

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice T.Rajani

LPA No.3 of 2017

Date: 11.04.2017

Between:

Sri A.Bhanu Pratap and another

... Appellants

and

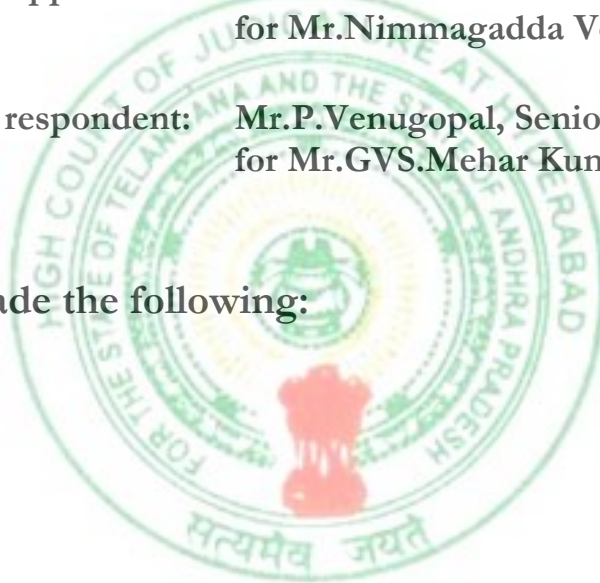
Sri Nallapati Srinivasa Chakravarthi

...Respondent

Counsel for the Appellants: The Advocate-General (AP)
for Mr.Nimmagadda Venkateswarlu

Counsel for the respondent: Mr.P.Venugopal, Senior Counsel
for Mr.GVS.Mehar Kumar

The Court made the following:



Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Letters Patent Appeal (LPA) arises out of Order, dated 21-02-2017, in CA.No.169 of 2017 in CC.No.318 of 2017.

In this LPA, the appellants are aggrieved by the aforementioned interim order of the learned Single Judge, which has the effect of not only preventing the appellants from demolishing the structure raised by the respondent but also enabling the respondent to construct the building.

As far as the latter part of the relief granted by the learned Judge is concerned, Mr.P.Venugopal, learned Senior Counsel appearing for Mr.G.V.S.Mehar Kumar, learned Counsel for the respondent, has submitted that his client will not proceed with the construction till appropriate orders in WP.No.9705 of 2017 or Miscellaneous Petitions filed therein are passed. With regard to demolition, the learned Senior Counsel submitted that the Miscellaneous Petition filed in WP.No.9705 of 2017 is adjourned to 20-04-2017 by the learned Single Judge to enable the learned Counsel for the appellant (respondent in the Writ Petition) to file a counter-affidavit and that instead of adjudicating the issue as to whether the interim relief not to demolish the structure was within the jurisdiction of the learned Single Judge or not, the appellants

may be directed not to demolish the building till the next date of hearing of the said Miscellaneous Petition.

Though, initially, the learned Advocate-General showed his reluctance to concede the request of the learned Senior Counsel appearing for the respondent, ultimately, he has agreed to the suggestion that the building will not be demolished till the evening of 20-04-2017 to enable the respondent to persuade the learned Single Judge to pass appropriate order in the Miscellaneous Petition.

In the light of the above, we find it unnecessary to dispose of the LPA on merits.

The LPA is, accordingly, disposed of by placing on record the undertaking of the learned Advocate-General regarding demolition and Mr.P.Venugopal, learned Senior Counsel, regarding further construction, as noted hereinabove.

As a sequel to disposal of the LPA, LPAMP.No.8 of 2017, filed by the appellants for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

