

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
W.P.(C) No. 12 of 2014

21.01.2014

Heard Mr. K. Paul, learned counsel for the petitioner.

Seen the application.

The learned counsel Mr. K. Paul submits that the Hon'ble High Court vide order dated 21.09.2011 in CRP (SH) No. 25 of 2011 directed the trial court concerned to hear the application of interim order which is still pending for disposal before the trial court, but unfortunately the respondents/opposite parties taking the advantage of winter vacation and holidays of the civil court started demolishing the suit premises in question. Hence, this petition.

Also heard learned Sr. GA, Mr. N.D. Chullai appearing for and on behalf of the Government.

After hearing the submission advanced by the learned counsel for the petitioner, I am of the considered view that this instant petition may be disposed of at this stage with a direction to stop immediately the demolition process.

I have perused the order dated 21.09.2011 wherein, it is specifically stated by this court that:

“The trial court shall now hear the application for interim order after issuing notice to the respondent and pass appropriate order after hearing both the parties in accordance with law. The petitioner will appear before the trial court on 17.10.2011. Transmit the LC record forthwith.

In the meantime, the stay order passed earlier will continue”.

On bare perusal of the direction passed by this court, it is apparent and clear that there is a stay and the matter needs to be finally decided by the trial court after hearing both the parties.

Since the matter is pending and no effective order or decision has been taken by the trial court, it is hereby directed to stop the demolition process immediately till the matter is decided

by the trial court as ordered vide order dated 21.09.2011 in CRP (SH) No. 25 of 2011.

With this observation and direction, this instant petition is allowed and stands disposed of.

JUDGE

D. Nary