

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

WRIT APPEAL No.695 OF 2016

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

_____ This appeal, under Clause 15 of the Letters Patent, is filed questioning the failure of the learned Single Judge to pass an interim order in W.P.M.P.No.29743 of 2016 in W.P.No.24141 of 2016, and in directing the W.P.M.P. to be listed after four weeks.

_____ While it is doubtful whether an appeal would lie, under Clause 15 of the Letters Patent, against notice being ordered in the W.P.M.P, it is unnecessary for us to dwell on this aspect as the appellants have been paying enhanced tax from 2012 onwards; and the further enhancement, from the year 2015, is said to be around 50%. Even if the appellants were to pay the enhanced tax, they can always be compensated later either by directing refund of the amount already paid or by way of a direction to the respondents to adjust the tax paid with the tax dues of the subsequent years. We see no reason, therefore, to entertain this appeal.

_____ The Writ Appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

11th August 2016

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Date: 11.08.2016

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