

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.101 OF 2015

DATED:13.2.2015

Between:

The Singotam Fisherman Cooperative Society
Singotam
Mahabubnagar District
Represented by its President P. Rama Kishtaiah

... Petitioner

And

The State of Telangana
Represented by its Principal Secretary
Fisheries Department
Secretariat
Hyderabad
and others

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL NO.101 OF 2015

JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This appeal is directed against the order of the Hon'ble Trial Judge dt.3.12.2014 by which His Lordship has not only dismissed the writ petition as it was not pressed, but also gave certain consequential directions.

Learned counsel for the appellant submits that when the writ petition does not survive, question of allowing continuation of the interim order did not and could not arise. Therefore, compliance thereof should not have been directed.

Learned Government Pleader appearing for the respondents says that the direction was given by His Lordship in exercise of inherent power *ex debito justitiae* to tackle the law and order problem.

We are unable to convince ourselves with the submission of the learned Government Pleader appearing for the respondents, as when the writ petition was dismissed as not being pressed, question of continuation of the interim order with the same order does not arise as no lis is pending. We therefore delete the portion of continuation of the interim order and the direction for compliance thereof. We clarify that the interim order will subsist till the date of disposal of the writ petition. If for any reason, the order is not carried

out for which separate proceeding will lie provided, of course, that order subsisted when noncompliance thereof is alleged.

The writ appeal is allowed to the extent as above.

Pending miscellaneous petitions, if any, shall stand closed.

There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

13.2.2015

bnr