

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL Nos.1067 AND 1068 OF 2018

COMMON JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

These matters are similar. Hence, these matters are heard together and are being ordered through this common judgment.

2. We have heard the learned counsel for the appellant and the learned counsel for the writ petitioners.

3. These Writ Appeals are against the *ad interim* interlocutory orders issued by the learned single Judge in the Writ Petitions.

4. Through the impugned interim orders, the appellant/Sri Varaha Lakshmi Narasimha Swamy Devasthanam stands prohibited from meddling with the lands covered by the Writ Petitions. We are of the view that such orders, on the facts and in the circumstances of the case, could have been considered for issuance only after the respondents in the Writ Petitions have placed on record their plea on facts. We say this, more particularly, in the context of the fact that the impugned interlocutory orders appear to have been issued at the stage of admission *ad interim* and the plea, though oral, made before us by the learned counsel for the appellant is also to the effect that there are other rival interests or rival matters pending before the writ Court or disposed of in writ jurisdiction.

5. For the aforesaid reasons, we are of the view that ends of justice would be satisfied if the impugned orders, dated 03.04.2018, in I.A.No.1 of 2018 in W.P.No.10967 of 2018 and I.A.No.1 of 2018 in W.P.No.10928 of 2018 are stayed for a period of four weeks from today, within which time the appellant, if so advised, shall place its pleadings on record in the Writ Petitions. It is so ordered. If such pleadings are not placed on record by the appellant in the Writ Petitions, the benefit of this judgment will stand recalled and the impugned interlocutory orders issued in I.A.No.1 of 2018 in W.P.No.10967 of 2018 and I.A.No.1 of 2018 in W.P.No.10928 of 2018 will stand revived automatically. If the writ petitioners, on the strength of the interim orders granted by the learned single Judge, have put up any boards or other structures, that shall be removed by the writ petitioners forthwith and all such matters will be subject to the result of the Writ Petitions.

6. Learned counsel for the writ petitioners has sought for an order of *status quo* in the meanwhile. To ensure that requisite *status quo* is maintained, it is directed that both sides shall not alienate, encumber or otherwise create third party interest in the property or take any steps in furtherance of any intention to do so, including by way of advertisements.

The Writ Appeals are ordered accordingly.

The miscellaneous petitions pending in these Writ Appeals, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

13.08.2018
vs

