
(2016) 08 AP CK 0068

In the Andhra Pradesh High Court

Case No : W.P. No. 24052 of 2016 (Interim Order)

N. Mahalakshmi

APPELLANT

Vs

Principal Secretary (LA)

RESPONDENT

Date of Decision : 03-08-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 6 ALT 727

Hon'ble Judges : Suresh Kumar Kait, J.

Bench : Single Bench

Advocate : Mr. Ashwani Kumar, Counsel, for the Petitioners; G.P. for Land Acquisition (AP), for the Respondent

Final Decision : Disposed Off

Judgement

Suresh Kumar Kait, J. - The present matter is taken up by way of Lunch Motion at the request of Sri Sitarama Murthy, learned Senior Counsel appearing on behalf of the petitioners.

2. Sri Sitarama Murthy, learned Senior Counsel has sought extension of interim order dated 27-7-2016.

3. A perusal of the Docket would show that this Court, vide order dated 20-7-2016, ordered status quo as on that date to be maintained by both the parties, and also directed to list the matter on 27-7-2016 in Motion List along with W.P. Nos.488 and 19413 of 2016, in view of the submission made by the learned counsel for both the parties that similar writ petitions in respect of the same issue are pending before this Court, and in those petitions, vacate stay petitions were also filed.

4. Accordingly, this matter was listed on 27-7-2016, and this Court directed to post the matter on 3-8-2016 before the Bench having the provision to deal with the matter; and till then the interim order granted earlier was extended.

5. That being so, with due respect, I fail to understand as to what extension is the learned Senior Counsel praying for?

6. It is,important to note that seeking similar extensions, daily about 10 to 15 advocates make a mention before this Court.

7. Coming to the present case, when it is clear that the matter has not been listed, then how can the advocate for the petitioner presume that the interim orders have to be specifically extended, otherwise the orders will not remain in force. In this process, the learned advocates are sparing and wasting their valuable time and energy instead of doing their good work in other cases, simultaneously wasting time of the Court.

8. Thus, by this order, I convey to the Bar at large that specific extension of interim orders is not necessary in cases where there are interim orders, with a direction to list the matters after certain date or after a few weeks, and the matter is not listed or not taken up by the Court on that date. In such eventuality, the interim orders shall continue to be in operation till the matter is listed and taken up for hearing and a specific order vacating the interim orders is passed by the Court.

9. At the cost of repetition, I make it clear that if the Court grants an interim order in the first instance for a limited period, and simultaneously directs the matter be listed after a few weeks or after a certain date, then the interim orders granted earlier shall continue to remain in force till the matter is listed before the Court or till a specific order vacating the earlier interim orders is passed by the Court.

10. I make it clear that this order shall not preclude the parties to move appropriate vacate petitions and contest the interim orders, if they choose to.

11. Be that as it may, coming to the case in hand, the interim orders dated 27-7-2016 shall continue until further orders.

12. I direct the Registry to send a copy of this order to all the Bar Associations of all the Districts, with a copy to all the Principal District Judges/District Judges in both the States for dissemination among the officers under their control. Registry" shall also mark a copy of this order to both the State Governments.

13. I make it clear that all the departments concerned are to note that any violation of this order shall amount to contempt of this Court.