

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL MISCELLANEOUS APPEAL No.1120 of 2014

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The only ground on which this appeal is preferred, against the order passed by the II Additional District Judge, Karimnagar at Jagtial, in I.A.No.1086 of 2014 in O.P.No.128 of 2014 dated 31.10.2014, is that no interim order was passed continuing the petitioner as a ward member of Metpally municipality.

In the impugned order, the learned Judge held that under Section 23-A of the Andhra Pradesh Municipalities Act, 1965 (for brevity, 'the Act') an application could be made by the member, who ceased to hold office for disobedience of the party whip, to the District Court for a decision; the word 'decision' in Section 23-A of the Act only meant the act of deciding a dispute conclusively. Deciding a dispute conclusively, or the passing of a judgment or an order only meant a final order, and not an interim one; granting the relief sought for by the petitioner would amount to taking a final decision on the dispute between the parties without conducting a detailed enquiry in the main petition; and, as the respondents had stated that they were ready to cooperate within the Court for early disposal of the main petition, it was advisable to decide the main application itself without any interim order being passed.

The extent of the jurisdiction conferred, on the Court below under Section 23-A of the Act and, whether or not an interim order should be passed, necessitates consideration in this appeal. It would be wholly inappropriate for this Court to grant any interim order, without determining the scope of Section 23-A of the Act.

Smt.B.Rajeshwari, learned counsel for the petitioner, would submit that, instead of keeping the appeal pending on the file of this Court, it would suffice, if the Court below were to be directed to dispose of O.P.No.128 of 2014 within a specified time frame. In view of the submission now made by the learned counsel for the petitioner, ends of justice would be met if the Court below is requested to decide the main O.P. itself with utmost expedition.

The Civil Miscellaneous Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

26th February, 2015.

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