

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

Writ Appeal No.203 of 2017

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.3596 of 2017 in W.P.No.3052 of 2017 dated 30.01.2017.

While putting forth his submissions on merits, Dr.K.Lakshmi Narasimha, learned counsel for the appellant, would submit that an *ex parte* interim order could not have been passed by the Learned Single Judge, as dismissal of the W.P.M.P. would result in the appellant-writ petitioner not being in a position to question the validity of the action of the respondents till the writ petition is finally heard several years later.

Learned Government Pleader for Services would fairly state that the respondents would file their counter affidavit within two weeks from today and that the W.P.M.P. could be taken up, for grant of interlocutory relief, any day after two weeks.

In view of the submissions of the learned counsel on either side, it is unnecessary for us to examine the submissions, urged by Learned counsel for the appellant, on merits. The order under appeal is accordingly set aside, and the W.P.M.P. is restored to file.

As the Learned Government Pleader for Services has stated that the respondents would file their counter affidavit within two weeks from today, it is open to Dr.K.Lakshmi Narasimha, learned counsel for the appellant-writ petitioner, 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)

17th February, 2017
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Date: 17.02.2017

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