

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

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1788 OF 2017

JUDGMENT (ORAL): (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 respondent Nos.1 to 3.

2. This Writ Appeal is against an interlocutory order passed dismissing the Miscellaneous Petition during the course of the writ petition. The relevant portion of that order reads as follows:

“..... Thus, the entire extent of land fallen to the share of the petitioners was already sold. If that is so, merely because earlier the revenue records reflected the names of the petitioners to an extent of Ac.10-22 guntas, cannot give them a right to contend that their names should continue to be reflected. Therefore, balance of convenience is not in favour of the petitioners and the petitioners are not entitled for suspension of the decision of the Joint Collector.”

3. As is discernible from the afore-noted interlocutory order, the learned single Judge has adverted to and considered the facts inasmuch as there is fair application of mind in deciding on the issue as to whether the balance of convenience is in favour of suspending the order of the Joint Collector. Stating reasons, the learned single Judge refused interim order.

4. For the aforesaid reasons, we do not see any ground to entertain this intra-court appeal filed against an interlocutory order. Reserving all the contentions to be urged in the writ petition, the Writ Appeal is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

August 27, 2018.
PV

