

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

Writ Appeal No.1280 of 2017

AND

Writ Petition No.26994 OF 2017

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in W.P.M.P.No.33540 of 2017 in W.P.No.26994 of 2017 dated 11.08.2017.

The appellants herein filed W.P.No.26994 of 2017 seeking a Writ of Prohibition restraining the 4th respondent from entertaining case Nos.45/CA/2017, 44/CA/2017, 62/CA/2017, 64/CA/2017, 53/CA/2017 and 49/CA/2017, to declare that the 3rd respondent is disentitled from initiating parallel proceedings with regards the same subject matter, and to consequently set aside the proceedings in abovesaid cases initiated against the petitioners under Sections 52 and 53 of Housing Board Act, 1956.

In the order under appeal, the learned Single Judge observed that, in W.P.M.P.No.33240 of 2017 in W.P.No.26779 of 2017 dated 09.08.2017, this Court had refused to interdict the proceedings initiated under the Andhra Pradesh Housing Board Act, 1956; and, though worded differently, the relief sought for in W.P.No.26994 of 2017 was also to set aside the proceedings initiated under the Andhra Pradesh Housing Board Act. The W.P.M.P. was, accordingly, dismissed.

When the matter came up before us earlier, Sri C.Buchi Reddy, learned Standing counsel for Telangana State Housing Board, sought time to obtain instructions. Today, the learned Standing Counsel, relying on the instructions received from the Vice-Chairman & Housing Commissioner, Telangana Housing Board, would submit that the Housing Board would be withdrawing the proceedings before the 4th

respondent with a view to pursue their remedies under the Housing Board Act.

As the Telangana State Housing Board intends to withdraw the proceedings initiated by it earlier under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, the cause in the writ petition as well as in the Writ Appeal do not survive necessitating any further adjudication by us. As the appeal is preferred against the interlocutory order passed in the said writ petition, which order would not survive upon the Writ Petition being disposed of, this appeal would also not survive necessitating any further adjudication.

Sri N.Subba Rao, learned counsel for the appellants, seeks liberty to initiate independent legal proceedings against the Telangana State Housing Board for having initiated proceedings against the appellants under the Act. Liberty, as sought for, is granted. Needless to state that this order shall not disable the appellants from questioning the action taken against them by the respondents under the Telangana State Housing Board Act.

Both the Writ Appeal as well as the Writ Petition are, accordingly, closed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M.GANGA RAO, J.)

3rd October, 2017
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