

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.2577 OF 2020

ORDER:

The present Writ Petition is filed questioning the action of the 1st respondent in issuing the memo No.1626/T.W.LTR/2019 dated 08.01.2020 in so far as rejection of stay is concerned, pending disposal of the Revision Petition by the 1st respondent, as being illegal, arbitrary and violative of principles of natural justice and consequently set aside the same.

Heard Sri Kruthi Kalaga, learned Counsel for the petitioner and learned Assistant Government Pleader for Social Welfare.

Without going into the merits of the matter as urged, it is to be seen from the impugned order passed by the 1st respondent that the 1st respondent while admitting the revision petition filed by the petitioner against the order passed by the 2nd respondent in C.M.A. No.1 of 2012, has summarily rejected the stay petition without even affording an opportunity of personal hearing to the petitioner.

Having regard to the fact that the impugned order has been passed without affording an opportunity of hearing to the petitioner, though in a stay petition, the same cannot be sustained as the same has been passed in violation of principles of natural justice. Accordingly, the impugned order rejecting the stay petition filed by the petitioner along with the revision petition is hereby set aside and the matter is remitted back to the 1st respondent authority to consider the stay petition afresh after affording an opportunity of personal hearing to the petitioner. Till such time the

stay application is taken up for hearing after affording an opportunity of personal hearing to the petitioner thereat and orders thereon being passed by the 1st respondent authority, the parties are directed to maintain *status quo* as to the possession of the petitioner as directed by this Court in W.P. No.1032 of 2009.

Subject to the above direction, the Writ Petition is allowed.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

Date: 13.02.2020.

MRKR

JUSTICE T.VINOD KUMAR

