

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT APPEAL No.1194 of 2016

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the interim order passed by the learned Single Judge in W.P. No. 30855 of 2016 dated 12.9.2016. The said interim order reads thus:

“The learned Advocate General submitted that they are going to protect their 470 Acres of land by way of fencing.

Hence, both parties are directed to maintain status-quo obtaining as on today.

Post on 22-09-2016 in Motion List.”

Sri D. Prakash Reddy, learned Senior Counsel appearing on behalf of the appellants-writ petitioners, would contend that the total extent of land in the subject survey number is 525 acres; while the Government claims to be entitled to an extent of 470.33 acres, the case of the appellants-writ petitioners is that, apart from this extent, an extent of Acs.53.00, from out of Acs.54.07 guntas, belongs to them; and they are only seeking a direction to the respondents not to dispossess them from this extent of land.

Pending admission of the writ petition, the learned Single Judge has directed the parties to maintain status-quo obtaining as on the date of the order. The learned Advocate General would draw our attention to the order, passed in W.A.M.P. No. 1092 of 2016 in W.A. No. 420 of 2016 dated 28.6.2016, to submit that possession of the Government, over 470.33 acres of land, is admitted; and this appeal has only been preferred to prevent the respondents from seeking vacation of the interim order of status-quo. An implead application is also filed by persons claiming to be the owners of the

land, who dispute the title of the appellants to the subject lands itself.

While the learned Advocate General, appearing on behalf of the respondents, and Sri. Ajay Reddy, learned counsel appearing on behalf of the impleaded applicants, submit that they have filed petitions to vacate the order of status-quo, Sri D. Prakash Reddy, learned Senior Counsel, would submit that contempt proceedings have been instituted for violation of the aforesaid interim order.

It is wholly unnecessary for us to examine the rival contentions urged in this appeal as the interests of both parties have been adequately safeguarded by the learned Single Judge, pending admission of the writ petition, by way of an order of status-quo. Suffice it to make it clear that the order of status-quo passed by the learned Single Judge, that too pending admission of the Writ Petition, does not necessitate interference in an *intra-court* appeal under Clause 15 of the Letters Patent. It is made clear that the order now passed by us shall neither disable the appellants from prosecuting the contempt proceedings instituted by them nor the respondents and the implead applicants to seek vacation of the order of status quo passed by the Learned Single Judge.

Subject to the aforesaid observations 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)

(A. SHANKAR NARAYANA, J)

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Date: 10.11.2016

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