

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.435 of 2018

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

This writ appeal is preferred against the order passed by the Learned Single Judge in W.P.No.1396 of 2018 dated 19.01.2018. The Learned Single Judge dismissed the writ petition on the ground that a similar relief was sought in W.P.No.39919 of 2017 dated 24.11.2017; and, in case the order passed in the said writ petition was not implemented, it was for the petitioner to take necessary steps in the said writ petition, but not to file a fresh writ petition; and, in such circumstances, the writ petition could not be entertained.

When read in the light of the earlier part of the said order, we find considerable force in the submission of Sri P.V.Krishnaiah, learned counsel for the appellant-writ petitioner, that the earlier order passed by the Learned Single Judge on 24.11.2017, directing *status quo* to be maintained, was only with respect to the notice impugned therein dated 20.11.2017. The fact, however, remains that the question whether the order of *status quo* is confined only to the notice, or to the position prevailing on the date of the order, can only be clarified by the Learned Single Judge on a petition being filed by the appellant-writ petitioner before him. It would be inappropriate for us to interpret the order passed in W.P. No.39919 of 2017 dated 24.11.2017 in collateral proceedings, as the present appeal is preferred against the order passed in W.P. No.1396 of 2018.

Sri P.V.Krishnaiah, learned counsel for the appellant-writ petitioner, would submit that, even if the order required *status quo* to be maintained as on that date, the respondents could not have barricaded the semi-constructed building with iron sheets, without following the

procedure established by law. The appellant-writ petitioner can always invoke the jurisdiction of the Learned Single Judge for violation of an order passed by this Court, bringing to his notice that the order passed by him has been violated necessitating action being taken against those who have violated the order.

Leaving it open to the appellant-writ petitioner to seek clarification of the order dated 24.11.2017 passed in W.P.No.39919 of 2017, and to institute appropriate legal proceedings for violation of the said order if any, we see no reason to interfere with the order under appeal. The Writ Appeal is, accordingly, closed. Miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

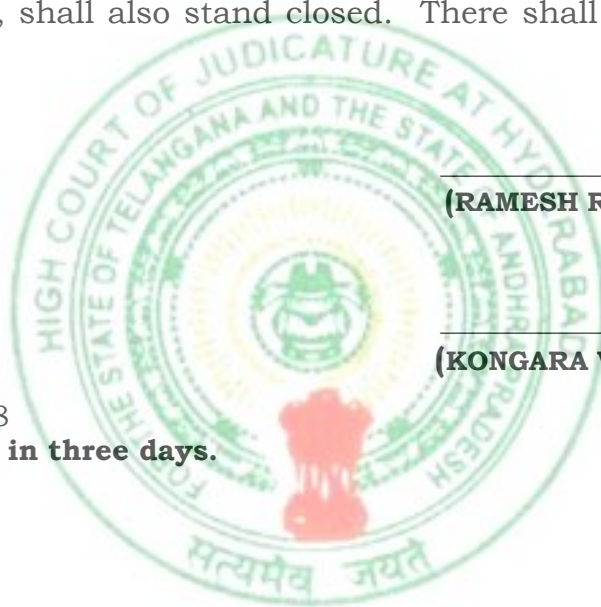
(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

13th March, 2018

Note: Issue C.C. in three days.

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Date: 13.03.2018

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