

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN

&

THE HON'BLE SMT JUSTICE T. RAJANI

WRIT APPEAL No.866 of 2017

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

While the learned Single Judge was justified in observing that, granting an interim order would amount to allowing the writ petition itself, Sri J. Prabhakar, learned counsel for the appellant-writ petitioner, would contend, not without justification, that dismissal of WPMP.No.23641 of 2017 in WP.No.19413 of 2017 would result in the writ petition remaining on the file of this Court for years together.

While no order can, undoubtedly, be passed without a counter affidavit from the respondents, it is also possible for the matter be decided at the interlocutory stage after the respondents file their counter-affidavit. To the limited extent the WPMP was dismissed, the order of the learned Single Judge is set aside. WPMP.No.23641 of 2017 in WP.No.19413 of 2017 is restored to file.

Learned Government Pleader for Endowments (TG) takes notice for respondents 1 to 4, and learned Government Pleader for Revenue (TG) takes notice for respondents 5 to 7. Both of them seek three weeks time to file counter to WPMP.

It is open to Sri J. Prabhakar, learned counsel for the appellant-writ petitioner, to request the learned Single Judge to take up WPMP.No.23641 of 2017 in WP.No.19413 of 2017 for hearing after three (3) weeks.

The writ appeal is disposed of. Consequently, pending miscellaneous applications shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, HACJ

T. RAJANI, J

July 5, 2017
DSK

