

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL NO.991 OF 2016

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

Heard Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the appellants and Sri Sreenivasa Rao Velivela, learned counsel for the respondent-writ petitioner and, with their consent, the Writ Appeal is disposed of at the stage of admission.

The order under appeal is the interlocutory order passed in WPMP.No.39761 of 2016 in WP.No.32083 of 2016 dated 23.09.2016. The first respondent herein filed WP.No.32083 of 2016 requesting this Court to issue a writ of mandamus declaring the action of the Station House Officer, Neredmet P.S., Ranga Reddy District in not providing police protection to implement the injunction order dated 10.03.2016 made in IA.No.11 of 2015 in OS.No.105 of 2015 on the file of the IX Additional Senior Civil Judge, L.B.Nagar, as arbitrary and illegal. By way of WPMP.No.39761 of 2016, the first respondent sought an interim direction to the Station House Officer, Neredmet P.S., to provide police protection to implement the injunction order dated 10.03.2016 made in IA.No.11 of 2015 in OS.No.105 of 2015 on the file of the IX Additional Senior Civil Judge, L.B.Nagar pending disposal of the Writ Petition.

The interim relief sought for in the WPMP is identical to the main relief sought for in the Writ Petition. The interim order passed at the stage of admission of the Writ Petition, in effect, has

resulted in the Writ Petition itself being allowed. As the appellants herein have been denied the opportunity of filing their counter affidavit, and to contest the Writ Petition on merits, we consider it appropriate to set aside the order under appeal, and restore WPMP.No.39671 of 2016 to file.

Sri Vedula Venkata Ramana, learned Senior Counsel, undertakes that the appellants shall file their counter affidavit within two (2) weeks from today. It is open to the first respondent herein (petitioner in the Writ Petition) to request the learned Single Judge, after two (2) weeks, to hear and decide the WPMP in accordance with law.

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



(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

14th October 2016
RRB