

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT APPEAL No. 314 of 2016

Date: 7.6.2016

Between:

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Kandimall Haranadha Babu S/o Narayana
R/o Kondayapalem village,
Ballikurava mandal, Prakasam district

..... Petitioner(s)

And

The State of A P
Rep by its Principal Secretary,
Mines and Geology Department
A P Secretariat, Hyderabad and others

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No. 314 of 2016

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

Heard Sri Jagdishwar Reddy, learned counsel holding for
Sri Krishna Murthy Devarakonda, advocate on record for appellant,
Sri S.Ravi learned senior counsel for respondent no.5, learned Government
Pleader for Revenue (AP) and learned Government Pleader for Mines and
Geology (AP).

2. This appeal is against the order dated 19.04.2016 passed by the

learned single Judge in WPMP No. 55131 of 2015 in W P No. 42753 of 2015, whereby the appellant's miscellaneous petition for interim order pending the hearing and final disposal of the writ petition came to be dismissed. We have perused the order. It is a well reasoned order running into about 7 pages. Appellant during vacation, made an attempt to seek interim order. However, his efforts were in vain. The Division Bench in the vacation on 12.5.2016 at the request of the learned counsel for appellant posted the writ appeal on 1.6.2016. After having failed to obtain any interim order in the vacation, the appellant filed a civil suit bearing O.S. No. 137 of 2016 in the Court of Principal Junior Civil Judge, Addanki on 3.6.2016. Mr.S.Ravi, learned senior counsel appearing for respondent No.5 placed a copy of the suit on record and after inviting our attention to the averments therein, submitted that the appellant has suppressed from the Court below, the pendency of writ petition and the order impugned in the present writ appeal. We have perused the plaint and we find there is no whisper about the writ petition and interim order, impugned in the present appeal. We find subject matter of the suit and the writ petition is one and the same and even the averments are similar. In this back-drop and for detailed reasons recorded by the learned single Judge, we are not inclined to interfere with the order. Hence, the appeal is dismissed. Miscellaneous petitions, if any pending stand dismissed. No costs.

3. At this stage, learned counsel for the appellant submits that the appellant would be satisfied if the learned single Judge is requested to hear and decide the writ petition expeditiously. Hearing of the writ petition is expedited.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date: 7.6.2016
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