

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.486 OF 2018

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

This is an appeal against an interlocutory order issued by the learned Single Judge.

2. At the outset, we may record that W.A.No.400 of 2018 filed by the writ petitioner stands concluded through judgment dated 12.03.2018.

3. The 3rd respondent in the writ petition is the appellant. It is the Jubilee Hills Cooperative House Building Society Limited. Through the impugned interlocutory order, the learned Single Judge has issued an order to the effect that no construction work for non-residential purpose can be taken up and the allotment is to be only for residential and not for any commercial purpose. This is fundamentally the reflection of the plea of the writ petitioner before the learned Single Judge. The interlocutory order was issued adjourning the matter to 06.03.2018 to enable the official respondents to make submissions before the learned Single Judge on instructions.

4. Having regard to the disputes raised by the writ petitioner, the 3rd respondent/writ appellant as well as those issues that are likely to engage the attention of the learned Single Judge in the writ petition,

we are of the view that the proper course to be adopted is to relegate the parties for final adjudication of writ petition, since the appellant, who is 3rd respondent in the writ petition, points out that its activities are getting stalled though it is permitted to call for tenders. The learned Single Judge is requested to expedite final hearing of the writ petition after ensuring that the parties get due opportunity to complete pleadings. The impugned interlocutory order does not merit interference, since the said interlocutory order does not result in any jurisdictional error or legal infirmity on the basis of the facts and circumstances in hand.

5. For the aforesaid reasons, the writ appeal is disposed of following the judgment dated 12.03.2018 in W.A.No.400 of 2018. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

29th August, 2018

Lrkm/Stp