

(2021) 03 KL CK 0096

In the High Court Of Kerala

Case No : Writ Petition (C) No. 6039 Of 2021

Abdul Kareem C.S And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 09-03-2021

Acts Referred:

Citation : (2021) 03 KL CK 0096

Hon'ble Judges : P.B Suresh Kumar, J

Bench : Single Bench

Advocate : P.A Mohammed Shah, C.R. Syamkumar, Abdul Rasak A, Munas K.P, Muhammed Janaise V, Aswin Kumar M J, Helen P.A, Arun Roy, Shahir Showkath Ali

Final Decision : Disposed Of

Judgement

1. Petitioners are aggrieved by Ext.P8 interim order passed by the Tribunal for Local Self Government Institutions, Thiruvananthapuram in an appeal preferred by the fourth respondent challenging Ext.P6 stop memo. In terms of Ext.P8 interim order, the Tribunal has stayed the operation of Ext.P6 stop memo till 12.3.2021. The case set out by the petitioners in the writ petition is that taking advantage of Ext.P8 interim order, the fourth respondent is carrying on the construction violating the approved building plan. According to the petitioners, in a case of this nature, the Tribunal ought not have granted an interim order in the nature of Ext.P8.

2. On being asked as to why the petitioners cannot move the Tribunal itself for vacating Ext.P8 interim order, the learned counsel submits that since the appeal is posted to 12.03.2021, the Tribunal would not advance the hearing of the case.

3. I am unable to accept the explanation offered by the counsel for the petitioners that the Tribunal would not advance the posting of a case when the person aggrieved by an interim order passed by the Tribunal seeks orders vacating the interim order on the ground that the interim order is being used for

perpetuating an illegality.

In the circumstances, the writ petition is disposed of granting liberty to the petitioners to move the Tribunal for vacating Ext.P8 interim order.