

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

WRIT APPEAL NO.110 OF 2017

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

Heard Sri Ambati Srinivas, learned counsel for the appellant and Sri Koteswara Prasad, learned counsel for the respondent-writ petitioner and, with their consent, the Writ Appeal is disposed of at the stage of admission.

The appellant herein is the third respondent in WP.No.41614 of 2016. The first respondent herein filed the said Writ Petition seeking a mandamus to declare the inaction of the Station House Officer, Hajipur Police Station, Mancheria District, in granting legal protection to protect the house hold property of the petitioner by taking action against the third respondent who was violating Court orders, as arbitrary and illegal.

By the order under appeal, the learned Single Judge directed the Station House Officer-second respondent to consider the representation of the petitioner dated 04.11.2016 and to provide police protection to the life and property of the petitioner, if the second respondent was of the view that there was any necessity to provide police protection. The order under appeal was passed without putting the appellant on notice and without giving him an opportunity of being heard.

On the ground of violation of natural justice, the order under appeal is set aside and WP.No.41614 of 2016 is restored to file. The appellant herein shall file his counter affidavit in the Writ Petition within ten (10) days from today. It is open to the first

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 (10) days from today.

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

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

24th January 2017
RRB

