

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL NO.997 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letter Patents Act, is preferred by Hyderabad Metro Rail Limited (the fourth respondent in WP.No.2206 of 2014) aggrieved by the interim order passed in WP.MP.No.2677 of 2014 in WP.No.2206 of 2014 dated 21.09.2016. WP.MP. No.2677 of 2014 was filed requesting this Court to direct the appellant herein to remove the pillars which were laid on the eastern side of the road on the footpath area shown in RDP in File No.97/MCH/TPS/RW/2006 dated 24.02.2006 furnished under the RTI Act on 25.01.2010. By the order under appeal, the Learned Single Judge granted interim directions as prayed for.

Learned Advocate General for the State of Telangana would submit that the interim order is in the nature of a mandatory injunction directing the appellant to remove the pillars already laid; such an order could have been passed only after assigning reasons therefor; the fourth respondent had filed a counter affidavit; and the learned Single Judge had passed the aforesaid interim order without even referring to the contents of the counter affidavit, and without assigning reasons for issuing the direction that the pillars, already laid, be removed.

Sri M.V. Suryanarayana, learned counsel for the respondent-writ petitioner, does not dispute the fact that a counter affidavit was filed in the writ petition, by the appellant herein before the interim order was passed by the Learned Single Judge. If that be

so, the submissions made in the counter affidavit should have been considered before the interim relief, as sought for, was granted.

In the aforesaid circumstances, we see no reason to examine the dispute on its merits and consider it appropriate to set aside the order under appeal, and restore WP.MP. No.2677 of 2014 to file. Sri M.V. Suryanarayana, learned counsel for the respondent-writ petitioner, would express urgency, and submit that, unless the WPMP is heard early, the petitioner would suffer irreparable loss and injury. While we see no reason to fix any time frame for the learned Single Judge to pass an order afresh in the WPMP, we have no reason to doubt that, on a request being made by the learned counsel for the respondent-writ petitioner, the WPMP would be heard and decided with utmost expedition.

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

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

13th October 2016
RRB