

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Appeal No.1395 of 2016

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

While Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the appellant (5th respondent in the writ petition), has put forth several contentions on merits, we are satisfied that the learned Single Judge ought to have heard the appellant (5th respondent in the writ petition) before passing the order under appeal.

When we asked Sri D.Prakash Reddy, learned Senior Counsel appearing on behalf of the respondent-writ petitioner, regarding the justification for passing an *ex parte* interim order, without the contesting 5th respondent in the writ petition being heard in the matter, learned Senior Counsel, while supporting the order of the Single Judge, would fairly state that the 5th respondent in the writ petition was not heard before the order under appeal was passed.

As there are several disputes *inter se* between the appellant (5th respondent in the writ petition) and the respondent-writ petitioner, we are satisfied that the appellant (5th respondent in the writ petition) ought to have been heard before an interim order was passed.

We consider it appropriate, therefore, to set aside the order under appeal; and restore W.P.M.P.No.49503 of 2016 in W.P.No.40184 of 2016 to file. Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the appellant (5th respondent in the writ petition) would request ten days time to file counter-affidavit. It is open to the respondent-writ petitioner to request the

learned Single Judge to take up the W.P.M.P. any time after ten days from today.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

19th December, 2016
JSU



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Date: 19.12.2016

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