

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

WRIT PETITION No.32663 of 2017

Date:22.9.2017

Between:

E.Mallikarjuna,
S/o E.Chenganna

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Water Resources
Department, Guntur District and two others.

....Respondents

Counsel for the petitioner: Mr. V.Maheshwar Reddy

Counsel for the respondents: GP for Services (AP)

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by non-granting of *ex parte* ad interim order, the applicant in Original Application No.2524 of 2017 before the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') filed this Writ Petition.

A perusal of the impugned order of the Tribunal shows that while admitting the afore-mentioned O.A., it has issued notice to the respondents returnable in four weeks.

Mr. V.Maheshwar Reddy, learned counsel for the petitioner, submitted that in cases, where *ex parte* ad interim orders are not granted, the Tribunal is not hearing the cases for the purpose of granting the interlocutory relief after notice.

In our opinion, when a prayer for interim relief is made, it is obligatory for the Tribunal to consider the same and pass appropriate order pending the O.A. Even if the Tribunal is not convinced to grant an ad interim order, that would not forfeit the right of the petitioner to request for grant of interim relief after service of notice on the other side except in cases where the interim relief is rejected while issuing notice in the O.A. When the OA is admitted and notice is issued, it is implied therefrom that the request of the applicant for grant of interim relief is pending and that the same will be considered once notice is served on the respondent/s.

Accordingly, we decline to entertain the Writ Petition at this stage. The petitioner is given liberty to move the Tribunal for consideration of his request for grant of interim relief after service of notice on the respondents.

As a sequel, WPMP.No.40622 of 2017 is dismissed as infructuous.

JUSTICE K. VIJAYA LAKSHMI

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