

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9963 of 2015

DATE: 09.04.2015

Between:

Gadiraju Bapiraju,
Avidi Village, Kothapeta Mandal,
East Godavari District.

... Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary, Law and Legislative
Department, Secretariat,
Hyderabad and others.

... Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9963 of 2015

Order: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This Writ Petition, in our view, is liable to be dismissed as no ground has been stated in the writ affidavit, while challenging the statutory provision, namely, Rule 85 of Order XXI of Code of Civil Procedure, 1908, as followed in the State of Andhra Pradesh, which has been adopted from amendment of the Madras High Court.

According to us, when the Legislature thought it fit to make a provision as purposeful, which is not unjust, the litigant cannot challenge on his own mindset. It is settled position of law that a challenge can be made to any statutory provision made by Legislature, which is a supreme, on the ground of unconstitutionality and there is no allegation that the aforesaid provision is violative of any provision of the Constitution of India.

We accordingly dismiss the Writ Petition.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 09.04.2015

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