

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.105 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Sri K.Naga Prasad, learned counsel for the appellant, the learned Government Pleader for Home and Sri K.Suresh Reddy, learned counsel for the respondent-writ petitioners and, with their consent, the writ appeal is disposed of at the stage of admission. This appeal, under Clause 15 of the Letters Patent, is preferred, against the order passed in W.P.No.44692 of 2016 dated 28.12.2016, by the 4th respondent in the writ petition. Her grievance is that the said order was passed even without putting her on notice and without giving her an opportunity of being heard.

By the order under appeal the Learned Single Judge directed the 3rd respondent therein to complete investigation without arresting writ petitioners 2 to 6 and to file a final report; writ petitioners 2 to 6 were directed to appear before the Station House Officer, Women Police Station, Kakinada and execute a personal bond for a sum of Rs.5,000/-; and the Court concerned, in which the passport of the first writ petitioner was deposited, was directed to release the passport to him on his executing a personal bond for a sum of Rs.3,00,000/-.

It is wholly unnecessary for us to examine the order under appeal on merits, as it was passed without putting the 4th respondent in the writ petition on notice and without giving her an opportunity of being heard. Crime No.23 of 2016 was registered by the Women Police Station, Kakinada on the complaint lodged by the 4th respondent in the writ petition.

As the order under appeal was passed in violation of principles of natural justice, we consider it appropriate to set aside the said order and restore W.P.No.44692 of 2016 to file. The appellant herein shall file her

counter affidavit within two weeks from today. It is open to respondents 4 to 9 herein (writ petitioners) to request the Learned Single Judge to take up the writ petition for admission, and for grant of interlocutory relief, any day after two weeks from today.

The Writ Appeal stands disposed of accordingly. 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)

23rd January, 2017
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Date: 23.01.2017

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