

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WA.No. 2014 of 2014 () IN WP(C).6396/2014

AGAINST THE INTERIM ORDER IN WP(C) 6396/2014 of HIGH COURT OF KERALA
DATED 09-12-2014

APPELLANT(S)/2ND RESPONDENT:

M/S.GUILD SOFT PVT LTD
REPRESENTED BY ITS MANAGING DIRECTOR, TC 27/1767
1ST FLOOR
SREE CHITHIRA THIRUNAL GRANTHASALA BUILDINGS
THIRUVANANTHAPURAM-695035.

BY ADVS.SRI.V.R.GOPU
SRI.P.C.SASIDHARAN

RESPONDENT(S)/PETITIONER AND RESPONDENTS NO.1 & 3:

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1. DR A. RAM MOHAN
S/O.RAMAKRISHNA PILLAI, BHAGI, PLOT NO.18
SVNRA, SREEVARAHAM,
THIRUVANANTHAPURAM- 695008.
 2. THE CORPORATION OF THIRUVANANTHAPURAM
LMS JUNCTION, THIRUVANANTHAPURAM-695001
REPRESENTED BY ITS SECRETARY.
 3. SREE CHITRA TIRUNAL GRANDHASALA BUILDINGS
VANCHIYOOR, THIRUVANANTHAPURAM-695035.

BY SRI.K.B.PRADEEP FOR R1
BY SRI.SUMAN CHAKRAVARTHY
SC FOR THIRUVANANTHAPURAM CORPORATION SRI. NANDAKUMARA MENON
(SR) & P.K.MANOJKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S ANNEXURE

ANNEXURE A1: TRUE COPY OF THE ORDER IN RCP NO. 17/2011 ON THE FILE OF RENT CONTROL COURT, THIRUVANANTHAPURAM DATED 0-11-2013

ANNEXURE A2: TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE APPELLANT BEFORE THE 2ND RESPONDENT DATED 16-1-2014

ANNEXURE: A3: THE TRUE COPY OF THE NOTICE E11/16539/12 ISSUED BY THE 2ND RESPONDENT DATED 23-12-2014

/TRUE COPY/

P.S. TO JUDGE

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

.....
W.A. No. 2014 of 2014
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Dated this the 7th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the appellant as well as the learned counsel appearing for respondents 1 to 3.

2. The Writ Appeal has been filed against an interim order dated 9th December 2014 passed in W.P.(C) No. 6396 of 2014 filed by the first respondent in this Appeal. An order dated 4-12-2013 was passed by the Corporation directing demolition of certain unauthorised constructions. Against the said order the appellant claims to have filed an appeal before the Tribunal on 6-1-2015. It is submitted by the respondents that the said appeal

is beyond the period of limitation.

3. The learned counsel for the Corporation submits that the Corporation is to comply with the direction of the learned Single Judge and to take steps as per the earlier order passed by the Corporation.

4. Counsel for the appellant submits that the appellant could not appear on the date when the interim order was passed and he may be granted a very short time to file a detailed counter affidavit along with the application for vacating the interim order, which may be directed to be considered by the learned Single Judge.

5. In the facts and circumstances of the present case, we are of the view that, ends of justice deserve in giving a week's time to the appellant to file an application for vacating the interim order along with the counter affidavit. We further observe that, it shall also be open for the learned Single Judge to dispose of the Writ

Petition itself. The Writ Appeal having been filed only against an interim order, we are of the view that the application for vacating the interim order as well as the Writ Petition itself can be heard by the learned Single Judge and till the application for vacation of interim order is filed within one week is considered, further steps may not be taken by the Corporation.

With this direction, this Writ Appeal is disposed of.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S.tojudge