

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

AND

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT APPEAL No.860 OF 2017

JUDGMENT (ORAL): (Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned counsel for the appellant and the learned Government Pleader for Municipal Administration.

2. This Writ Appeal is against an interim order passed during the course of writ petition W.P. No.28337 of 2016. The 3rd respondent, competent authority under the land pooling scheme, found that there is no real dispute and upheld the eligibility of respondent No.4 for the funds available to be paid. This was challenged by the writ petitioner through the writ petition. Initially, the learned single Judge ordered *status quo*. Later, the learned single Judge has modified that order by stating that respondent No.4 viz., Smt. Chandolu Padmavathi will take the amounts subject to final orders that may be passed in the writ petition. The learned single Judge has also recorded an undertaking on behalf of respondent No.4 that the amounts will be settled subject to result of the writ petition. Obviously, therefore, the interest of the writ petitioner is finally safeguarded fundamentally in view of the findings of the statutory authority - respondent No.3 that respondent No.4 is eligible to the funds.

3. In view of the aforesaid, we do not see any ground to modify the impugned interlocutory order and leave it to the parties to agitate the issue in the writ petition.

4. Accordingly, the Writ Appeal is dismissed paving way for early disposal of the writ petition. 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

P. KESHA VA RAO, J

August 23, 2018.

PV

