
(2001) 10 KAR CK 0053
In the Karnataka High Court
Case No : Writ Appeal No. 4640 of 2000

T.V. Krishnaiah Achar

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 06-10-2001

Acts Referred:

Citation : (2002) 1 KCCR 231

Hon'ble Judges : M.F. Saldanha, J;K.R. Prasada Rao, J

Bench : Division Bench

Advocate : K.S. Chandrasaha, for the Appellant; G. Nagarajalu Naidu, A.G.A. for Respondents-1 to 4 and S.S. Sripathy, for Respondent-5, for the Respondent

Judgement

M.F. Saldanha, J.—We have heard the learned Advocates and the learned Government Advocate.

2. We are not satisfied with the manner in which the learned Single Judge has disposed of the Writ Petition. It is well settled law that if the party who approaches the Court does not qualify for a relief or has not made out any case that the Court is justified in dismissing any petition after indicating very briefly and succinctly as to what are the reasons why the Court has refused to entertain the petition. In cases where the Petitioner makes out a prima facie case it would undoubtedly be open to the Court to issue a notice to the other side, hear and dispose of the petition if feasible or to admit the petition and to thereafter dispose of it on merits. In any event, what a litigant who approaches the High Court is entitled to is the right of a fair hearing and the right to receive an order that sets out the reasons for the decision of the Court. From the order passed in the present Writ Petition, we find that though the case has had a long history and the Petitioner has approached the High Court for the grant of certain reliefs that all the issues involved have been virtually bypassed and an order has been passed. We are not at all satisfied with the quality of the order in question and the same is accordingly set aside. The case is remanded to the learned Single Judge hearing these Writ Petitions. The learned Single Judge to reconsider the

Writ Petition and pass appropriate orders according to law. The learned Government Advocate has also been heard on merits. The appeal succeeds to this limited extent and stands disposed of. No order as to costs.

3. Parties to maintain status quo. In the meanwhile, liberty to the Appellant to move the learned Single Judge for appropriate orders.