

HON'BLE SRI JUSTICE K. LAKSHMAN

AND

HON'BLE SMT. JUSTICE K. SUJANA

WRIT APPEAL No. 626 OF 2023

JUDGMENT: (Per Hon'ble Sri Justice K. Lakshman)

Heard Mr. Didugu Gopalakrishna, learned counsel for the appellants, Sri M.Surender Rao, learned Senior Counsel, representing Sri Zeeshan Adnan Mahmood, learned counsel appearing for respondent Nos.1 to 6, Sri Harender Pershad, learned Special Government Pleader appearing for respondents 7 to 11. None appears for respondent No.12.

2. Feeling aggrieved and dissatisfied with the order dated 31.03.2023 in I.A.No.3 of 2022 in W.P.No.22032 passed by the learned Single Judge, the appellants herein preferred the present appeal under Clause 15 of Letters Patent.

3. W.P.No.22032 of 2022 was filed by respondents 1 to 6 herein to declare the action of respondent No.1 therein in not issuing a certificate as required under Section 5A(4) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act, 1971') to them pursuant to the regularization proceedings vide Rc.No.B/1336/

2011, dated 02.04.2012 as illegal and for a consequential direction to issue regularization certificate to the petitioners and also to update the same in the manual and electronic revenue records in respect of land admeasuring Ac.74.30 gts., situated in Sy.No.1007 of Kukatpally Village, Balanagar Mandal, Ranga Reddy District (for short, 'the subject property').

4. In the said writ petition, the appellants herein have filed I.A.No.3 of 2022 seeking to implead them as respondents to the said writ petition. Vide common order dated 31.03.2023, learned Single Judge dismissed the said application along with I.A.2 and 4 of 2022. Feeling aggrieved by the same, the appellants herein preferred the present writ appeal.

5. Respondents 1 to 6 herein/writ petitioners filed the aforesaid writ petition claiming that their predecessor in title namely Pilli Balaiah s/o Danaiah, purchased the land admeasuring Ac.81.00 guntas, situated in Sy.No.1007 of Kukatpally Village, Balanagar Mandal, Ranga Reddy District, under a unregistered sale deed dated 04.04.1974 from one Nawab Mir Fazeelath Hussain, and he has been in possession and enjoyment of the said land even prior to 1962 under an agreement of sale in respect of the subject land. Grand daughters

of said Pilli Balaiah filed O.S.No1121 of 2012 seeking partition. The said suit was decreed on 20.03.2015. They have also filed I.A.No.508 of 2016 seeking appointment of Advocate Commissioner and the same was allowed on 10.01.2017. Challenging the said order, 12th respondent herein filed a revision vide CRP No.1530 of 2017 by seeking leave vide CRPMP No.2024 of 2017. The said application was dismissed. Feeling aggrieved by the same, he has preferred SLP and the same was also dismissed by the Apex Court on 07.05.2018.

6. 12th respondent herein also filed a suit vide O.S.No.3306 of 1984 and could not succeed in the same. Pilli Balaiah approached 7th respondent by way of making an application under Section 5(A) of the Act, 1971 seeking regularization. Vide proceedings No.B/5509 of 1990, dated 09.06.1995, 1st respondent regularized the validity of the said purchase made by Pilli Balaiah under unregistered sale deed. 7th respondent also issued proceedings No.B/1336/2011, dated 02.04.2012 confirming rights of respondent 1 to 6 being the legal heirs of Pilli Balaiah. 7th respondent also ordered for mutation of the names of the respondents 1 to 6 in revenue record for their respective shares.

7. In spite of the said proceedings dated 02.04.2012, 1st respondent failed to issue consequential regularization certificate as

contemplated under Section 5(A) (4) of the Act. 1971. With the said submissions, they filed aforesaid writ petition seeking direction to 7th respondent to issue regularization certificate under Section 5(4) of the Act, 1971 in respect of the subject property.

8. In the said writ petition, the appellants herein filed I.A.No.3 of 2022 to implead them as respondents contending that they have filed a suit vide O.S.No.198 of 1986 seeking partition of various properties including the subject land. The said suit was fraudulently withdrawn. Thereafter the same was restored by virtue of the orders in CRP No.1758 of 2008 and subsequently, the suit was dismissed. Feeling aggrieved by the same, the appellants herein have preferred A.S.No.77 of 2017. The same is pending. The said proceedings are continuous proceedings.

