

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI

Writ Appeal No.1023 of 2017

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

After the matter was heard for some time, and when we enquired whether it would be better that all the issues raised in this appeal be examined by the Learned Single Judge, Sri D.Prakash Reddy, learned Senior Counsel appearing on behalf of the 1st respondent-writ petitioner, would fairly state that, while the 1st respondent-writ petitioner had no doubt raised an objection before the Learned Single Judge regarding the maintainability of a vacate stay petition, since the interim order was passed by the Learned Single Judge after contest, they would no longer take such an objection; and instead of adjudicating the questions raised in the appeal, the Learned Single Judge could be requested to hear and decide the vacate stay petition.

As several factual aspects necessitate examination, and the scope of enquiry in proceeding under Clause 15 of the Letters Patent is extremely limited, we consider it appropriate, in the light of the consent of both the learned Advocate General appearing on behalf of the appellants and Sri D.Prakash Reddy, learned Senior Counsel appearing on behalf of the 1st respondent-writ petitioner, that the vacate stay petition itself be taken up and decided by the Learned Single Judge. As both the learned Advocate General and the learned Senior Counsel are in agreement, we request the Learned Single Judge to take up the vacate stay petition either before or along with the contempt case.

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

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

21st July, 2017
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI**



Writ Appeal No.1023 of 2017

Date: 21.07.2017

JSU