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JOHN MICHAEL CUNHA	WP 201110/2019	31/03/2021	Common Order on I.A.Nos.1/2019

The main petitions are filed under Articles 226 and 227 of the Constitution of India read with section 482 of Cr.P.C., seeking to quash the complaint dated 13.02.2019 filed by the second respondent (Annexure-'B') and to quash the FIR in Crime No.0019/2019 dated 13.02.2019 registered for the offences punishable under sections 8 and 12 of Prevention of Corruption (Amendment) Act 2018 and for the offences under sections 120B and 506 read with section 34 of IPC and to quash all further proceedings thereto (vide Annexure-'C').

2. The petitioner in W.P.No.201109/2019 (Sri.B.S.Yeddyurappa) is arraigned as accused No.1 and the petitioners in W.P.No.201110/2019 (Sri.K.Shivanagouda Naik, Sri.Preethamgowda and Sri.M.B.Maramkal) are arraigned as accused Nos.2 to 4 respectively in FIR.No.19/2019.

3. Both the petitions were filed before the High Court of Karnataka Bench at Kalaburagi on 19.02.2019 and they were listed on 20.02.2019. The order-sheet dated 20.02.2019 in W.P.No.201109/2019 reads as under:-

"The Additional Advocate General of High Court of Karnataka, Bengaluru, filed a memo along with Government Order No.LAW:101:LSP:2019:Bengaluru dated 19.02.2019 wherein he has been appointed as Special Public Prosecutor to appear and prosecute in the present case.

Memo is placed on record.

Heard learned counsel for the petitioners and the learned Special Public Prosecutor on interim relief.

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Reserved."

The order-sheet dated 20.02.2019 in W.P.No.201110/2019 reads as under:-

"The Additional Advocate General of High Court of Karnataka, Bengaluru, filed a memo along with Government Order No.LAW:102:LSP:2019:Bengaluru dated 19.02.2019 wherein he has been appointed as Special Public Prosecutor to appear and prosecute in the present case.

Memo is placed on record.

Heard learned counsel for the petitioners and the learned Special Public Prosecutor on interim relief.

Reserved."

4. On 22.02.2019, this Court passed a common interim order staying further investigation and all further proceedings pursuant to the registration of FIR in Crime No.0019/2019 until disposal of the writ petitions and the petitions were admitted and notices were issued to respondent No.2. Since the above order was passed ex-parte, respondent No.2 / informant, on entering appearance, filed I.A.No.1/2019 in both the petitions on 12.04.2019 and 15.04.2019 respectively seeking recall of the order dated 22.02.2019.

5. When these applications came up for hearing on 24.04.2019, learned counsel for respondent No.2 sought short accommodation for rectification of the mistake crept in the prayer column of the applications – I.A.No.1/2019. Thereafter, the matter appears to have been adjourned from time to time

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and on 17.09.2019, when the learned Additional State Public Prosecutor and learned counsel for petitioners sought adjournment, the same was opposed by the learned counsel for respondent No.2. On that day, it was submitted by the learned Government Additional State Public Prosecutor that the services of Special Public Prosecutor has been terminated. Since nothing was placed on record, by granting a last chance, the matters were directed to be listed on 26.09.2019. But the petitions appear to have been listed on 25.10.2019 and the same were adjourned. On 16.12.2019, learned Additional S.P.P. submitted that a Special Public Prosecutor was being appointed to appear for respondent No.1 / State and the said submissions were being repeated at the instance of respondent No.1 / State and the matters were being adjourned from time to time till 28.02.2020.

6. The above strategy appears to have been adopted only to procrastinate and delay the disposal of the I.As. filed by respondent No.2 to vacate the interim order of stay. Be that as it may, thereafter the cases were listed before the court only on 15.03.2021, despite the directions to list all pending criminal cases involving sitting / former Legislators (M.Ps. and M.L.As.), particularly those wherein a stay has been granted. Surprisingly, these two cases did not figure in the lists submitted to the Court, as a result, the directions issued by the Hon'ble Supreme Court in ASHWINI KUMAR UPADHYAY & Others vs. UNION OF INDIA & Others in W.P.(Civil) No.699/2016 dated 16.09.2020 to hear the matter on a day-to-day basis and to dispose of the same expeditiously, within a period of two months therefrom could not be complied with. The Registry therefore is directed to bring the same to the notice of the Hon'ble the Chief Justice so as to take appropriate action against the erring officials as the records clearly indicate that the lapses in listing the cases were deliberate and intentional and obviously to the advantage of the petitioners.

