

(2023) 08 KL CK 0178

In the High Court Of Kerala

Case No : Original Petition (C) No. 1689 Of 2023

Abu Haji

APPELLANT

Vs

Government Of Kerala

RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2023) 08 KL CK 0178

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

Advocate : Jamsheed Hafiz, K.K.Nesna, T.S.Sreekutty, Gopinathan

Final Decision : Disposed Of

Judgement

C.S Dias, J

1. The original petition is filed to direct the Court of the Subordinate Judge, Tirur, to consider and dispose of I.A.No.1/2023 in C.M.A. No.14/2023, expeditiously.
2. Pursuant to the order dated 14.08.2023 passed by this Court, the learned Subordinate Judge, by communication dated 16.08.2023, has informed this Court that I.A.No.1/2023 is filed to condone the delay in filing C.M.A. No.14/2023. On 16.08.2023, it is seen that the petitioner has filed an application for injunction. The court below requires nine months' time to consider and dispose of the injunction application.
3. Heard; Sri. Jamsheed Hafiz, the learned counsel appearing for the petitioner and Sri. Gopinathan, the learned Senior Government Pleader appearing for the respondent.
4. Having considered the pleadings and materials on record and after perusing the communication of the learned Subordinate Judge, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I am inclined to order the original petition.

Resultantly, I order the original petition as follows:

(i) The Court of Subordinate Judge, Tirur, is directed to consider and dispose of I.A.No.1/2023 along with the injunction petition filed by the petitioners in CM.A.No.14/2023, in accordance with law and as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a certified copy of this judgment, after affording the parties an opportunity of being heard.

(ii) Until such time orders are passed on the above two applications, all further proceedings as against the building in the plaint scheduled property, shall stand deferred.