

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**Writ Appeal No.1202 of 2016
And
Writ Petition No.32409 of 2016**

COMMON JUDGMENT: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This Appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.40092 of 2016 in W.P.No.32409 of 2016 dated 28.09.2016 whereby, while issuing notice to respondents 6 and 7 (the appellants herein) and taking note of the fact that an order of injunction was passed in I.A.No.337 of 2016 in O.S.No.520 of 2015 dated 22.12.2015 by the Sub-Divisional Magistrate and Special Assistant Agent to the Government, Mobile Court, Bhadrachalam, the Learned Single Judge granted interim direction as prayed for. The interim direction sought for in WPMP No.40092 of 2016 is to provide police aid.

Sri Varanasi Venkateshwar, Learned Counsel for the appellants, would submit that an application, similar to the one in the present WPMP, was also filed before the Sub-Divisional Magistrate and Special Assistant Agent to the Government in I.A.No.27 of 2016 in I.A.No.337 of 2015 in O.S.No.520 of 2015; the petitioner could not have availed two parallel remedies seeking the very same relief; and, in any event, the Learned Single Judge could not have granted an *ex parte* order of police aid without giving the appellants an

opportunity of being heard as the effect of the interim order is to allow the Writ Petition itself at the admission stage.

While we were initially inclined to set aside the order under Appeal, and restore the WPMP to file, as the effect of the *ex parte* interim order is to allow the Writ Petition at the admission stage itself, Sri Kowturu Pavan Kumar, Learned Counsel for the 6th respondent-writ petitioner, would submit that it would suffice, instead, if the Sub-Divisional Magistrate and the Special Assistant Agent to the Government, is directed to dispose of I.A.No.27 of 2016 in I.A.No.337 of 2015 in O.S.No.520 of 2015 within a specified time frame. Sri Varanasi Venkateshwar, Learned Counsel for the appellants, would fairly state that such an order may be passed.

We consider it appropriate, in such circumstances, to dispose of both the Writ Appeal and the Writ Petition setting aside the order under appeal, and directing the Sub-Divisional Magistrate and Special Assistant Agent to the Government to pass orders, in I.A.No.27 of 2016 in I.A.No.337 of 2015 in O.S.No.520 of 2015, at the earliest and, in any event, not later than six weeks from the date of receipt of a copy of this order. The 6th respondent-writ petitioner is permitted to communicate this order to the Sub-Divisional Magistrate and Special Assistant Agent to the Government, Bhadrachalam. Needless to state that the interlocutory application must be decided by the Sub-Divisional Magistrate

and Special Assistant Agent to the Government on its own merits, without being influenced either by the interim order passed by the Learned Single Judge or the order now passed in this Writ Appeal.

Both the Writ Appeal and the Writ Petition are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date:10.11.2016
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