7. On 15.03.2021, I heard the learned Senior Counsel appearing for respondent No.2 and on the request of learned counsel for petitioners, the matter was adjourned to 16.03.2021. On that day, a submission was made to delink writ petition No.201110/2019 eventhough both the petitions were clubbed on the request of petitioners themselves and a common interim order was passed on 22.02.2019. On 18.03.2021, the submissions of the learned Senior Counsel appearing for petitioners and learned SPP-I appearing for respondent No.1

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and the reply submissions of learned Senior Counsel appearing for respondent No.2 were heard.

8. Sri.C.V.Nagesh, learned Senior Counsel appearing for petitioner in W.P.201109/2019 raised a preliminary objection regarding the maintainability of the applications for vacating the interim order, contending that the interim relief was prayed for only against respondent No.1. The Government had appointed a Special Public Prosecutor and he was heard in the matter and therefore, the order dated 22.02.2019 is not an ex-parte order; besides, respondent No.2 is not affected by the interim order passed by this Court since he was only an informant or a formal party to the proceedings and therefore, he has no locus standi to seek recall of the order in view of the bar contained under section 362 Cr.P.C. Further referring to Article 226(3) of the Constitution of India, learned Senior Counsel would submit that an ex-parte order passed under Article 226 of the Constitution of India could be challenged only by “a party against whom the order was made” and placing reliance on Rule 18(1) of the Writ Proceeding Rules, 1977, emphasized that an ex-parte order passed by the Court could be vacated only at the instance of “the party against whom an ex-parte order has been passed”. It is the submission of the learned Senior Counsel Sri.C.V. Nagesh that in the instant cases, the State having been heard and the State having not chosen to prefer any appeal or revision against the interim order, the same cannot be set at naught at the instance of the second respondent. Learned Senior Counsel did not address any arguments on merits.

9. Sri. Ashok Haranahalli, learned Senior Counsel appearing for the petitioners in the connected writ petition No.201110/2019 would also submit that when the State has been heard and no grounds are made out by the second respondent to vacate the interim order and this Court having considered all the materials placed before it, the same cannot be recalled at the instance of the second party. Further referring to section 77 of the Representation of People Act, 1951 and Rule 90 of the Conduct of Election Rules, 1961, learned Senior Counsel pointed out that the expenditure incurred by a candidate at an election and the manner in which the accounts of the expenditure are regulated by law and therefore, allegations made in the FIR that the election expenses of respondent No.2 were agreed to be met by the petitioners cannot constitute a criminal offence so as to proceed against the petitioners.

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10. The above submissions were seriously contested by Prof. Ravi Varma Kumar, learned Senior Counsel appearing for respondent No.2 and by referring to the very cause title of the main petitions, would submit that the respondent No.2 having been described as a complainant and the main relief sought for in the petitions being one for quashing the complaint lodged by second respondent and for staying all further proceedings pursuant to the FIR lodged therein, and the petitioners themselves having impleaded the second respondent as a necessary party to the proceedings, cannot be heard to say that he is not affected by the ex-parte interim order passed by this Court and that he has no locus standi to seek vacation of the said order. Further referring to paras 72 and 73 of the decision of the Hon'ble Supreme Court in SUBRAMANIAN SWAMY v. MANMOHAN SINGH AND ANOTHER, (2012) 3 SCC 64 and Article 226(3) of the Constitution of India as well as the ratio laid down by the Hon'ble Supreme Court in ASIAN RESURFACING OF ROAD AGENCY PVT. LTD., & ANR. v. CBI, (2018) 16 SCC 299, learned Senior Counsel emphasized that, when an order has been passed ex-parte against a party to the proceedings, by virtue of Article 226(3)(b) of the Constitution of India, the High Court is required to dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application was furnished, whichever is later, and if the application was not disposed of, the interim order shall, on the expiry of the said date, stand vacated.

