

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.1615 of 2018

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The Union of India and Prasar Bharati (Broadcasting Corporation of India), the respondents in W.P.No.37501 of 2018, are in appeal against the order dated 30.10.2018 passed by a learned Judge of this Court in I.A.No.1 of 2018 filed in the said writ petition. By way of the said I.A., the respondents herein, the petitioners in W.P.No.37501 of 2018, sought stay of all further proceedings pursuant to the Notification dated 10.09.2018 issued by the Prasar Bharati Regional News Unit, Hyderabad. By the order dated 30.10.2018, the learned Judge granted interim stay as prayed for.

Perusal of the order under appeal reflects that the learned Judge was not addressed with any arguments by the appellants-respondents. It is also an admitted fact that no counter-affidavit was filed by the appellants-respondents in the writ petition by the time the interim stay was granted.

This being the position, it would be open to the appellants-respondents to file a vacate stay petition in relation to the interim order dated 30.10.2018 passed in I.A.No.1 of 2018 in W.P.No.37501 of 2018. This is the usual procedure prescribed in terms of the Writ Proceedings Rules, 1977, framed by this Court. We find no grounds to allow the appellants-respondents to deviate from this settled procedure and come before this Court directly by way of an appeal against the interim order. No jurisdictional aspects have been raised warranting interference in appeal. When the appellants have not even made known their stand to

the learned Judge by filing a vacate stay petition, it would not be proper to entertain this appeal.

On the above analysis, the writ appeal is utterly misconceived and is accordingly dismissed. This order shall however not preclude the appellants-respondents from taking appropriate steps in the pending writ petition in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR,J

Date: 03.12.2018
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M. GANGA RAO, J

