

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

WRIT APPEAL No.1179 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.Mohd.Osman Shaheed, learned Government Pleader for Revenue and Mr.V.Sinivas for parties.

The petitioner is the appellant. The appeal is directed against the condition imposed in the interlocutory order dated 17.08.2018, which reads thus :-

“ Notice before admission to the unofficial respondents.

Learned counsel for the petitioner is also permitted to take out personal notice to the unofficial respondents by RPAD and file proof of service.

As the G.P.A. is said to be cancelled unilaterally and in view of the order dated 30.04.2013, passed by this Court in W.P.No.20683 of 2012, there shall be an interim suspension of the document No.3313 of 2017 dated 31.03.2017. But, however, the petitioner shall not use the said document for any other purpose until further orders.”

(emphasis added)

The appeal is directed against the sentence on which emphasis is added.

Mr.Mohd.Osman Shaheed contends that the interim suspension though granted for all purposes imposes a restriction on the appellant to continue to act as agent of respondent Nos.4 and 5 and in the facts and circumstances of the case, the condition imposed by the Court is contradictory and liable to be set aside.

Mr.Sinivas submits that the appellant has not placed full circumstances before the Court and that respondent Nos.4 and 5 have not entered into GPA upon receiving consideration, and the

GPA which is cancelled by respondents 4 and 5, that is well within the knowledge of the appellant. The learned Single Judge, according to him, has balanced both the interest and granted the order impugned in the appeal. He prays for dismissing the appeal.

Without much deliberation, it can be concluded that the learned Single Judge through the order under appeal has balanced the prima facie case said to have been made out by the appellant and also preserved or protected the interest of parties during pendency of the appeal.

We are not inclined to entertain the appeal. The writ appeal fails and is accordingly dismissed. No order as to costs.

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



THOTTA THIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

17th December, 2018

Prv