

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.696 of 2017

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

We have heard Sri K. Lakshman, learned Assistant Solicitor General of India for the appellant, and Sri K. Ashok Reddy, learned counsel for the first respondent-writ petitioner.

2. The issue raised for consideration is one in relation to the construction of a building by the writ petitioner in an area which apparently falls within the zone which requires clearance of the Airport Authority of India or the Cantonment to grant permission to build.

3. Following an earlier order dated 22.01.2014 issued in W.P.No.1202 of 2014, the learned Single Judge has issued the impugned order, which is a final order, disposing of W.P.No.32468 of 2016.

4. The order dated 22.01.2014 relied on by the learned Single Judge was itself an interlocutory order and that writ petition is still pending for consideration.

5. In the aforesaid facts and circumstances, after hearing the learned counsel for the parties, it is directed that the impugned order of the learned Single Judge issued on 23.09.2016 in W.P.No.32468 of 2016 would be treated only as an interlocutory order in terms of what is contained in the order dated 22.01.2014 in W.P.No.1202 of 2014. The impugned order in W.P.No.32468 of 2016 will stand modified accordingly. Consequently, W.P.No.32468 of 2016 shall not be treated as having been finally disposed of and will stand restored to file for final disposal. Let it be listed along with W.P.No.1202 of 2014 for final disposal.

6. The Writ Appeal is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

Date: 12.09.2018.
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