

(2013) 10 KAR CK 0186

In the Karnataka High Court

Case No : Writ Appeal No. 5809 of 2013 (LB-RES)

The State of Karnataka

APPELLANT

Vs

Sri M. Abdul Azeez and Others

RESPONDENT

Date of Decision : 07-10-2013

Acts Referred:

Citation : (2013) 10 KAR CK 0186

Hon'ble Judges : D.H. Waghela, C.J.;B.V. Nagarathna, J

Bench : Division Bench

Advocate : Ravivarma Kumar, A.G. assisted with Sri B. Veerappa, AGA, for the Appellant; Jayakumar S. Patil, for Sri Deviprasad Shetty, for R-1 and Sri. S. Vishwajith Shetty, for R-2, for the Respondent

Final Decision : Disposed Off

Judgement

D.H. Waghela, C.J.—After the appeal being argued for grant of interim relief, it was fairly stated by learned senior advocate appearing for respondent No. 1, Mr. Jayakumar S. Patil and learned Advocate General appearing for the appellants, that the order impugned in this appeal being an interim order in the pending petition and only a question of law being involved and learned counsel appearing on either side being ready to argue the main petition for final hearing and disposal" at the earliest, it may not be necessary or advisable for this Court to entertain the appeal and grant or refuse interim relief, as prayed by the appellants. It was, however, also jointly submitted that elections of Mayors and Deputy Mayors in six municipal corporations and the elections of President and Vice-President of all other urban local bodies having been held up on account of the impugned order, which is followed in other petitions of the same group, the main petitions are required to be heard and disposed on urgent basis and given a special priority. It was in that context jointly requested that, if a date of hearing is fixed for final hearing, before learned Single Judge, of all the related petitions, the parties would appear and argue, without taking any unnecessary adjournment and assist the Court in putting to rest the controversy raised in the

petitions. Accordingly, by consent and at the request of learned counsel appearing on either side, the appeal is disposed, without entering into merits of the rival contentions, with a request to learned Single Judge to hear the main petition, along with the other related petitions at the earliest and, as far as practicable, before the end of this month. Upon joint request of learned counsel, the date of hearing in the main petitions is fixed on 24.10.2013 and main Writ Petition No. 38256/2013, along with the other petitions in the same group, are ordered to be listed before the appropriate Court for final hearing on priority basis. Thereafter, it would be for the Court concerned to hear the petitions at its early convenience, having regard to the readiness of learned counsel to argue only on the limited legal issue/issues involved in the matter. We reiterate our request to give appropriate priority to hearing of the petitions. It is needless to clarify that the findings recorded in the impugned order will be treated as tentative and meant only for the purpose of the impugned order and shall not influence the Court in arriving at any finding or conclusion upon final hearing of the petition.

2. With these observations and directions, the appeal as well as the interim applications made therein, are disposed.