9. Vide proceedings No.F1/6360, 6361, 6362, 6363 of 1976, dated 04.08.2003, the Special Officer and competent authority, Urban Land Ceiling, Hyderabad, held that the proceedings of the Mandal Revenue Officer, in effecting revalidation of sale agreements/ mutations in the name of Pilli Balaiah and others is also violative under Section 5(3) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, the UL (C&R) Act. In O.S.No.219 of 1980, Pilli

Balaiah and others have admitted that they are not in possession over the subject land and not having any right or title over the said property. Appellants herein have also placed reliance on the regularization proceedings vide RCB/1336/2011 dated 02.04.2012, revisional proceedings in case No.D5/4908/2012, dated 25.12.2023 and proceedings in F.No.5509 of 1990, dated 09.06.1995 issued by revenue authorities.

10. In O.S.No.219 of 1980, Pilli Balaiah and others have filed consent written statement stating that they tried to illegally interfere in plaintiff possession of the suit land, as the said Patwari entered the defendants name in the pahani patrika, for the year 1980-81 in column No.16 which is not supported by defendant's possession or any other documents. The defendants repent for their action.

11. They have also placed reliance on the principle laid down by the High Court of Andhra Pradesh in **Pureli Chandraiah Vs. Joint Collector Karimnagar District**¹, wherein it is held that relief under Sec.5(A) of the Act, can be granted, only when there is no dispute to the execution of the document concerned. When the transfer is disputed on the basis of collusion, fraud etc., the Mandal Revenue

¹ 2011 (4) ALD 197

Officer, who is empowered to regularize the alienation is not empowered to adjudicate the complicated questions with regard to title and possession etc.

12. vide GO Ms. No.2785 dated 06-11-2000, GO Rt. No.3116 dated 09-11-2001 and the Enquiry Committee constituted under the Joint Collector to probe into criminal activities of the writ petitioners in getting the regularization of the sale deeds and creating forged Government Orders for regularization under fraudulent unregistered sale deeds. The subject property is joint family property and appeal vide A.S.No.77 of 2017 is pending for adjudication. The appellants have also filed their ownership declaration under Section 6(1) of the UL (C&R) Act, and the details of the same are specifically mentioned in paragraph No.13 of I.A.No.3 of 2022. They have also filed declaration under Section 8 (1) of the Act, 1973 before Land Reform Tribunal and the Tribunal after due enquiry passed orders declaring that the two sons of late Nawab Rayees Yar Jung Bahadur were declared as excess land holders to the extent of 49 acres which the State Government had taken over and as such there remains an extent of Ac.300.24guntas. The writ petitioners have forged the signatures of Mir Fazeelath Hussain, the elder son of the pattadar late Nawab

Rayees Yar Jung Bahadur and created fabricated unregistered sale deed for an extent of Ac.81.00 to grab the land of the appellants herein. The writ petitioners perpetuated the fraud by validating the forged unregistered sale deed dated 04.04.1974 to the extent of Ac.19.00guntas. Therefore, the appellants herein are the rightful owners of undivided land of 81 acres which is the subject matter of the partition suit. Respondents 1 to 6 herein/writ petitioners and others have no right and title over the schedule property. Their claim is based on fraudulent and forged documents. Thus, according to the appellants, they have interest and right in the subject property. Therefore, they sought to implead in the writ petition.

13. The said application was opposed by writ petitioners contending that the suit filed by the appellants herein vide O.S.No.198 of 1986 seeking partition of the suit schedule property therein was dismissed. The appeal vide A.S.No.77 of 2017 filed against the said order is pending. Therefore, the implead petitioners are not necessary parties to the present writ petition.

