

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.661 of 2018

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

The learned Single Judge passed the order, in W.P. No. 4885 of 2018 dated 13.04.2018, on the ground that the objects of the Andhra Pradesh Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2013 (hereinafter referred to as "the Act") disabled diversion of funds for laying roads in the Nagar Panchayat. Interim direction, as prayed for, was granted.

Unlike in W.P. No. 1383 of 2018 where such a relief was sought, the relief sought for in the subject Writ Petition is not for implementation of the provisions of the Act. Sri K. Anup Koushik, learned counsel for the 1st respondent-writ petitioner, would submit that the contentions, urged on behalf of the 1st respondent-writ petitioner, were not considered by the learned Single Judge; and a similar order, as was passed in W.P. No. 1383 of 2018 dated 13.4.2018, was passed in this Writ petition also, though the relief sought for in this Writ petition is different from the relief sought for in W.P. No. 1383 of 2018.

On this short ground alone, the order under appeal must be, and is accordingly, set aside. It is open to the 1st respondent-writ petitioner to put forth his submissions in the Writ Petition before the learned Single Judge. Needless to state that such contentions shall be examined on its merits, independently of the contentions put forth in W.P. No.1383 of 2018.

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

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

30th April, 2018

Note:

Furnish c.c. in two days.

b/o

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