
(2010) 04 KL CK 0038
In the High Court Of Kerala
Case No : WA. No. 601 of 2010

Sudarsanan

APPELLANT

Vs

S. Rajendran @ Francis

RESPONDENT

Date of Decision : 06-04-2010

Acts Referred:

Citation : (2010) 04 KL CK 0038

Hon'ble Judges : P.N.Ravindran, J;K. Balakrishnan Nair, J

Bench : Division Bench

Advocate : N. Raghuraj, for the Appellant; No Appearance, for the Respondent

Judgement

K. Balakrishnan Nair, J.—These Writ Appeals are directed against the interim order of the learned Single Judge dated 29.3.2010 in W.P.(C) No. 9207 of 2010. In the said Writ Petition, the petitioner therein, Sri. S. Rajendran prayed for a direction to the official respondents to allot him the toddy shops in Group No. 1 of Neyyattinkara Excise Range in Thiruvananthapuram division, without taking into account the pendency of C.C. No. 93/97 on the files of the Judicial First Class Magistrate's Court III, Thiruvananthapuram, arising from Crime No. 222/96 of Excise Range Office, Thiruvananthapuram. The learned Single Judge, after advertng to the facts of the case, issued an interim order, as prayed for. Feeling aggrieved by the said interim order, the official respondents in the Writ Petition have preferred W.A. No. 603 of 2010, the additional 7th respondent has preferred W.A. No. 601 of 2010 and the additional 8th respondent has preferred W.A.602 of 2010. In all these Writ Appeals, the first respondent is Sri. S. Rajendran, the writ petitioner. While admitting these Writ Appeals, the Division bench passed a common interim order on 30.3.2010, which reads as follows:

Admit. Advocate M.G. Karthikeyan accepts notice on behalf of first respondent.

We have heard the learned Government Pleader, Senior Counsel Sri. V. Chotambaresh, Senior Counsel Sri. C.C. Thomas and the learned Counsel Sri. N. Reghuraj. Pending further consideration, there will be an interim direction that

based on the order impugned in these appeals, in case the first respondent is to be given the privilege for running the toddy shop of Group No. 1 in Neyyattinkara Excise Range, confirmation of the same shall be made only after obtaining orders from this Court.

Post the matter on 6.4.2010.

Now, the first respondent has filed a counter affidavit in W.A. No. 602 of 2010 and has moved for vacating the interim order.

2. We heard the learned Counsel on both sides. Going by the Larger Bench decision of this Court in K.S. Das v. State of Kerala 1992(2) KLT 358, the appeals filed against the interim orders should be disposed of at the admission stage itself and they should not be allowed to be accumulated as another tier of cases. Therefore, having regard to the facts of the case, it is ordered that the interim order granted by the Division Bench, which we have already quoted above, will remain as the interim order in the Writ Petition, pending disposal of the same. The learned Single Judge will try to expedite the hearing of the matter. The appellants shall cooperate for the early hearing of the Writ Petition. It is clarified that if it is found to be necessary, in the interests of justice, the learned Single Judge can pass appropriate further interim orders in the matter, treating the interim order passed by the Division Bench, which we have quoted above, as an interim order passed by the learned Judge himself.

The Writ Appeals are disposed of as above.