

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU
&
THE HON'BLE SRI JUSTICE V. SRINIVAS

Writ Appeal Nos. 343, 348, 349 & 357 of 2023

COMMON JUDGMENT:*(per Sri Justice D.V.S.S.Somayajulu)*

Heard learned Government pleader for Services-I and Sri Y. V. Ravi Prasad, learned senior counsel appearing for the respondents.

2. The essential grievance as urged by the learned Government Pleader for Services - I is that even though the counter affidavit is filed by the respondents with U.S.R.No. 15153 of 2023 on 13.02.2023 in W.P. No. 2851 of 2021 and similar counters in the other batch, learned single Judge proceed to pass an interim order on 24.02.2023 without considering the counter and on the contrary he directed that the counter affidavit should be filed by the respondents. The grievance of the learned Government Pleader is that if the counter was considered, the interim order would not have been passed and that on merits the respondent-State therein has a very good case. Therefore, he prays that the interim order should be vacated.

3. In reply Sri Y.V. Ravi Prasad, learned senior counsel submitted that on 16.03.2023 all the writ petitions

were heard and the matter was reserved for orders. The interim order granted was extended until further orders. Therefore, he submits that as appellant-State herein has also participated in the hearing without demur and allowed the matter be reserved for orders. He states that the request for vacating the interim order should not be entertained at this stage.

4. After considering the submissions made, this Court has to agree what is stated by the learned senior counsel. Even if the counter was ignored when the interim order was passed on 24.02.2023, the fact remains that in less than a month the final hearing of the Writ Petition itself was completed on 16.03.2023 and the matter was reserved for orders.

5. While, the grievance of the State can be appreciated the facts remains that immediately thereafter, they did not file an application for review or to vacate the order. On the contrary they argued the matter on merits and the Writ Petition of the year 2023 was heard and reserved for orders on 16.03.2023 itself. In these circumstances interference at this stage is not really warranted or called for. This Court is of the opinion that no

orders need to be passed in these Writ appeals since the matter was already reserved for orders by the learned single Judge.

6. Accordingly, Writ appeals are disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if any, pending shall also stand dismissed.

JUSTICE D.V.S.S.SOMAYAJULU

JUSTICE V. SRINIVAS

Date: 13.04.2023
AG

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AG