

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35655 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondent No.2 in not taking up the Stay Petition or Appeal filed by the Petitioner against the orders passed by Respondent No.3 on 09-09-2016 as illegal, arbitrary, violation of principles of natural justice, violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct Respondent No.2 to take up the Appeal forthwith by granting Stay.”

3. Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking a direction for disposal of the stay application in the appeal filed by the petitioner against the order dated 09.09.2016. He further submits that without taking any steps in the interim stay application, the respondents are trying to dispossess the petitioner.

4. A perusal of the record would show that earlier there was an order passed by this Court in Writ Petition No.33299 of 2011, where the respondents therein were directed not to dispossess the petitioner without holding an enquiry. It was further observed that the petitioner shall be given an opportunity of being heard before passing an order of eviction. It is said that pursuant to an order dated 30.12.2014 in Contempt Appeal No.12 of 2014, restoration of possession to the 1st respondent therein/petitioner herein has been done and notice has been issued to him in terms of the earlier order of the learned trial Judge for giving a hearing. Accordingly, Division Bench of this Court closed the matter on 10.02.2015.

5. Having regard to the circumstances stated above, the present Writ Petition is disposed of directing the 2nd respondent to dispose of the stay application in the appeal filed against the order dated 09.09.2016 if the said appeal is in order, within a period of three (03) weeks from the date of receipt of a copy of this Order. Till such time, *status quo* as on today shall be maintained by both the parties.

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

JUSTICE C. PRAVEEN KUMAR

Date:24.10.2016
INL