



WEB COPY



C.M.P.No.4020 of 2023 in W.A.No. SR 8332 of 2023

C.M.P.No.4020 of 2023
in W.A.No. SR 8332 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The petitioner has filed this petition to grant leave to file writ appeal against the order dated 15.12.2022 passed by the learned Single Judge in W.P.No.15871 of 2022.

2. Mr.J.Rajmohan, learned counsel appearing for the petitioner, submitted that the petitioner has become a successful bidder in the re-auction held on 27.6.2022 during the pendency of the writ petition filed by the first respondent. Since the impugned order dated 15.12.2022 has been passed behind the back of the petitioner and the said order caused prejudice to him, he wants to file an appeal and, therefore, he prayed for grant of leave.

3. Mr.M.Purushothaman, learned counsel appearing for the first respondent, submitted that leave cannot be granted to the



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petitioner to file an appeal against the order of the learned Single Judge dated 15.12.2022 made in W.P.No.15871 of 2022, as the petitioner is a fence-sitter and he was aware of the filing of the writ petition by the first respondent, however, he did not take part in the writ petition.

4. Mr.Najeeb Usman Khan, learned counsel appearing for respondents 2 and 3, submitted that the petitioner herein is the successful bidder and as against the order dated 15.12.2022 passed in W.P.No.15871 of 2022, the Corporation has also filed writ appeal with an application to condone the delay in filing the appeal, which is pending at SR stage in W.A.No. SR 15550 of 2023.

5. Be that as it may, since the respondent Corporation has also filed writ appeal against the very same order of the learned Single Judge dated 15.12.2021 in W.P.No.15871 of 2022 and the petitioner herein being a successful bidder as per the re-auction held on 27.6.2022 and the said fact was also admitted by the respondent Corporation, if leave is granted to the petitioner to file an appeal



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against the order dated 15.12.2021 made in W.P.No.15871 of 2022,
no prejudice would be caused to the respondents, particularly the
first respondent herein.

6. Accordingly, C.M.P.No.4020 of 2023 in W.A.No. SR 8332 of 2023 is allowed. Leave is granted to the petitioner to file writ appeal against the order dated 15.12.2021 passed in W.P.No.15871 of 2022.

7. The Registry is directed to number the appeal, if it is otherwise in order and list the same along with C.M.P.No.4400 of 2023 in W.A.No. SR 15550 of 2023 filed by the respondent Corporation.

(T.R., ACJ.) (D.B.C.,J.)
10.03.2023

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