

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL No.1372 of 2017
and WRIT PETITION No.29840 of 2017

24.10.2017

W.A.No.1372 of 2017:

Between:

A.Srinivas

..Appellant

and

G.Srinivas and another

..Respondents

Counsel for the appellant: Mr.K.G.Krishnamurthy, senior counsel
for Mr.K.Ramamohan

Counsel for respondent No.1: Dr.K.Lakshmi Narasimha

Counsel for respondent No.2: Mr.G.Vidya Sagar, senior counsel

W.P.No.29840 of 2017:

Between:

G.Srinivas

..Petitioner

and

Southern Power Distribution Company of Telangana Limited
(T.S.S.P.D.C.L.), Hyderabad

..Respondent

Counsel for the petitioner: Dr.K.Lakshmi Narasimha

Counsel for the respondent: Mr.G.Vidya Sagar, senior counsel

The Court made the following:

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

The parties are hereinafter referred to as they are arrayed in W.A.No.1372 of 2017.

2. W.A.No.1372 of 2017 is filed by a third party to W.P.No.29840 of 2017 with leave to question *ad interim* order, dated 04.09.2017, in W.P.M.P.No.37157 of 2017 filed in the said writ petition. By the said order, the learned Single Judge has granted *ad interim* relief in favour of respondent No.1.

3. During the hearing, we have expressed our *prima facie* opinion that as the order under appeal is *ad interim* in nature, it does not call for interference. However, Mr.K.G.Krishna Murthy, learned senior counsel representing Mr.K.Ramamohan, learned counsel for the appellant, has submitted that as the show cause notice as well as the consequential order impugned in the writ petition passed against respondent No.1 are vague, they may be set aside with a direction to respondent No.2 to issue a fresh show cause notice to respondent No.1 and pass a fresh reasoned order, after giving an opportunity of hearing to him. Mr.G.Vidya Sagar, learned senior counsel appearing for respondent No.2, has fairly agreed to the above proposal. Therefore, we have called for W.P.No.29840 of 2017 for disposal.

4. Accordingly, show cause notice, dated 09.05.2017, and order, dated 30.08.2017, impugned in W.P.No.29840 of 2017 are set aside. Respondent No.2 is directed to issue a fresh show cause notice to respondent No.1 within two weeks from the date of receipt of a copy of this order. Within two weeks of receipt of fresh show cause notice,

respondent No.1 shall file his objections. Within one month thereafter, respondent No.2 shall take an appropriate decision, after hearing respondent No.1 in person and communicate the same to him.

5. The Writ Petition is, accordingly, allowed and the Writ Appeal is dismissed.

6. As a sequel, W.P.M.P.No.37157 of 2017 in W.P.No.29840 of 2017 shall stand disposed of and W.A.M.P.No.2545 of 2017 in W.A.No.1372 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

24th October, 2017
GHN

