

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

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1360 OF 2018

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

Respondent No.7 in the writ petition is in appeal alleging that the impugned interim order has been issued without notice to it.

2. Heard the learned counsel for the appellant and the learned Standing Counsel for Municipal Corporation appearing for respondent No.3.

3. The impugned order is conditional, to the effect that the municipal corporation shall ensure that there is no construction in the subject land if there is no valid permission in favour of the appellant which is respondent No.7 in the writ petition. If the appellant has requisite permission or if it is its case that it can continue with the construction even without the permission, these are matters which would revolve on mixed questions of facts and law. Therefore, the proper course to be adopted is to leave the appellant with liberty to move the learned single Judge to file vacate petition after placing counter affidavit and the materials disclosing its case.

4. With liberty to do so, this Writ Appeal is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the writ appeal stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

December 14, 2018.
PV

