

(2011) 02 KAR CK 0157
In the Karnataka High Court
Case No : Writ Appeal No. 252 of 2011

The Deputy Commissioner, The Assistant Commissioner
Doddaballapur Sub-Division and The Tahsildar

APPELLANT

Vs

Smt. Dhanalakshmi @ Pushpa and Others

RESPONDENT

Date of Decision : 04-02-2011

Acts Referred:

Citation : (2011) 02 KAR CK 0157

Hon'ble Judges : J.S. Khehar, C.J.;A.S. Bopanna, J

Bench : Division Bench

Advocate : Ashok Haranahalli, General and B. Veerappa, AGA, for the Appellant;
H.V. Shyamegowda, for R1 to 11, for the Respondent

Final Decision : Allowed

Judgement

J.S. Khehar, C.J.—The following order was passed by this Court on 21.1.2011;

Learned Advocate General, while assailing the veracity of the impugned order dated 4.1.2011, which came to be passed in Writ Petition No. 32756/2010 contends, that the conclusions drawn by the learned Single Judge were wholly unjustified, on account of the fact, that the response of the Respondents in the writ petition had not yet been obtained. It is submitted, that the actions taken at different stages by different officers will be explained before the learned Single Judge, by filing counter affidavit(s), whereupon, the learned Single Judge may form his view on the matter, based on equal opportunity to the rival parties.

Notice to the Respondents returnable for 4.2.2011.

Let the Respondents be served through the learned Counsel, who represented them before the learned Single Judge.

In the meantime, directions issued to Karnataka Lokayukta shall remain in abeyance.

List again on 4.2.2011.

2. Learned Counsel for Respondent No. 1, who was the sole Petitioner before the learned Single Judge, does not dispute the factual position brought to the notice of this Court, namely, that the Appellants herein were not afforded an opportunity to file their counter affidavits, before the impugned order dated 4.1.2011 came to be passed by the learned Single Judge.

3. In view of the above, the instant writ appeal is allowed. The impugned order dated 4.1.2011 is set aside. The matter is remanded to the learned Single Judge for reconsideration, in case Respondent No. 1 herein continues to press her claim for an injunction.

4. Since statement of objections have been filed at the hands of the Respondents the decks are now cleared for even the final determination of the controversy. It shall be open to the learned Single Judge to examine the issue of grant of an injunction to Respondent No. 1 herein, or to finally dispose of the writ petition, as he may consider just and appropriate, in the facts and circumstances of the case.