

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

WRIT APPEAL No.1092 of 2018

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

We have heard the learned counsel for the appellant and the learned counsel for the writ petitioner.

2. This Writ Appeal is against the *ad interim* interlocutory order issued by the learned single Judge in the Writ Petition.

3. Through the impugned interim order, the appellant/Sri Varaha Lakshmi Narasimha Swamy Devasthanam stands prohibited from meddling with the lands covered by the Writ Petition. We are of the view that such order, on the facts and in the circumstances of the case, could have been considered for issuance only after the respondents in the Writ Petition have placed on record their plea on facts. We say this, more particularly, in the context of the fact that the impugned interlocutory order appears 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.

4. For the aforesaid reasons, we are of the view that ends of justice would be satisfied if the impugned order, dated 03.04.2018, in I.A.No.1 of 2018 in W.P.No.10980 of 2018 is 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 Petition. It is so ordered. If such pleadings are not placed on record by the appellant in the Writ Petition, the benefit of this judgment will stand recalled and the impugned interlocutory order issued in I.A.No.1 of 2018 in W.P.No.10980 of 2018 will stand revived automatically. If the writ petitioner, on the strength of the interim order granted by the learned single Judge, has put up any boards or other structures, that shall be removed by the writ petitioner forthwith and all such matters will be subject to the result of the Writ Petition.

5. Learned counsel for the writ petitioner 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 Appeal is ordered accordingly.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

16.08.2018
vs