

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No.79 OF 2019

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

We have heard the learned Senior Counsel for the appellant and the learned counsel appearing for the respondents/writ petitioners.

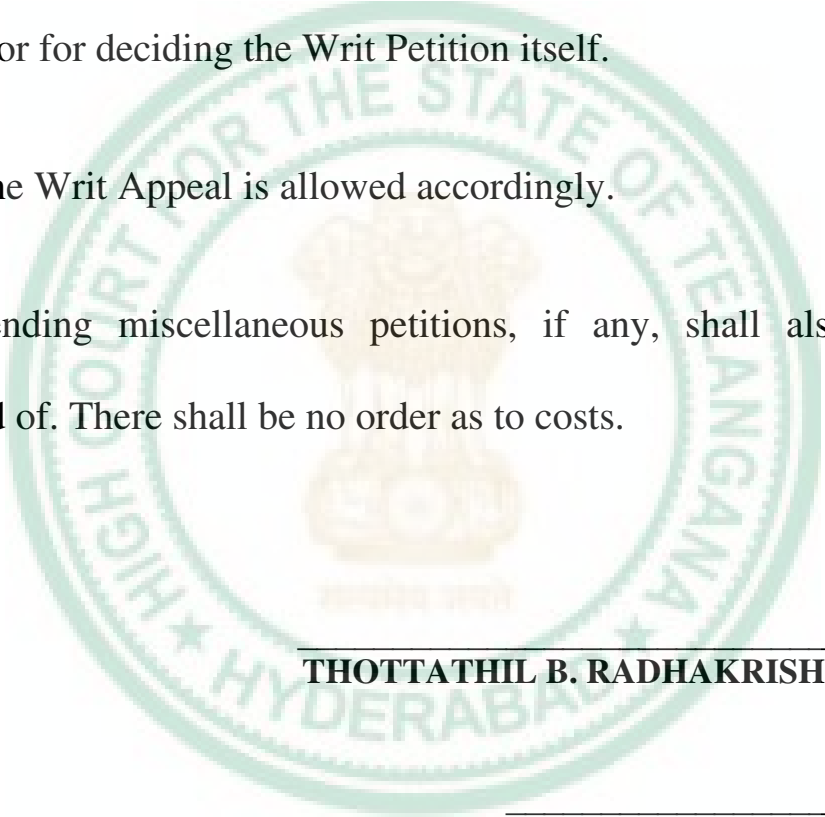
2. Having perused the impugned interlocutory order issued by the learned Single Judge, we have heard the learned Senior Counsel for the appellant and the learned counsel for the respondents/writ petitioners on the issue as to whether there was a counter-affidavit filed to the Writ Petition by the respondents therein. It is the admitted situation, going by the submissions of both sides, that a counter-affidavit was on board even before the impugned interlocutory order was issued by the learned Single Judge. While the learned counsel appearing for the respondents/writ petitioners submitted that it was after perusing the writ petition and the counter-affidavit that the impugned interlocutory order was issued taking into consideration the rival contentions, we are not inclined to accept this plea because the impugned interlocutory order does not disclose any reason whatsoever for the order issued thereby. It also does not disclose that it is an ad interim order which would fall for further consideration at the hands of the learned Single Judge.

We are of the view that the impugned interlocutory order, therefore, is issued in excess of jurisdiction particularly, when the pleadings of both sides were on record.

3. For the aforesaid reasons, the impugned interlocutory order issued by the learned Single Judge is vacated. The learned Single Judge is requested to hear the parties on relevant issues, as may be necessary, either for issuance of any interlocutory order with reasons or for deciding the Writ Petition itself.

4. The Writ Appeal is allowed accordingly.

5. Pending miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

Date: 12.03.2019

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