10(i) On merits, he submitted that the allegations made in the FIR prima facie disclose the ingredients of the offences punishable under sections 8 and 12 of Prevention of Corruption (Amendment) Act 2018 and the offences under section 120B and 506 r/w. 34 of IPC. Referring to Annexure-R2C filed along with the written statement, learned Senior Counsel pointed out that, on February 10, 2019, accused No.1 Sri.B.S.Yeddyurappa had arrived in Hubli Airport and participated in a Press Conference and he was questioned about the audio-clip conversation between him and respondent No.2 Sri.Sharangouda and he admitted that he met respondent No.2 in Devadurga Inspection Bungalow on the night of 07.02.2019. He has also admitted that the voice in the audio-clip released in the press meet belonged to him. The averments made in the statement of objections to the effect that an attempt was made to give undue advantage to respondent No.2 and to his father to induce him not to discharge and perform his duties as MLA,

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Gurmitkal, prima facie attract the ingredients of the offences punishable under sections 8 read with 12 of PC Act and also sections 120B, 506 read with 34 of IPC have not been specifically denied. Learned Senior Counsel further argued that eventhough in the petitions serious allegations were leveled against the then Chief Minister Sri.H.D.Kumaraswamy, he is not made a party to the petitions and more importantly, when accused No.4 Sri.M.B.Maramkal had filed a complaint in respect of CD with intent to investigate the genuineness of the said CD, the petitioners cannot object to the registration of the instant FIR. Learned Senior Counsel pointed out, if in fact the petitioners were aggrieved of the failure to register the case on the basis of the alleged complaint of Sri.M.B.Maramkal, Sri.M.B.Maramkal ought to have initiated action to compel the Station House Officer, Vidhana Soudha, to register a case on his complaint and a direction could have been sought in the petitions to register the case based on the so-called complaint lodged by Sri.M.B.Maramkal / accused No.4. He further contended that Article 226 of the Constitution of India could not have been abused by the petitioners to wage a proxy war on behalf of M.B.Maramkal against the legitimate action taken by respondent No.2 and thus contending that there being prima facie material to proceed against the petitioners for the alleged offences and that the petitioners, having played fraud on court by misleading the court that the complaint lodged by M.B.Maramkal was prior in point of time and that both the complaints related to the CD, the order dated 22.02.2019 is liable to be vacated.

11. Having heard the learned Senior Counsels appearing for respective parties and considering the prescription contained in Article 226(3) of the Constitution of India and the law enunciated by the Hon'ble Apex Court in ASIAN RESURFACING OF ROAD AGENCY PVT. LTD., & ANR. v. CBI, (2018) 16 SCC 299, in my view, the initial objection raised by learned Senior Counsels for petitioners on the maintainability of the applications for vacating the interim order of stay is liable to be rejected and the ex-parte interim order dated 22.02.2019 passed by this court requires to be vacated for the following reasons:-

11(i) Undisputably, respondent No.2 was an informant / complainant. He has been arrayed as necessary party to the proceedings apparently for the reason that, without the presence of the second respondent, no effective relief could have

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been granted to the petitioners. Under the said circumstances, the petitioners having obtained an interim order without service of notice on the complainant / respondent No.2, in my view, he has to be treated as “a party against whom an ex-parte order was made”. He is, therefore, entitled, as of right, to apply to the court to discharge or vary the said order as per Rule 18(1) of the Writ Proceedings Rules.

11(ii) Before dealing with the above Writ Proceedings Rules, it may be necessary to decide the locus standi of respondent No.2 to maintain the application for vacation of the interim order. In this regard, the observations made by Hon’ble Supreme Court in SUBRAMANIAN SWAMY v. MANMOHAN SINGH AND ANOTHER, (2012) 3 SCC 64 may be apt to be extracted.

72. The right of private citizen to file a complaint against a corrupt public servant must be equated with his right to access the Court in order to set the criminal law in motion against a corrupt public official. This right of access, a Constitutional right should not be burdened with unreasonable fetters. When a private citizen approaches a court of law against a corrupt public servant who is highly placed, what is at stake is not only a vindication of personal grievance of that citizen but also the question of bringing orderliness in society and maintaining equal balance in the rule of law.

