

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**I.A. No. 1 of 2018
and
WRIT APPEAL No.936 of 2018**

Common Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellants and the learned Government Pleader for Revenue for the State Government in this appeal which stands with an application seeking condonation of delay of 44 days in preferring the appeal.

2. We are satisfied that sufficient cause has been shown to condone the delay. Accordingly, the application seeking condonation of delay is allowed.

3. The appeal is against an interlocutory order passed by the learned Single Judge in writ jurisdiction. The said discretionary order has been handed down by giving reasons with reference to the facts in issue. The learned Single Judge has followed an earlier judgment of a Division Bench.

4. Having noticed that there is due and fair application of mind by the learned Single Judge in the matter of grant of interlocutory order pending the Writ Petition is within the domain of discretionary jurisdiction, we do not find our way to interfere with the impugned order though we may clarify that to the extent the doctrine of *lis pendens* may operate. The transactions, if any, that may arise hereinafter would be subject to the result of the Writ Petition.

5. Subject to such clarification, the Writ Appeal is dismissed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 20.7.2018

RAMESH RANGANATHAN, J

Pnb/va

