

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

WRIT APPEAL No.1134 OF 2018

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

We have heard learned counsel appearing for the appellant in this appeal standing with an application seeking leave to appeal. We have also heard Mr.S.Pambabu for respondent No.1, learned Government Pleader (Panchayat Raj) for respondent No.2 and, learned Standing Counsel for Respondent No.4.

2. The 1st respondent/writ petitioner was the President of Mandal Praja Parishad Territorial Constituency (MPTC). The Government issued an order revoking her from such office. The learned Single Judge has stayed that order on the ground that the explanation of the writ petitioner was not considered by the Government.

3. We are dealing with an appeal against an interlocutory order which states reasons. It discloses application of mind by the learned Single Judge. The appellant is one who has been put in charge of the office of the President which thus got vacated by the removal of the writ petitioner.

4. On the facts and circumstances of the case, we are satisfied that the appellant has adequate remedy to move the learned Single Judge with a request to vacate the interlocutory order, which is impugned in this writ appeal and also for a liberty for an out of turn consideration of such application, having regard to the fact

that, going by the submission of the learned counsel for the appellant, the remaining term of office is hardly seven months.

5. Hence, this writ appeal is ordered without disturbing the impugned order and leaving the appellant with liberty to move the learned Single Judge as indicated above. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

08th November, 2018

Note:

CC by 12.11.2018

Sp/Lrkm

