

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

WRIT APPEAL No.1690 of 2018

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

Having heard the learned counsel for the appellant, the learned Government Pleader for Revenue for respondent Nos.1, 2, 6, 7 and 8, and the learned Standing Counsel for the third respondent, we are of the view that I.A.No.1 of 2018 in W.P.No.38158 of 2018 happened to be dismissed only because the appellant/petitioner insisted on an order being issued even when the learned Single Judge thought it appropriate to decide that application after giving an opportunity to the official respondents to speak on instructions. The impugned order cannot be found fault with. Yet, we are of the view that ends of justice would be better ensured if the appellant/petitioner is given an opportunity to prosecute I.A.No.1 of 2018.

2. In the result, the impugned order is vacated and I.A.No.1 of 2018 is restored and the writ appeal is ordered directing that the official respondents will place their pleadings before the learned Single Judge within a period of three weeks from now.

3. Post W.P.No.38158 of 2018 along with I.A.No.1 of 2018 before the learned Single Judge on 24.01.2019.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 27.12.2018

S.V. BHATT, J

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