

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.350 of 2018

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

This appeal is preferred against the ad interim order passed by the Learned Single Judge in W.P.M.P.No.52214 of 2017 in W.P.No.42095 of 2017 dated 11.12.2017 whereby the official respondents in the writ petition, including the appellants herein, were directed not to interfere with the statue as well as the shelter situated in Survey Nos.377 and 378, of an extent of 10 square yards, of Muthyalampadu Village, Dachepally Mandal, Guntur District.

While the learned Government Pleader for Roads and Buildings would submit that the subject statue, which was hitherto located on the road margin, would now fall in the middle of the road which is now sought to be expanded into a six-lane highway, Sri V.Sai Kumar, learned counsel for the 1st respondent-writ petitioner, would submit that these lands belong to the 1st respondent-writ petitioner; the statue has been erected in private patta lands belonging to them; the 1st respondent-writ petitioner's lands have not been acquired so far; no counter-affidavit has even been filed in the writ petition; and these averments are made across the bar for the first time in this appeal.

The order passed by the Learned Single Judge is an ad interim order. It is always open to the appellants herein to place all the facts, which have now been urged before us, in the form of a counter-affidavit and seek vacation of the ad-interim order passed by the Learned Single Judge. We see no reason, therefore, to interfere with the order under appeal at this stage.

Leaving it open to the appellants herein to file a petition, to vacate the ad-interim order, before the Learned Single Judge, 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)

(KONGARA VIJAYA LAKSHMI, J)

12th March, 2018
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