

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.96 of 2017

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

Heard Sri P.Satyanarayana, learned counsel for the appellant, and Sri K.Mallikarjuna Moorthy, learned counsel for the respondent-writ petitioner and, with their consent, the writ appeal is disposed of at the stage of admission. This Writ Appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.347 of 2017 dated 04.01.2017.

The appellant herein is the 4th respondent in the writ petition and the complainant in Crime No.45 of 2016 of B.Kodur P.S, YSR Kadapa District. The 1st respondent herein filed W.P.No.347 of 2017 seeking a mandamus to declare the action of the Station House Officer, B.Kodur Police Station, in registering the complaint against him in Crime No.45 of 2016, as arbitrary and illegal.

By the order under appeal, the Learned Single Judge directed the police officers to complete investigation without arresting the 1st respondent-writ petitioner, and to file their final report in accordance with law. The 1st respondent-writ petitioner was directed to appear before the Investigating Agency as and when his presence was required, and to cooperate with the Investigating Agency. The writ petition was disposed of accordingly.

Sri P.Satyanarayana, learned counsel for the appellant, would submit that the order under appeal came to be passed

without putting the appellant (4th respondent in the writ petition) on notice, and without giving him an opportunity of being heard.

A perusal of the order under appeal shows that the writ petition was disposed of at the stage of admission and, though the appellant herein was arrayed as the 4th respondent in the writ petition, he was neither put on notice nor was he given an opportunity of being heard.

On the short ground of violation of principles of natural justice, the order under appeal is set aside and W.P.No.347 of 2017 is restored to file. The appellant herein shall file his counter affidavit in the writ petition within ten days from today. It is open to the 1st respondent-writ petitioner to request the Learned Single Judge to take up the Writ Petition for admission, and for grant of interlocutory relief, after ten days from today.

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

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

20th January, 2017
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Date: 20.01.2017

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