
(2019) 12 UK CK 0064

In the Uttarakhand High Court

Case No : Special Appeal No. 1023 Of 2019

Dipesh Kumar Raturi And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 11-12-2019

Acts Referred:

Citation : (2019) 12 UK CK 0064

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : S.S. Yadav, Pradeep Joshi

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. This Special Appeal is preferred by the petitioners in Writ Petition (S/S) No. 2553 of 2019 aggrieved by the order passed by the learned Single

Judge on 20.11.2019 dismissing the Stay Application (CLMA No. 15529 of 2019) filed by them, holding that no good ground is made out for grant of interim relief.

2. The orders, impugned in the Writ Petition, are the orders passed by the respondents dated 08.12.2017 and 04.11.2019.

3. Mr. S.S. Yadav, learned counsel for the appellants-writ petitioners, would point out that, while the learned Single Judge had dismissed the Stay

Application filed by the appellants-writ petitioner for grant of stay, he had, by his subsequent order in Writ Petition (S/S) No. 2602 of 2019 dated

27.11.2019, stayed several orders including the order dated 04.11.2019.

4. From a conjoint reading of both the orders passed by the learned Single Judge in Writ Petition (S/S) No. 2553 of 2019 dated 20.11.2019, and in Writ

Petition (S/S) No. 2602 of 2019 dated 27.11.2019, it does appear that, while the appellants-writ petitionersâ?? request for grant of stay of the order

dated 04.11.2019 was rejected, subsequently, by order in Writ Petition (S/S) No. 2602 of 2019 dated 27.11.2019, the order dated 04.11.2019, along

with several other orders, were stayed.

5. Ordinarily interim orders, passed in a Writ Petition on a particular ground, are followed while passing an Interlocutory order in a subsequent Writ

Petition filed on the very same grounds. That does not mean that the learned Single Judge is dis-entitled from taking a different view. While it is

always open to the learned Single Judge to take a different view, he must assign reasons why the view taken by him earlier is not being followed in

another Writ Petition questioning the very same orders.

6. While deferring hearing of the Interlocutory Application, to enable the respondents to file a counter affidavit, may not justify interference in an intra-

Court appeal, the learned Single Judge has, in the present case, dismissed the Interlocutory Application filed by the appellants-writ petitioners. The

learned Single Judge was bound to assign reasons for doing so. Since the order under appeal does not disclose reasons for rejection of the

Interlocutory Application, the order under appeal is set-aside, and the Interlocutory Application is restored to file.

7. The learned Single Judge shall consider, in the light of the interim order passed in Writ Petition (S/S) No. 2602 of 2019 dated 27.11.2019, whether or

not a similar order should be passed in the Interlocutory Application filed by the appellants-writ petitioners in Writ Petition (S/S) No. 2553 of 2019.

8. The Special Appeal is, accordingly, disposed of. No costs.