

I.A. 13-15/2016 in Civil Appeal No(s). 3791-3793/2011
GOVERNMENT OF TELANGANA & ORS. Appellant(s)

VERSUS

RAO V.B.J.CHELIKANI & ORS. ETC. Respondent(s)

(For withdrawal of civil appeal and office report)

Date: 30/03/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Dushyant A. Dave, Sr. Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Mr. Krishna Kumar Singh, Adv.

Mr. Gunthur Prabhakar, Adv.

Ms. Prerna Singh, Adv.

For Respondent(s) Mr. Rajiv Dutta, Sr. Adv.

Mr. Kumar Dushyant Singh, Adv.

Mr. Siddharth Dutta, Adv.

Mr. Daniel George, Adv.

Mr. Shravan Kumar Yammanur, Adv.

Mr. R. Nedumaran, Adv.

Mr. S. Ramesh, Adv.

Mr. S.S. Prasad, Sr. Adv.

Mr. C. K. Sucharita, Adv.

Ms. C. Sindhu Kumari, Adv.

Mr. Manish Mohan, Adv.

Mr. P. Bhashkar, Adv.

Ms. Adity P. S., Adv.

Mr. Ugra Shankar Prasad, Adv.

Mr. Pawan Sharma, Adv.

Mr. Rajeev Sharma, Adv.

Mr. Raghenth Basant, Adv.

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For M/s. Mclm & Co.

Mr. Amit Pawan, Adv.

Mr. Bijoy Kumar Jain, Adv.

Mr. T. V. Ratnam, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard.

By our Order dated 26 th

August, 2014, we had impleaded the State of Telangana as a party-appellant to these appeals. Learned counsel of State of Telangana has pursuant to that order filed a fresh cause title which does not show the State of Andhra Pradesh as an appellant although the appeals were initially filed on behalf of the undivided State of Andhra Pradesh and State of Andhra Pradesh even after bifurcation continues to be a party as an appellant. We accordingly direct that learned counsel of State of Telangana shall file a corrected/amended cause title showing the State of Andhra Pradesh as appellant no.1 and State of Telangana as appellant no.2.

State of Telangana has also filed applications (I.As. No.13-15 of 2016) seeking withdrawal of appeals so far as the said State is concerned. These interlocutory applications have been stoutly opposed by learned counsel appearing for the respondents as also by learned counsel of the State of Andhra Pradesh who submit that the impugned order passed by the High Court affects not only the State of Telangana but also the

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State of Andhra Pradesh. Mr. Dushyant A. Dave, learned senior counsel appearing for the State of Telangana, however, submits that State of Telangana is no longer interested in assailing the order passed by the High Court and that the challenge to that extent is sought to be withdrawn to enable the State of Telangana to take appropriate action pursuant to the order passed by the High Court. He submits that the pendency of the appeals in this Court acts as an impediment for the State of Telangana to suitably modify the Policy on the lines suggested by the High Court.

We see no real basis for that submission as the order passed by the High Court has not been stayed by this Court. Even independent of the order of the High Court, the State of Telangana shall be free to make such alterations in its policy regarding allotment of land in the State of Telangana as it may deem fit. If anyone is aggrieved of any such change in Policy, he/she can seek such redress against the change before the appropriate forum. Reserving liberty for those likely to be affected by the change, we make it clear that the State of Telangana shall not be prevented by reasons of the pendency of these appeals to bring about any change in the Policy concerning allotment of land for housing purpose.

Mr. Dave also proposes to file an application under Section 104 of the Andhra Pradesh Reorganisation Act, 2014 for seeking substitution of the State of Telangana in place of State of Andhra Pradesh. He is free to do so with an advance copy to counsel opposite who shall be at liberty to file their

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objections, if any.

We are told that the matters are now ripe for final hearing and can set down for that purpose along with applications (I.As.No.13-15 of 2016) for withdrawal of civil appeal. The same shall accordingly be posted for hearing at an early date.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER