

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

WRIT APPEAL No.86 of 2016

Dt:10.02.2016

Between:

B.Narayana and another.

... Appellants

And

The Panchayat Officer and another.

... Respondents

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

WRIT APPEAL No.86 of 2016

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

This writ appeal is directed against an interlocutory order passed by learned Single Judge in WVMP No.12 of 2015 in WPMP No.50000 of 2014 in W.P.No.39871 of 2014, whereby interim order, dated 24.12.2014, has been vacated. By order, dated 24.12.2014, interim order as prayed was granted.

The order impugned in the present appeal reads thus:

“WVMP No.12 of 2015 is filed for vacating interim order, dated 24.12.2014, in WPMP No.50000 of 2014.

At the hearing, it has come out that even before the above mentioned interim order was passed, the shed erected by the petitioner was partially removed.

The learned counsel for the writ petitioners has fairly admitted that his clients are not carrying on any business in the partly demolished shed. It is also admitted that in identical cases viz., W.P.Nos.39780 of 2014 and 39783 of 2014, similar interim orders have been vacated.

In the light of the above facts, I do not find any reason to continue the interim order granted in this case. Accordingly, interim order, dated 24.12.2014, in WPMP No.50000 of 2014, is vacated, WVMP is allowed and WPMP is dismissed.”

From bare perusal of the order, it is clear that on behalf of the appellants, a concession was made and in view thereof, interim order

was vacated. Keeping that in view and considering the nature of order passed by learned Single Judge, we are not inclined to interfere with the same in the writ appeal.

Writ appeal is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:10.02.2016
kdl