14. Vide order dated 31.03.2023, learned Single Judge, dismissed the said application on the ground that as on the said date, the claim made by the appellants over the subject property was

already negated by the competent civil Court and the appeal filed them is pending. It is also open to the petitioners to pursue the said appeal and agitate their rights, if any, over the subject property. Though strong reliance is sought to be placed on various proceedings that have taken place under the provisions of the Act, 1976, and various documents are filed, the said documents are of no consequence and are of no help to the appellants herein to interdict the relief sought by the Writ Petitioners in the main Writ Petition as O.S.No.198 of 1986 filed by the appellants was already dismissed. Further, the appellants herein have also not chosen to question the proceedings issued under Section 5A of the Act, 1971, by filing appropriate appeal/revision or by initiating any other proceedings till date, though they are fully aware of the said statutory proceedings, i.e., the order issued under the provisions of the Act, 1971. For the reasons that are assigned in respect of respondent No.12 herein in this regard are equally applicable to the appellants herein as well and as such they are not entitled to come on record in this writ petition.

15. Sri Didugu Gopalakrishna, learned counsel for the appellants, referring to aforesaid proceedings, would submit that the appellants herein are interested parties and they have interest in the

subject property. They have filed various proceedings including the present proceedings. The proceedings in A.S.No.77 of 2017 are continuous proceedings to O.S.No.198 of 1986. Therefore, without considering the said facts, learned Single Judge dismissed the implead application filed by the appellants herein. The same is contrary to Order I Rule 10 of CPC and the principle laid down by the Apex Court.

16. Whereas, Sri M.Surender Rao, learned senior counsel appearing for respondents 1 to 6/writ petitioners contend that the learned Single Judge considering the entire material on record, rightly dismissed I.A.No.3 of 2022 filed by the appellants. They cannot interdict the relief sought by the writ petitioners since their suit was already dismissed on the ground of pendency of the appeal. The appellants herein cannot interdict the relief sought by the writ petitioner which is only consequential relief. There is no change to the proceedings dated 02.04.2012, no prejudice would be caused to the appellants herein in the event of allowing the writ petition. The implead application filed by 12th respondent was also dismissed and feeling aggrieved by the same, it has filed writ appeal vide W.A.No.501 of 2023 and the same was also dismissed. 12th

respondent preferred SLP No.18266 of 2023 and the same is pending. With the said submissions, he sought to dismiss the present appeal.

FINDINGS OF THE COURT:-

17. As discussed supra, appellants herein claiming interest and right over the subject property of the writ petition, filed I.A.No.3 of 2022 to implead them as parties/respondents to the writ petition. Learned Single Judge dismissed the said application.

18. It is relevant to extract Order I Rule 10 of C.P.C. which reads as under:-

ORDER I RULE 10 :-SUIT IN NAME OF WRONG PLAINTIFF

Rule 10.(1) "Where a suit has been instituted in the name of the wrong persons as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

(2) Court may strike out or add parties-The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(3).....

(4).....

(5).....

(Omitted since not necessary)

19. The theory of *dominus litus* (Master of a suit) should not be over stretched in the matter of impleading of parties, because it is the duty of the court to ensure that for deciding the real matter in dispute, if a person is a necessary party, the court can order such person to be impleaded. Merely because the plaintiff does not choose to implead a person is not sufficient for rejection of an application for being impleaded.

20. The provisions of Order I Rule 10(2) C.P.C. are very wide and the powers of the court are equally extensive. Even without an application to be impleaded as a party, the court may, at any stage of the proceedings order the name of any party, to have been joined whether as plaintiff or defendant or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added either necessary or proper party.

21. There are two types of persons who may be added as party to the suit. (1) Person who is a necessary party i.e., in the absence of whom relief claimed in the suit cannot be granted. (2) the second class of persons consists of those who are proper parties i.e., whose

presence may be necessary with a view to fully adjudicate upon the matters involved in the suit.

22. In **VidurImpex and Traders Pvt. Ltd. vs. Tosh Apartments Pvt. Ltd.**², the Apex Court laid down certain principles and proceedings which should govern disposal of an application for impleadment and the same are extracted below:-

41.1. The Court can, at any stage of the proceedings, either on an application made by the parties or otherwise, direct impleadment of any person as party, who ought to have been joined as Plaintiff or Defendant or whose presence before the Court is necessary for effective and complete adjudication of the issues involved in the suit.

41.2. A necessary party is the person who ought to be joined as party to the suit and in whose absence an effective decree cannot be passed by the Court.

