THE HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT APPEAL No.1670 of 2018

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard Sri Vedula Venkata Ramana, learned Senior Counsel for the appellants, and the learned Standing Counsel for the first respondent - Wakf Board.

2. The appellants are the petitioners in a writ petition, which was disposed of as per the impugned order. They also challenge the order in I.A.No.4 of 2018 in W.P.No.34370 of 2018, which was filed after the disposal of the writ petition seeking clarification in relation to that order.

3. Having heard the learned Senior Counsel for the appellants and the learned Standing Counsel for the first respondent-Wakf Board, we see that the controversy between the Wakf Board and the petitioners in relation to the subject matter of W.P.No.34370 of 2018 is apparently at crossroads in view of the fact that the Wakf Board has an interim order in the form of *status quo* in W.P.M.P.No.6545 of 2008 in W.P.No.5039 of 2008. This is what emanates out of the order in I.A.No.4 of 2018 in W.P.No.34370 of 2018.

4. In the aforesaid view of the matter, the appropriate course to be adopted to secure the ends of justice and to avoid conflict of orders is that the orders passed by the learned Single Judge in W.P.No.34370 of 2018 and I.A.No.4 of 2018 are to be vacated paving way to the

reconsideration of W.P.No.34370 of 2018 and any interlocutory applications therein for relief pending that writ petition by taking into consideration W.P.No.5039 of 2008 as well, for consideration to the extent that may be relevant for the purpose of W.P.No.34370 of 2018.

5. In the result, the impugned order in I.A.No.4 of 2018 in W.P.No.34370 of 2018 and the order in W.P.No.34370 of 2018 are vacated and the Writ Petition is remitted to the learned Single Judge for reconsideration in the light of what is stated above, along with W.P.No.5039 of 2008, however, ensuring that mere tagging of cases need not necessarily delay the consideration of any application by the appellants for interim relief pending further consideration of W.P.No.34370 of 2018.

6. Post W.P.No.34370 of 2018 along with W.P.No.5039 of 2008 before the learned Single Judge on 25.01.2019.

7. The Writ Appeal is ordered accordingly.

Miscellaneous Petitions, if any pending, shall stand closed. There shall be no order as to costs.

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THOTTATHIL B. RADHAKRISHNAN, CJ

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A.RAJASHEKER REDDY, J

Date: 04.01.2019
Note: Issue CC in two days
B/o
va/pv