

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Mr. JUSTICE ABHINAND KUMAR SHAVILI

Writ Appeal No. 1579 of 2017

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

This appeal is preferred against the interim order passed in W.P. No. 21969 of 2017 dated 4.7.2017 as extended by order dated 16.10.2017 contending that failure to consider and pass orders, notwithstanding a counter affidavit and vacate stay petition being filed and despite the observations made in W.A. No. 1333 of 2017, as illegal.

Sri S. Niranjan Reddy, learned Senior Counsel appearing on behalf of the appellant, would draw our attention to the order passed in W.A. No.1333 of 2017 wherein, in an appeal against the very same order, the Division Bench had observed that, as the appellant had filed a petition to vacate the interim order passed earlier, it was but appropriate that the appellant, in case there was an urgency for the matter to be heard early, requests the learned Single Judge to take up the vacate stay petition at an early date; and it had no reason to doubt that, upon such a request being made, the learned Single Judge would give it its due consideration.

On the ground that the vacate stay petition has not been taken up, and the interim order granted earlier has been extended twice thereafter, the 5th respondent in the writ petition, who had earlier filed W.A. No.1333 of 2017, has again filed the present appeal.

The mere fact that the interim order has been extended twice thereafter, and the vacate stay petition could not be taken up by the learned Single Judge, would not justify an appeal being preferred once again, more so when the Division Bench, in its order in W.A. No.1333 of 2017 dated 14.9.2017, had observed that it was for the appellant to request the learned Single Judge to take up the vacate stay petition. The Writ Appeal, as filed, is wholly misconceived and is, accordingly, dismissed.

Sri S. Niranjan Reddy, learned Senior Counsel appearing for the appellant, states that the appellant would once again make a request before the learned Single Judge. Suffice it to observe that dismissal of this appeal would

not disable the appellant from making such a request to the learned Single Judge and, as observed by the earlier Division Bench, the Learned Single Judge would, undoubtedly, give such a request its due consideration.

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

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

2nd November, 2017

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Date: 2.11.2017

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