

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL No.867 OF 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by respondent No.8 in W.P.No.30736 of 2016 aggrieved by the *ex parte ad* interim order passed by the learned Single Judge in W.P.M.P.No.38046 of 2016 in W.P.No.30736 of 2016 dated 12.09.2016 directing the Station House Officer, Santosh Nagar Police Station, Hyderabad to provide police protection to the petitioners therein in respect of the property which is the subject matter of the said proceedings.

While Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the appellant (respondent No.8 in the writ petition), would contend that the order passed by the learned Single Judge not only amounts to allowing the writ petition, but goes even beyond the interim relief sought for by the respondent-writ petitioners, Sri L.Ravi Chander, learned Senior Counsel appearing on behalf of the respondent-writ petitioners, would submit that the appellant (respondent No.8 in the writ petition) should not be permitted to avail the remedy of an intra-court appeal under Clause 15 of the Letters Patent, as he could have filed a petition seeking vacation of the *ex parte ad* interim order.

It is wholly unnecessary for us to dwell on the rival contentions, as both the learned Senior Counsel agree that it would suffice if the order under appeal is set aside, the appellant herein (respondent No.8 in the writ petition) is permitted to file his counter affidavit within three days from today i.e on or before 19.09.2016, and *status quo* as on today is directed to be maintained for a period of ten days.

Recording the submissions of both the learned Senior Counsel, the order under appeal is set aside. The appellant herein shall file his counter affidavit on or before 19.09.2016. *Status quo* as on today shall

be maintained for a period of ten days. It is open to either of the parties to request the learned Single Judge to take up the interlocutory application at an early date.

The Writ 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, ACJ)

(U.DURGA PRASAD RAO, J)

16th September 2016
JSU



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Date: 16.09.2016

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