

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.19167 OF 2019

ORDER:

Questioning the order passed by the 2nd respondent dated 20.07.2019, the present Writ Petition is filed among various other grounds, including on the ground of violation of principles of natural justice.

It is submitted on behalf of the petitioners that on 20.07.2019, the 2nd respondent adjourned all the cases which were posted before him, however, passed orders only in the petitioners case without even considering his appearance on the said date. It is claimed by the Counsel for the petitioner that immediately on coming to know about passing of the order by the 2nd respondent, the petitioner filed a petition to reopen the above case for the purpose of filing counter of the respondents.

Though, the impugned order is dated 20.07.2019, the same has been dispatched only on 01.08.2019 as can be seen from the original envelope, which is filed along with the material paper. By the date of dispatch of the order, the 2nd respondent had before him, the petition filed for reopening of the above case which could not have been ignored by the 2nd respondent. Thus, having regard to the above, this Court is of the view that the 2nd respondent ought to have reopened the matter by deciding the petition filed by affording the

respondents therein to make their submissions which would meet the ends of justice. Inasmuch as the action on the part of the 2nd respondent is clearly in violation of principles of natural justice, without expressing any view on the merits of the matter, the impugned order of the 2nd respondent is set aside and the matter is remitted back to the 2nd respondent for fresh consideration. The 2nd respondent shall pass orders afresh after issuing notice to the parties concerned and affording an opportunity of hearing.

With the above direction, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending if any, shall stand closed.

Date: 12.11.2019.

MRKR

T. VINOD KUMAR, J