

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: CrI.P.Nos.7844 of 2024 and 1461, 2147, 2274, 2697, 3344 and 3454 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	08.05.2025	<u>KSR, J & VS, J</u> <i>(per Hon'ble Sri Justice K.Suresh Reddy)</i> 1) Today when these matters are taken up, the learned Advocate General states that the matter will take considerable time and as the Summer Vacation, 2025 is intervening, he requests some time. 2) At this juncture, Mr. O. Manohar Reddy, learned Senior Counsel, requests this Court to pass an interim order of protection, directing the respondent Police not to take any coercive steps till the reference is answered. He contends that the Division Bench has got every right to pass interim orders, even before reference is answered, for protection order. 3) The learned Advocate General places reliance on the judgment of the Hon'ble Supreme Court in <i>T.A. Hameed Vs. M. Viswanathan</i>¹. The Hon'ble Supreme Court, in the above said judgment held as follows:	

¹ (2008) 3 SCC 243

		“9. In Kesho Nath² in almost identical situation, this Court has taken the view that when a reference is made to a larger bench, the larger Bench should answer the reference and thereafter remit the case to the appropriate Bench for decision on merits. In that case also the learned Single Judge had referred the matter to the Division Bench on the question <i>“1....Whether the order dated January 21, 1963 made by the Chief Settlement Commissioner was final and binding in the present appeal, and if so, what is its effect upon the point in controversy in the present appeal?”(SCC p. 38, para 1)</i> The Division Bench by order dated 7-4-1980 disposed of the appeal on merits and dismissed it with costs and held that the order dated 21-1-1963 made by the Chief Settlement Commissioner was not final and binding in the civil proceedings and it did not exclude the jurisdiction of the civil court to decide whether there was any encroachment by the respondent on the property conveyed to the appellant under the sale certificate dated 7-6-1963 read with the corrigendum dated 22-9-1964 issued by the District Rent and Managing Officer, Simla, pursuant to the auction-sale held on 25-9-1955. 10. This Court held that it is obvious that since only the aforesaid question of law was referred by the Single Judge to the Division Bench, the Division Bench should have sent the matter back to the Single Judge after deciding the question of law referred to them. But instead the Division Bench proceeded to dispose of the second appeal on merits and dismissed it with costs. This Court further observed	
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² 1981 Supp SCC 38: 1981 SCC (Cri) 674

		that: (Kesho Nath case, SCC p.39, para1) <i>“1....We think that the Division Bench was in error in following this procedure. The Division Bench ought to have sent the appeal back to the Single Judge with the answer rendered by them to the question referred by the Single Judge and left it to the Single Judge to dispose of the second appeal according to law.”</i> 11. Same view was reiterated by this Court in <i>Kerala State Science</i>³. In that case this Court after referring to earlier decisions in para 8 held as under: (SCC p. 262) <i>“8. It is fairly well settled that when reference is made on a specific issue either by a learned Single Judge or Division Bench to a larger Bench i.e. Division Bench or Full Bench or Constitution Bench, as the case may be, the larger Bench cannot adjudicate upon an issue which is not the question referred to.”</i> 4) As such, the learned Advocate General contends that it is only reference which can be answered by the Division Bench. Except that, the Division Bench cannot pass any orders either granting or refusing bail or passing any interim order. 5) In view of the above judgment of the Hon’ble Apex Court, we are not inclined to pass any interim order, even without answering the reference. 6) Learned counsel for the petitioners in	
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³ (2006) 6 SCC 258

		Crl.P.No.1461 of 2025 states that a protection order was already granted by the learned Single Judge in his favour, even before referring the matter to the Division Bench. 7) As requested by the learned Advocate General stating that these matters require considerable time, post all these matters on the reopening day i.e. 16.06.2025. K.SURESH REDDY, J V.SUJATHA, J Gss Note: Issue C.C. by today	
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