

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Writ Appeal No.133 of 2018

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.No.41180 of 2017 dated 21.12.2017 allowing the writ petition, less than three weeks of its institution, without the appellants herein (respondents 1 and 2 in the writ petition) being given an opportunity of filing their counter-affidavit.

It is wholly unnecessary for us to examine the order of the Learned Single Judge on merits, as both the learned Government Pleader for Revenue, appearing on behalf of the appellants, and Sri Rajagopallavan Tayi, learned counsel for the 1st respondent-writ petitioner, would agree that, instead, the order under appeal be set aside and the Writ Petition be restored to file.

As both the learned counsel are in agreement, the order under appeal is set aside and the Writ Petition is restored to file. The appellants herein (respondents 1 and 2 in the writ petition) shall file their counter-affidavit in the Writ Petition within three weeks from today. It is open to Sri Rajagopallavan Tayi, learned counsel for the 1st respondent-writ petitioner, to request the Learned Single Judge to take up the Writ Petition for admission and for grant of interim relief any day after three weeks from today.

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)

(M.S.K.JAISWAL, J)

01st February, 2018
JSU

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Date: 01.02.2018

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