

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

Writ Appeal No.936 of 2016

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

The State of Telangana represented by the Principal Secretary, Revenue is in appeal against the interlocutory order passed in W.P.M.P. No. 26784 of 2016 in Writ Petition No. 21794 of 2016, dated 7.9.2016.

While elaborate submissions were made both by the learned Advocate General appearing on behalf of the appellants, and Sri V. Balram, learned counsel for the respondent, it does appear that the State has filed a counter affidavit, albeit after the aforesaid interim order was passed by the learned Single Judge. Both the learned Advocate General, and Sri V. Balram, learned counsel, would submit that, instead of the appeal being entertained, it would be suffice if the order under appeal is set aside, and the W.P.M.P. is heard afresh and decided after taking into consideration the averments in the counter affidavit.

The order, in W.P.M.P. No. 26784 of 2016 in Writ Petition No. 21794 of 2016 dated 7.9.2016 is set aside. The learned Single Judge shall hear W.P.M.P. No. 26784 of 2016 in Writ Petition No. 21794 of 2016 on its merits, and after taking into consideration the averments in the counter affidavit. It is open to the learned counsel for the respondent-writ petitioner to request the learned Single Judge to hear W.P.M.P. No. 26784 of 2016 at an early date.

The writ appeal is accordingly disposed of. 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)

28th September 2016

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