73. It was pointed out by the Constitution Bench of this Court in Sheonandan Paswan vs. State of Bihar and Others SCC at page 315(SCC para 14)

\ 14.....It is now settled law that a criminal proceeding is not a proceeding for vindication of a private grievance but it is a proceeding initiated for the purpose of punishment to the offender in the interest of the society. It is for maintaining stability and orderliness in the society that certain acts are constituted offences and the right is given to any citizen to set the machinery of the criminal law in motion for the purpose of bringing the offender to book. It is for this reason that in A.R. Antulay v. R.S. Nayak this Court pointed out that (SCC p. 509, para 6)

\ 6....punishment of the offender in the interest of the society being one of the objects behind penal statutes enacted for larger good of the society, right to initiate proceedings cannot be whittled down, circumscribed or fettered by putting it into a strait jacket formula of locus standi.....\

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11(iii) In the backdrop of the above principles, if the Writ Proceedings Rules, 1977 (hereinafter referred to as “Rules”) are perused, Rule 12 thereof provides that,

12. (1) Every writ petition after it has been admitted to register shall be posted before the appropriate Bench for preliminary hearing

(2) In every Writ Petition where an application is filed for an ad Interim Stay or injunction against the Union of India or any State Government or any of its authorities, a copy of such application shall be served upon the Standing Counsel/Advocate for the Union of India or the concerned State Government before the matter is listed in Court, except when the Court otherwise directs

Rule 13 which is relevant for the purpose reads as under:-

13. Upon the hearing,-

(a) the Court if satisfied, shall direct a rule nisi to the respondent calling upon him to show cause why the order sought should not be made, and shall adjourn the hearing for the respondent to appear and for being heard :

(i) Provided that, where the Court deems fit, it may before directing issue of a rule nisi, direct notice to the respondent to show cause why rule nisi should not be issued ;

(ii) Provided, further, that when a notice is issued to show cause why rule nisi should not be issued, the Court may direct the respondent to file objection and documents, if any, in accordance with Rule 21.

(b) In the event of a direction in accordance with proviso (ii) the issue of rule nisi may be dispensed with and the matter may be heard and disposed of on merits.

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11(iv) In the instant cases, no rule was issued and the order dated 22.02.2019 was passed without service of notice on respondent No.2 and under the said circumstances, as per Rule 18 of the Rules,

18. (1) A party against whom an ex-parte order has been made shall be entitled to apply to the Court to discharge or vary the said order after giving notice to the party or parties who are likely to be affected by such order of discharge or variation. Such notice may be served on the Advocate for the parties.

(2) Every application made under sub-rule (1) shall be posted for orders before the Court as early as possible, but not later than three days from the date of presentation.

12. In the wake of these provisions, the argument of learned Senior Counsels appearing for the petitioners, assailing the locus standi of respondent No.2, is an argument of desperation and is nothing but an ingenious attempt to hold on to the interim order, so as to delay and frustrate the impending probe. That apart, the interim order secured by the petitioners having the effect of stalling the investigation prone to cause disappearance of the crucial evidence to the disadvantage of the law enforcing agency and respondent No.1 / State appears to have acquiesced in the matter as is evident from the unprecedented haste and alacrity in which a Special Public Prosecutor was appointed even before the matter was listed before the court, but after suffering an adverse order, no steps have been taken to expedite the matter, instead tacitly supporting the continuance of the interim order made in favour of the petitioners speaks in volume about the interestedness of respondent No.1. Nonetheless, in view of the mandate contained in Article 226(3)(b) of the Constitution of India that if the application for vacating the said stay order is not disposed of within a period of two weeks from the date of making the application for vacation of such order, the same shall stand vacated on the expiry of that period, in my view, no further order is necessary in the matter. This position has been reiterated by the Hon'ble Apex Court in IMTIAZ AHMED vs. STATE OF UTTAR PRADESH, (2012) 2 SCC 688, in para 55

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thereof it is held as under:-

"55. Certain directions are given to the High Courts for better maintenance of the rule of law and better administration of justice:

While analysing the data in aggregated form, this Court cannot overlook the most important factor in the administration of justice. The authority of the High Court to order stay of investigation pursuant to lodging of FIR, or trial in deserving cases is unquestionable. But this Court is of the view that the exercise of this authority carries with it the responsibility to expeditiously dispose of the case. The power to grant stay of investigation and trial is a very extraordinary power given to the High Courts and the same power is to be exercised sparingly only to prevent an abuse of the process and to promote the ends of justice. It is therefore clear that:

(i) Such an extraordinary power has to be exercised with due caution and circumspection.

