 93, 94 and 116 admeasuring Acs.16.03 guntas situated at Raghavapur Village, Rajapur Mandal, Mahaboobnagar District and without impleading them as respondents in the writ petition, respondent No.1 in the writ appeal has preferred a writ petition stating that the Tahsildar is not passing appropriate order in respect of the petition preferred by him under Section 40 of the Tenancy Act, 1950. The learned Single Judge has disposed of the writ petition directing the Tahsildar to pass an appropriate order on the petition preferred by the writ petitioner.

The grievance of the appellants is that they are the necessary parties and in all fairness, they should have been impleaded as respondents in the writ petition.

Learned counsel for respondent No.1 in the present writ appeal was also fair enough in stating before this Court that the order passed by the learned Single Judge may be set aside, the matter be remanded back to the learned Single Judge and the appellants shall be free to file appropriate application for their impleadment and thereafter the matter shall be heard and decided on merits.

In the light of the aforesaid, the writ appeal is allowed and the order passed by the learned Single Judge is set aside. The appellants are granted liberty to file appropriate application for their impleadment before the learned Single Judge and the learned Single Judge shall be free to pass appropriate order in accordance with law, after hearing all the parties. The parties shall appear before the learned Single Judge on 20.03.2022.

Office is directed to list the writ petition before the learned Single Judge on 20.03.2022.

Miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

15.03.2022
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