

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

W. A. No.1474 OF 2018

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

5th respondent in W.P. No.31364 of 2018 is the appellant. The Intra Court Appeal is from the interlocutory order dated 11.09.2018 in I.A.No.1 of 2018. The operative portion of the order reads thus:

“Learned Government Pleader for Panchayat Raj takes notice for respondent Nos. 1 and 2. Learned Government Pleader for Revenue takes notice for 3rd respondent. Issue notice to respondent Nos. 4 to 6. Personal service is permitted on respondent Nos.4 to 6. It is stated by the learned Government Pleader for 3rd respondent that permission has not been granted by 3rd respondent to respondent Nos.5 and 6 to make any construction in the subject land. Therefore, there shall be interim direction as prayed for.”

Mr.V.R.Reddy Kovvuri contends that the premise on which the order under appeal is passed, is factually untenable and the appellant in spite of possessing building permission dated 23.08.2018 is prevented from proceeding with the construction. He raises a few grounds on suppression of facts by 2nd respondent.

We have perused the record and noted the grievance of appellant against the interlocutory order assailed in the intra court appeal. Prima facie, we are of the view that the appellant ought to have filed vacate stay petition and the learned Single Judge would have had opportunity to re-consider the matter and thereafter

would have passed orders as may be just and proper in the circumstances of the case. In our view, the grounds made out do not warrant interference by this Court in its jurisdiction under Clause 15 of Letter Patent appeal. Hence, the W.A. is dismissed. The appellant is granted liberty to file vacate stay petition and the vacate stay petition, if is filed and numbered, we hope and trust that the learned Single Judge would consider taking up the vacate stay petition by giving priority.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date: 08.11.2018

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