

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.1489 OF 2018

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

We have heard Mr. Y.V. Ravi Prasad, learned Senior Counsel appearing for the appellant-writ petitioner, who has challenged the interlocutory order passed by the learned Single Judge essentially in his favour.

2. The appeal is confined to the statement in the impugned order that payment of amounts in terms of that order will be without prejudice to the rights in the appeals preferred by the State against the orders of the Criminal Court.

3. We have perused the provisions of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 (hereinafter referred to as "the Act").

4. We dissuade ourselves from expressing anything on the facts or material issues in Law, that may arise in different jurisdictions *inter se* the State and the appellant. We do so, because the third respondent has filed a vacate stay petition before the learned Single Judge to vacate the interlocutory order, which is impugned in this Writ Appeal. Even if the appellant-writ petitioner needs any modification to the interlocutory order, which is appealed against, this is also a matter which could be worked out before the learned Single Judge. It will also be open to the parties to persuade the learned Single Judge to decide the Writ Petition itself finally.

5. Under the aforesaid circumstances, we do not find it necessary for us to interfere with the interlocutory order on any ground through this *intra-Court* appeal under the Letters Patent. We,

therefore, refuse to entertain the Writ Appeal and dismiss it without prejudice to the appellant's right to prosecute the matter further before the learned Single Judge and also without prejudice to the third respondent's right to prosecute the vacate stay petition before the learned Single Judge.

6. It is clarified that all issues inter-parties are left open for consideration before the learned Single Judge.

7. In the result, this Writ Appeal is dismissed.

8. As a sequel thereto, miscellaneous applications, if any, pending in the Writ Appeal shall also stand closed. There shall be no order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

12th November, 2018.

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