

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 575 OF 2015

02-07-2015

Between:

Gottu China Bhadra Rao and three others

... Appellants

And

The State of Andhra Pradesh, rep., by its Principal Secretary,
Municipal Administration and Urban Development, Secretariat,
Hyderabad and two others.

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 575 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the appellants – writ petitioners.

This writ appeal is directed against the order dated 21-04-2015 passed in WPMP No.15200 of 2015 in Writ Petition No. 11496 of 2015, whereby the appellants interim prayer has been rejected. It is not in dispute that the appellants in the earlier round of litigation (Writ Petition Nos.28562 of 2012 and 9333 of 2013) had given undertaking to this Court that they shall vacate the premises on or before 03-01-2014. Till today, they have not vacated the premises. In this backdrop, learned Judge has dismissed the application with the following observations:

“In view of the undertaking given by the petitioners in WP Nos.28562 of 2012 and 9333 of 2013 stating that they would vacate the premises on 03/01/2014, now it is not open for them to take steps otherwise than the undertaking given by them.

The issue is to whether the municipality can reverse its resolution by subsequent resolution or not can be considered in the main writ petition.”

Learned counsel for the appellants submits that after 03-01-2014, the appellants had made a representation to the respondent – Municipality, and their representation was initially considered favourably, and then again a resolution was passed withdrawing the earlier decision.

We are not concerned with any such resolution in the present

writ appeal. It is open for the appellants to raise all the contentions in the writ petition, which is still pending before the learned Judge, if they so desire and advised.

With these observations, the appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

02-07-2015
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