41.3. A proper party is a person whose presence would enable the Court to completely, effectively and properly adjudicate upon all matters and issues, though he may not be a person in favour of or against whom a decree is to be made.

41.4. If a person is not found to be a proper or necessary party, the Court does not have the jurisdiction to order his impleadment against the wishes of the Plaintiff.

41.5. In a suit for specific performance, the Court can order impleadment of a purchaser whose conduct is above board, and who files application for being joined as party within reasonable time of his acquiring knowledge about the pending litigation.

41.6. However, if the applicant is guilty of contumacious conduct or is beneficiary of a clandestine transaction or a transaction made by the

² (2012) 8 SCC 384

owner of the suit property in violation of the restraint order passed by the Court or the application is unduly delayed then the Court will be fully justified in declining the prayer for impleadment.

23. In **Anil Kumar Singh v. Shivnath Mishra**³, the Apex Court held as follows:-

"The object of the rule is to bring on record all the persons who are parties to the dispute relating to the subject matter so that the dispute may be determined in their presence at the same time without any protraction, inconvenience and to avoid multiplicity of proceedings. A person may be added as a party-defendant to the suit though no relief may be claimed against him/her provided his/her presence is necessary for a complete and final decision on the question involved in the suit. Such a person is only a proper party as distinguished from a necessary party."

24. In **Pankajbhai Rameshbhai Zalavadia Vs. Jethabhai Kalabhai Zalavadiya (Deceased) through L.Rs. and Ors.**⁴, the Apex Court held as follows:-

Order I Rule 10(2) of the Code gives wide discretion to the Court to deal with such a situation which may result in prejudicing the interests of the affected party if not impleaded in the suit, and where the impleadment of the said party is necessary and vital for the decision of the suit. The person who seeks impleadment in a proceedings contending that he is interested in the said proceedings cannot be thrown out on hyper technicalities

25. In **Ramesh Hirachand Kundanmal vs. Municipal Corporation of Greater Bombay**⁵, the Apex Court held as under:-

³ (1995)3SCC147

⁴ (2017) 9 SCC 700

⁵ (1992) 2 SCC 524

6. Sub-rule(2) of Rule 10 gives a wide discretion to the Court to meet every case of defect of parties and is not affected by the inaction of the plaintiff to bring the necessary parties on record. The question of impleadment of a party has to be decided on the touch stone of Order I Rule 10 which provides that only a necessary or a proper party may be added. A necessary party is one without whom no order can be made effectively. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. The addition of parties is generally not a question of initial jurisdiction of the Court but of a judicial discretion which has to be exercised in view of all the facts and circumstances of a particular case.

26. In **Amit Kumar Shaw Vs. Farida Khatoon**⁶, the Apex

Curt held as under:-

9. The object of Order I Rule 10 is to discourage contests on technical pleas, and to save honest and bona fide claimants from being non-suited. The power to strike out or add parties can be exercised by the Court at any stage of the proceedings. Under this Rule, a person may be added as a party to a suit in the following two cases:

(1) When he ought to have been joined as plaintiff or defendant, and is not joined so, or

(2) When, without his presence, the questions in the suit cannot be completely decided.

10. The power of a Court to add a party to a proceeding cannot depend solely on the question whether he has interest in the suit property. The question is whether the right of a person may be affected if he is not added as a party. Such right, however, will include necessarily an enforceable legal right.

27. In **Razia Begum Vs. Anwar Begum**⁷, the Hon'ble Apex

held as under:-

⁶ (2005) 11 SCC 403

⁷ AIR 1958 SC 886

"On a conspectus of the above case-law, the principles that could be said to emerge in regard to application of the provisions enacted in sub-rule (2) of Rule 10 of Order I, Civil Procedure Code, and in particular the expressions "whose presence before the Court may be necessary" and "in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit" are:

(1) "Settle all the questions involved in the suit" should be construed to mean, not restricting the scope between the parties to the suit, but to a wider area concerning the subject-matter of the suit involving even the third parties' claim and interest.

(2) The question of addition of parties under Rule 10(2) of Order I is generally not one of initial jurisdiction but of a judicial discretion which has to be exercised in view of the facts and circumstances of each case. The jurisdictional aspect is in the limited sense contemplated under Section 115 of the Code of Civil Procedure.

