

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

WRIT APPEAL No.1431 OF 2018

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

This writ appeal with an application for leave is instituted against the interlocutory order issued by the learned Single Judge in the course of writ petition on 31st day of January, 2018. The said order was made awaiting instructions to be obtained by the learned Government Pleader. The interim order is that removal of earth or sand from the private property of the writ petitioner was stayed in the meanwhile.

2. This writ appeal with the application for leave is filed by persons who claim that they have some interest in the property in relation to which the writ petition is filed. If that is so, it is for them to seek impleadment and modification or vacation of the interlocutory order. It is submitted that such applications are filed.

3. When the official respondents file return before the learned Single Judge, their view in the subject would also be clear. Once that happens, it would be open to the learned Single Judge to consider an application for vacating the interim order or to have the writ petition itself disposed of finally.

4. Leaving open the aforesaid courses of action, this writ appeal is dismissed holding that there is no ground to interfere in the intra court appeal filed under the Letters Patent. The parties are given liberty to plead before the learned Single Judge for early listing of

interlocutory applications or the writ petition, as the case may be.

No order as to costs.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

10th December, 2018
Lrkm/Sp