(ii) Once such a power is exercised, the High Court should not lose sight of the case where it has exercised its extraordinary power of staying investigation and trial.

(iii) The High Court should make it a point of finally disposing of such proceedings as early as possible but preferably within six months from the date the stay order is issued.

13. The above order is made into a direction in ASIAN RESURFACING OF ROAD AGENCY PVT. LTD., & ANR. v. CBI, (2018) 16 SCC 299, and all the High Courts in the country have been directed that, where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on the expiry of six months from the date of order i.e., 28.03.2018, unless extension is granted by a speaking order. No such extension having been granted in the instant cases, the interim order dated 22.02.2019 stands vacated by force of Article 226(3) of the Constitution of India and the orders referred supra.

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14. Insofar as the grounds urged in the applications for vacating the stay, learned Senior Counsel Sri.C.V.Nagesh appears to have advisedly not chosen to address any arguments on the merits apparently being aware of the settled position of law that the jurisdiction under section 482 Cr.P.C. or under Articles 226/227 of the Constitution of India cannot be exercised by this Court as a cloak in disguise to stall investigation or to stifle a legitimate prosecution. The criminal jurisprudence in this regard is now crystallized in the form of settled principles of law that the inherent powers under section 482 Cr.P.C. could be exercised only to prevent abuse of process of court or where interference is absolutely necessary to secure the ends of justice. Though the petitioners have invoked Article 226 and 227 of the Constitution of India, yet the reliefs claimed in the petitions are in essence lie within the ambit of section 482 Cr.P.C and the ultimate effect of the relief claimed by the petitioners is to stall the investigation into the corruption charges leveled against the petitioners.

15. From the reading of the complaint / FIR, it is seen that serious allegations are leveled against the petitioners attracting the offences under sections 8 and 12 of the Prevention of Corruption (Amendment) Act 2018 as well as under sections 120B, 124A, 171H and 506 read with section 34 IPC.

16. It is alleged in the complaint / FIR that on 07.02.2019 at about 10.40 p.m., the respondent No.2 / complainant received an anonymous phone call from mobile No.9448415999 to his mobile No.9900151777 and the caller identified himself as Shivanagouda Naik, MLA, Devdurga Constituency (accused No.2). It is alleged that said Sri.Shivanagouda Naik asked respondent No.2 to come over to Devdurga circuit house immediately and when he replied that since it was late night and it would not be possible for him to come over to circuit house, accused No.2 is stated to have called him again and handed over the call to accused No.1 who asked the complainant to come immediately to discuss some urgent matter and thereafter the complainant left to Devdurga and reached the circuit house around 12 O' clock mid night. It is stated therein that the complainant was taken to a room wherein accused Nos.1, 3 and 4 were sitting and accused No.1 told the complainant that if he would help the accused No.1 and persuade his father to resign his seat, then accused No.1 would make the complainant win the Assembly Election from Gurmitkal Constituency, meet all the election expenses and make him In-charge Minister of Yadgiri

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District. It is further alleged in the complaint that accused No.1 told the complainant that if he persuaded his father to resign as a MLA, then in the By-Election, accused No.1 would give the complainant a seat from the Bharatiya Janata Party and make him win the seat and also give him Rs.10 crores as bribe. It is further alleged that accused No.1 told the complainant to go to Mumbai and stay in the resort along with other MLAs who were already staying in the said resort and that the amount would be delivered to the house of the complainant when the complainant's father tenders his resignation as a MLA. It is further alleged that when the complainant refused to heed to the illegal demands, the accused persons threatened the complainant stating that the political career of the complainant's father would be tarnished by making false allegation. It is further stated in the complaint that the aforesaid conversation was recorded by the complainant.

