

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1183 of 2018

JUDGMENT (ORAL): *(Per the Hon'ble Sri Justice S.V. Bhatt)*

Heard learned Advocate General for appellants and Mr. Gudapati Venkateswara Rao for respondent/writ petitioner.

2. The appeal is directed against interlocutory order in I.A.No.1 of 2018 in W.P.No.18844 of 2018.

3. The circumstances relevant for disposing of the writ appeal are stated thus:

On 09.08.2007, the first appellant entered into an agreement with what is called Eluru Town Automobile Mechanics Association for transfer of land belonging to appellants for allocation to the members of Eluru Town Automobile Mechanics Association. The first respondent herein is one of the members of said Association and he claims that a plot has been allotted in his favour, and a sale deed was executed in favour of first respondent on 11.06.2014. The first appellant it is averred cancelled the allotment of Eluru Town Automobile Mechanics Association and the cancellation is the subject matter of W.P.No.3748 of 2017. A learned Single Judge of this Court directed the parties to maintain *status quo* as on 03.02.2017. W.P.No.3748 of 2017 is pending. While the matter stood thus, the first respondent herein filed W.P.No.18844 of 2018 and the order impugned in the appeal was made on 08.06.2018.

4. After considering the nature of controversy and also that an ad interim injunction has been granted without reasons, this Court suspended the order under appeal.

5. We have heard the learned counsel and are of the view that W.P.Nos.3748 of 2017 and 18844 of 2018 are still pending and prayers are worked out in these writ petitions. The order under appeal dated 08.06.2018 since suspended, it is for the appellants to move the learned Single Judge in any of these writ petitions for appropriate prayers for protecting or preventing the beneficiaries from changing the physical features of the subject matter of writ petitions.

6. The interim order granted on 10.09.2018, is made final order in the Writ Appeal, by granting liberty to appellants to file an application in any of the writ petitions for a suitable arrangement on preservation of property pending disposal of writ petitions. As and when such application is made, we request the learned Single Judge to consider and pass orders as are deemed fit.

7. The Writ Appeal is accordingly disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

Date: 05.11.2018
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