(3) For effectual and complete adjudication of the questions involved in the suit, the presence of a third-party, even if it is not necessary, but if proper, should be allowed to be added as a party if applied for.

(4) In a suit relating to property, the person to be added as a party should have a direct interest as distinct from a commercial interest in the subject-matter of the litigation.

(5) Where the subject-matter of litigation is a declaration as regards status or a legal character, the rule of presence or direct interest may be relaxed in a suitable case where the Court is of the opinion that by adding that party, it would be in a better position effectually and completely to adjudicate upon the controversy.

(6) The rule laid down in Section 43 of the Specific Relief Act is not exactly a rule of *res judicata*. It is narrow in one sense and wider in another".

28. In **B.A.S.Prasad Vs. The Telangana Cooperative Tribunal**⁸, this Court considered the scope of Order I Rule 10 of C.P.C. and held as follows:-

⁸ W.P.No.28629 of 2019

17. Order I Rule 10 of CPC deals with impleadment of parties to proceedings. Normally, if any party claims interest in the proceedings, he will be added as a party to the said proceedings. The said provision is based on the “Doctrine of liberal construction” in the original proceedings. Whereas, in the present case, it is an appeal under Section 76 of the Act, wherein the legality of the impugned proceedings would be adjudicated, basing on the pleadings and the record. Any individual member has no role to implead himself or herself as party to the said appeal. The Five Judge Bench of the Hon’ble Apex Court in **Daman Singh and others v. State of Punjab and others** (AIR 1985 SC 973) while dealing with Sections 1, 13 (8) and 30 of the Punjab Cooperative Societies Act, more particularly, amalgamation of Cooperative Societies, held that once a person becomes a Member of Cooperative Society, he loses his individuality qua the society and he has no independent rights except those given to him by the statute and the by-laws. He must act and speak through the society or rather, the society alone can act and speak for him qua rights or duties of the society as a body. So, if the statute which authorizes compulsory amalgamation of cooperative societies provides for notice to the societies concerned, the requirement of natural justice is fully satisfied. The notice to the society will be deemed as notice to all its members. That is why Section 13(9)(a) provides for the issue of notice to the societies and not to individual members. Section 13(9)(b), however, provides the members also with an opportunity to be heard if they desire to be heard. Notice to individual members of a cooperative society, is opposed to the very status of the cooperative society as a body corporate and is, therefore, unnecessary.

18. In the present case also, the petitioner is claiming that he is the member of 3rd respondent Society. Therefore, once he becomes member of the 3rd respondent Society, he loses his individuality and he has no independent right except the rights given to him under the Act and the by-laws of the 3rd respondent society. He must act and speak through the 3rd respondent society. In the present case, in an appeal under Section 76 of the Act, if at all the petitioner wants to make any endeavor to assist the Tribunal, he has to do the same through the 3rd respondent by pursuing with the 3rd respondent Society in which he is a member.

19. It is apt to note that necessary party is one without whom no order can be made effectively. Proper party is one in whose absence an effective order can be made but whose presence is necessary for complete and final decision. The intent of Legislature in bringing Order I Rule 10 of Code of Civil Procedure, 1908 is where the parties failed to make any necessary and proper party as party to the proceedings, either due to ignorance or due to any other reason, it is for the Court to exercise its discretion under the said provision, so as to render full justice to the parties without expressing anything as to why it has not been done either by the parties or by the learned advocates as well. It enables the Court to add any person as party at

any stage of the proceedings if the person whose presence before the Court is necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision.

20. It is trite to note that the provisions under Order I Rule 10 of CPC speak about judicial discretion of the Court to strike out or add parties at any stage of the suit/proceedings. It can strike out any party who is improperly joined, it can add any one as party if it finds that such person is a necessary or proper party. The Court under Order I Rule 10 (2) of the Code will, of course, act according to reason and fair play and not according to whims and caprice. In Pankajbhai Rameshbhai Zalavadia (Deceased) through L.Rs. and Ors (supra), the Apex Court held that the expression “to settle all questions involved” used in Order I Rule 10 (2) of CPC is susceptible to a liberal and wide interpretation, so as to adjudicate all the questions pertaining to the subject matter thereof. The parliament in its wisdom while forming this rule must be held to have thought that all material questions common to the parties to the suit and the third parties should be tried once for all. The court is clothed with the power to secure the aforesaid result with judicious discretion to add parties, including third parties.