17. The above allegations, in my view, squarely attract the ingredients of the offences under sections 8 and 12 of the Prevention of Corruption (Amendment) Act 2018. As rightly submitted by learned Senior Counsel appearing for respondent No.2, the petitioners have not filed any rejoinder disputing the assertions made in the statement of objections by the second respondent which are sought to be supported by the affidavit of one of the journalist who was present during the press conference/interview on 10.02.2019 at Hubli Airport wherein accused No.1 Sri.B.S.Yeddyurappa is stated to have admitted that he had met the second respondent in Devadurga Inspection Bungalow on the night of 07.02.2019. Further, accused No.1 has also not disputed the material produced by the second respondent which disclose that accused No.1 has even admitted his voice in the CD. Though at this juncture no opinion could be expressed on the genuineness or otherwise of the material relied on by the second respondent in proof of the accusations leveled against him in the complaint, yet accused No.4 Sri.M.B.Maramkal (petitioner No.3 in W.P.No.201110/2019) himself having asserted that he had also approached the Vidhana Soudha Police Station by lodging a complaint questioning the validity of the said CD, it was all the more necessary and incumbent on the police to investigate the entire incident so as to ascertain the truthfulness or otherwise of the allegations made in the complaint. Even going by the case pleaded in the writ petitions and having regard to the allegations and counter allegations made therein, in my view, no option is left with the court other than permitting the investigating agency to continue the probe and unearth the true facts behind the secret meeting held within the closed doors at

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an unearthly hour.

18. Undeniably, the allegations made in the complaint, if found true, would not only establish the fact that petitioners had attempted to induce an elected representative to tender his resignation in return for the bribe of Rs.10 Crores and promise of a seat to his son in the By-election prima facie making out the ingredients of the offences under sections 8 and 12 of the Prevention of Corruption (Amendment) Act, 2018. These allegations, if found true, would even attract the ingredients of the offences under sections 120B, 124A, 171H of IPC as the allegations made in the complaint and the material produced in support thereof clearly disclose that an attempt has been made by the petitioners to excite disaffection towards the Government established by law by encouraging defection so as to topple the Government by lure of money and position prima facie making out the ingredients of sections 120B, 124A and Section 171H of Indian Penal Code. Thus a clear case has been made out by respondent No.2 to vacate the interim order of stay granted by this Court and to order a thorough probe into the matter.

19. Even otherwise law is now well settled as held by the Hon'ble Supreme Court in R.KALYANI vs. JANAK C. MEHTA & Others (2009)1 SCC 516 and the various other decisions that, "High Court ordinarily would not exercise its inherent jurisdiction to quash a criminal proceeding and, in particular, a first information report unless the allegations contained therein, even if given face value and taken to be correct in their entirety, disclosed no cognizable offence." "...If the allegations made in the FIR disclose commission of an offence, the Court shall not go beyond the same and pass an order in favour of the accused to hold absence of any mens rea or actus rea.

20. Yet again, in RISHIPAL SINGH v. STATE OF UTTAR PRADESH AND ANOTHER, (2014) 7 SCC 215, it is held by the Hon\'ble Apex Court as under:-

\ What emerges from the above judgments is that when a prosecution at the initial stage is asked to be quashed, the tests

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to be applied by the Court is as to whether the uncontroverted allegations as made in the complaint prima facie establish the case. The Courts have to see whether the continuation of the complaint amounts to abuse of process of law and whether continuation of the criminal proceeding results in miscarriage of justice or when the Court comes to a conclusion that quashing these proceedings would otherwise serve the ends of justice, then the Court can exercise the power under Section 482 Cr.P.C. While exercising the power under the provision, the Courts have to only look at the uncontroverted allegation in the complaint whether prima facie discloses an offence or not, but it should not convert itself to that of a trial Court and dwell into the disputed questions of fact.\

21. Further, in MADHAVRAO JIWAJIRAO SCINDIA vs. SAMBHAJIRAO CHANDROJIRAO ANGRE reported in 1988 Criminal Law Journal 853, it is held that,

"... The legal position is well settled that when a prosecution at the initial stage is asked to quashed, the test to be applied by the Court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue."

22. As the uncontroverted allegations made in the FIR (Annexure-'C') and the contents of the complaint lodged by respondent No.2 (Annexure-'B') prima facie disclose the commission of cognizable offences as discussed above, the jurisdiction of this Court under section 482 Cr.P.C. and Article 226 and 227 of the Constitution of India cannot be exercised to quash the above complaint and the FIR registered against the petitioners. Resultantly, petitioners being not entitled for the main relief claimed in the petitions, the question of continuing the interim order may not arise at all.

For all the above reasons, I.A.Nos.1/2019 filed by respondent No.2 in the above W.P.No.201109/2019 and

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			W.P.No.201110/2019 are allowed. The interim order dated 22.02.2019 is vacated.

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