

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Mr. JUSTICE M. GANGA RAO

Writ Appeal No.1439 OF 2017

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

This appeal, under Clause 15 of the Letters Patent, is preferred by the Indian Oil Corporation against the interlocutory order passed by the learned Single Judge in WPMP No. 38316 of 2017 in W.P. No. 30736 of 2017 dated 12.9.2017.

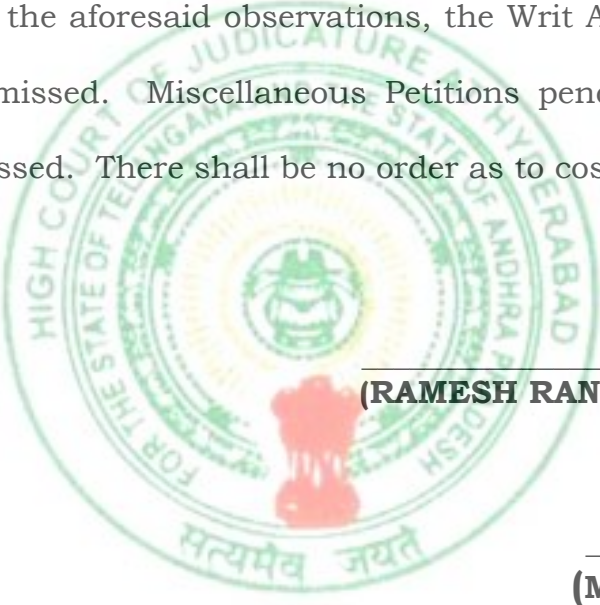
In the order under appeal the learned Single Judge, having noted that the interim order of suspension was passed in another Writ Petition ie the order in W.P. No. 27663 of 2017 dated 18.8.2017, granted interim suspension as prayed for in this Writ Petition also. The learned Single Judge granted the appellants-respondents liberty to move a petition to vacate the order along with a counter affidavit.

The fact that several such interim orders have been passed has not been disputed before us by Sri R. Raghunandan, learned Senior Counsel appearing on behalf of the appellants. Learned Senior Counsel would, however, submit that not only has implementation of the policy decision, of the appellants, come to a grinding halt as a result of the several interim orders passed by this Court, other High Courts are also making these interim orders the basis for granting interim orders within their jurisdiction; and there is, therefore, an urgent need for all these matters to be heard early. He would submit that the appellants are taking steps to prefer appeals against the other interim orders passed by the learned Single Judge; and, in some other cases, the appellants have already filed petitions, seeking vacation of the earlier interim orders, before the Learned Single Judge.

While we understand the urgency expressed by Sri R. Raghunandan, learned Senior Counsel appearing on behalf of the appellants, this Court would, ordinarily, not entertain an appeal against

ad-interim orders save patent illegality in the order under appeal, as the jurisdiction of the learned Single Judge can instead be invoked by filing a petition to vacate the earlier interim order. In the present case, as the learned Single Judge has merely followed the earlier interim orders, passed more or less in similar circumstances, the order under appeal cannot be said to suffer from any patent illegality, nor has it been so contended before us by the learned Senior Counsel. As the policy decision of the appellants is said to be in issue, we have no reason to doubt that, on a request being made by the appellants for an early hearing, the learned Single Judge would bestow the request its due consideration.

Subject to the aforesaid observations, the Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(M. GANGA RAO, J)

3rd October, 2017

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