29. Thus *dominus litis* is the person to whom a suit belongs.

This also means that plaintiff is the master of the suit. The doctrine of *dominus litis* is applied to one, who though not originally a party, has made himself such, by intervention or otherwise, and has assumed the entire control and responsibility for one side and it is treated by the Court as liable for costs and a person who is really and directly interested in the suit as a party.

30. It is discretionary to grant a relief under Order I Rule 10(2) C.P.C., In exercising the direction, the court will take into account the wishes of the plaintiff before adding a third person as a defendant to

his suit and also if the court finds that addition of the new defendant is necessary to enable it to adjudicate effectively and completely the matter in controversy between the parties, it will add a person as a defendant even without the consent of the plaintiff.

31. In the light of the aforesaid legal position, coming to the facts of the present case, as discussed supra, the appellants herein are claiming that they are also having interest over the subject property in the aforesaid writ petition. They have referred to various proceedings including the proceedings in O.S.No.198 of 1986, A.S.No.77 of 2017, the proceedings dated 08.06.1995, 04.08.2003, 25.05.2013. The appellants herein have also specifically contended that writ petitioners have created unregistered sale deed dated 04.04.1974. The relief sought by the petitioners will hit by Section 5(A)(3) of Act, 1971. Therefore, the appellants are interested parties to W.P.No.22032 of 2019.

32. The aforesaid facts would reveal that both the appellants and respondents 1 to 6/writ petitioners are claiming right over the subject property from sons of late Nawab Rayees Yar Jung Bahadur, original pattadars.

33. As discussed supra, 12th respondent herein is also claiming interest over the subject property. It has also filed implead application in the said writ petition and the same was dismissed. Feeling aggrieved by the said order, they have preferred writ appeal vide W.A.No.501 of 2023 and the same was dismissed by this Court. However, this Court referring to the *status quo* order granted by Apex Court, directed all the parties to maintain *status quo* in letter and spirit until such time, the *status quo* order passed by the Apex Court remains in force.

34. Aggrieved by the same, 12th respondent filed SLP vide SLP No.18266 of 2023. The Apex Court passed an order dated 16.05.2023, holding that the *status quo* order which the Division Bench directed in the impugned order shall bind the parties. It is also clarified that the direction to update the revenue records and complete the consequential process in a time bound manner shall also remain suspended during the pendency of the said proceedings. The SLP is pending.

35. Order I Rule 10 of CPC is based on the doctrine of *dominus litus*. Therefore, if the party claims interest over the particular property or proceedings, the court has to add them as parties. In the present

case, though the appellants herein filed implead application along with the aforesaid proceedings specifically contending and explaining interest over the subject property in W.P.No.22032 of 2019, learned Single Judge dismissed the said application.

36. In the light of the aforesaid discussion, a person who claims interest by way of filing supporting documents and pleadings cannot be thrown out at the threshold. In the present case, learned Single Judge dismissed the application I.A.No.3 of 2022 filed by the appellants herein to implead them as parties to the writ petition without considering the legal position and also the contentions of the appellants herein and documents filed by them.

37. In view of the above discussion, this Writ Appeal is allowed. The impugned order dated 31.03.2023 passed by learned Single Judge in I.A.No.3 of 2022 in W.P.No.22032 of 2019 and W.P.No.22032 of 2019 is set aside. I.A.No.3 of 2022 is allowed. The appellants herein are impleaded as respondents in the writ petition. The matter is remanded back to the learned Single Judge to hear the parties and decide the writ petition in accordance with law. Liberty is granted to the parties to bring it to the notice of the learned Single Judge with regard to the pendency of SLP No.18266 of 2023 and also

to request the learned Single Judge to hear the matter as expeditiously as possible.

Consequently, miscellaneous petitions, if any, pending in this appeal shall stand closed.

JUSTICE K. LAKSHMAN

JUSTICE K. SUJANA

Date:27.09.2023.

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