

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**  
**AND**  
**THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

**Writ Appeal No.210 of 2017**

**JUDGMENT:** (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

In more or less identical circumstances, wherein also a writ of mandamus was sought to declare G.O.Ms.No.19 dated 05.05.2016 as illegal and arbitrary, we had, in our order in W.A.Nos.191 and 193 of 2017 dated 13.02.2017, observed that an interim order, which has the effect of allowing the writ petition itself, though permissible in exceptional circumstances, could only have been passed after the respondents were given the opportunity of being heard; it was not as if deferring passing the interim order, which was under challenge in the appeals by two weeks, to enable the appellants (respondents in the writ petitions) an opportunity to file their counter affidavits, would have caused irretrievable injury to the respondent-writ petitioners therein; and all that would have happened was to postpone the registration of the sale deeds by a couple of weeks even in case the Learned Single Judge, after hearing the respondents and on examining the contents of the counter affidavits, were still to hold the view that an interim order, directing the respondents to register the documents, should be passed.

While recording our satisfaction that an interim order, which in effect amounted to grant of the main relief sought for in the writ petition, could not have been passed, that too at the stage of admission, without giving the appellant-respondents an opportunity of being heard, we had set aside the order under appeal and restored the W.P.M.Ps to file, recording the submission of the learned counsel for the appellant that they would file their counter affidavits in the writ petition within two weeks, leaving it open to the respondent-writ petitioners to request the Learned Single Judge to take up the W.P.M.Ps any day after two weeks.

As a more or less identical relief is sought in W.P.No.2475 of 2017 also, and the interlocutory order under appeal has the effect of allowing the writ petition itself at the stage of admission, it is set aside and the W.P.M.P is restored to file following the order passed in W.A.Nos.191 and 193 of 2017 dated 13.02.2017. The appellants herein shall file their counter affidavits in the writ petition within two weeks from today. It is open to the respondent-writ petitioners to request the Learned Single Judge to take up the W.P.M.P. any day after two weeks.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

**(RAMESH RANGANATHAN, ACJ)**

**(DR. SHAMEEM AKTHER, J)**

20<sup>th</sup> February, 2017  
JSU



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**Date: 20.02.2017**

**JSU**