

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

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1340 OF 2018

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

This Writ Appeal with leave is by the persons, who claim to be in occupation in certain apartments which are constructed by respondent No.7, which was respondent No.5 in the writ petition from which this writ appeal arises.

2. Respondent Nos.1 and 2 in the writ appeal are writ petitioners. They are owners of the land on which construction activity permitted to be carried out apparently on the basis of a development agreement between them and the builder.

3. Hearing the learned counsel for the parties, it appears that as between the land owners and the builder, certain disputes arose including as to non-completion of the building. The owners of the land have obtained the impugned interim order to the effect that the Power Distribution Company and the Water Supply and Sewerage Board shall not release any electricity or water supply facilities to the builder in respect of the premises bearing Nos.12-12-54 and 12-12-55 (Old Nos.107/17 & 107/18) situated at Ravinder Nagar, Sithaphal Mandi, Secunderabad.

4. The appellants claim to be persons who have purchased dwelling units from the builder. They claim to be in possession. Whatever may be quality of the possession or occupation or eligibility to have such occupation, it is fundamental that cutting of electricity and water being supplied would result in manifest miscarriage of justice, more so, when the appellants have the case that they have not been heard in connection with the writ petition. It is also clear that even the builder was not given pre-decisional notice before issuance of the impugned interim order issued by the learned single Judge.

5. We are therefore of the view that the impugned interim order is vitiated on the grounds of procedural irregularities and breach of rules of hearing. Therefore, we vacate the impugned interim order and allow this writ appeal permitting the appellants to implead requisite further parties and also to request the learned single Judge to rehear the application from which this writ appeal arises. The appellants are also granted permission to seek impleadment in the writ petition, if so advised.

6. Accordingly, the Writ Appeal is ordered vacating the impugned interim order as indicated above. 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

December 14, 2018.
PV