

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

Writ Appeal No. 974 of 2017

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

Learned Special Government Pleader, appearing on behalf of the learned Advocate General for the State of Andhra Pradesh, states that costs of Rs.5,000/- have been paid to the respondent-writ petitioner; by oversight a memo was filed that it was paid to the counsel for the respondent-writ petitioner; and the said memo has since been corrected.

This appeal, under clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in WPMP No. 2711 of 2015 in W.P.No. 2028 of 2015 dated 4.2.2015.

As the contentions urged by the learned counsel for the parties were considered elaborately, while condoning the delay of 851 days in preferring the appeal against the order under appeal, suffice it to reiterate, what we have observed in the said order, that, in the light of the judgment of the Supreme Court in *Bank of Maharashtra Vs. Race Shipping & Transport Co. Pvt. Ltd*¹, and the order of the Division Bench in W.A.Nos. 191 and 193 of 2017 dated 13.02.2017, interim orders, which practically give the principal relief sought for in the writ petition, should not be passed without assigning reasons why the case warranted grant of such an interim order; and, as an interlocutory order does not attain finality and can always be varied or vacated on a petition being filed in this regard,

¹ (1995) 3 SCC 257

the law declared by the Supreme Court in *State of J & K Vs. Mohd. Yaqoob Khan*² would require the Court, on a specific request being made in this regard, to consider hearing the vacate stay petition along with the Contempt Case.

Both the learned Special Government Pleader appearing on behalf of the learned Advocate General for the State of Andhra Pradesh and Sri N. Subba Rao, learned counsel for the respondent-writ petitioner, would request that the vacate stay petition be directed to be heard along with contempt case.

Suffice it, therefore, to direct that, in the light of the law declared by the Supreme Court in *Mohd. Yaqoob Khan*, WVMP No. 4919 of 2015 be listed along with Contempt Case No. 2065 of 2015 before the learned Single Judge before whom the Contempt Case is listed. The learned Single Judge is requested to take up WVMP No. 4919 of 2015, either before or along with C.C No. 2065 of 2015, for hearing and disposal in accordance with law.

The writ appeal is disposed of accordingly. Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

4.9.2017
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² (1992) 4 SCC 167

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