

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.2498 of 2020

ORDER:

The present writ petition is filed questioning the action of the 1st respondent in not considering and disposing of, either the revision, or the interlocutory application filed along with the revision, by the petitioners, on 14.03.2019, against the order, dated 29.01.2019, passed by the 2nd respondent in C.M.A.No.66 of 2013.

2. Heard learned counsel for the petitioners and learned Government Pleader for Social Welfare.

3. Learned counsel for the petitioners submits that the petitioners, being aggrieved by the order of the 2nd respondent in dismissing the case of the petitioners stating that they failed to prove their case, have preferred a revision before the 1st respondent, on 14.03.2019. It is further submitted that along with the revision, the petitioners have also filed an application seeking stay of the order of eviction passed in LTR Case No.44/07/KMPL, dated 11.02.2011 passed by the 3rd respondent, as confirmed by the 2nd respondent in C.M.A.No.66 of 2013, *vide* order dated 29.01.2019. Learned counsel therefore complains that though the stay application is filed along with the revision, way back on 14.03.2019, the 1st respondent has not taken up even the stay application, which needs to be decided expeditiously.

4. Learned Government Pleader submits that he has no objection if this Court directs the 1st respondent to consider and dispose of either the revision or the stay application within a time frame.

5. Having regard to the submissions made by both the parties, and since the revision filed by the petitioners against the order of the 2nd respondent, dated 29.01.2019, is pending consideration by the 1st respondent, this Court is refraining from expressing any view on the merits of the matter, as the same may have impact on the adjudication of the revision by the 1st respondent.

6. Thus, without expressing any opinion on the merits of the matter, the 1st respondent is hereby directed to dispose of, either the revision or the interlocutory application filed along with the revision, on 14.03.2019, by the petitioners, against the order, dated 29.01.2019, of the 2nd respondent, if the same being in order and the petitioners complying with the defects, if any, within a period of eight (8) weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner. Till then, the petitioners shall not be dispossessed from the land in question.

7. Subject to the above observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:06.02.2020

GJ