

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No. 248 OF 2015

DATE: 25.03.2015

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Between:

Melam Venkateswara Rao

... Appellant

And

The District Collector-cum-Chairman,
District Level Committee, Krishna District,
Machilipatnam & 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 APPEAL No. 248 of 2015

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JUDGMENT: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This appeal has been preferred against the interim order dated 06.03.2015 passed by the learned Single Judge in WPMP.No.7383 of 2015 in W.P.No.5545 of 2015. The writ petition has been filed for the following relief:

“... issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the inaction on the part of the respondents in not granting final registration certificate on the application submitted by the petitioner seeking permission to aquaculture farms, total an extent of land Ac.2.54 cents in Sy.Nos.118/5, 118/6, 119/1A NS 119/2 situated at Pedagonnuru Village, Mudinepalli Mandal, Krishna District, illegal and unconstitutional and consequently direct the respondent/authorities to issue final registration certificate in favour of the petitioner for fish tank without any further delay.”

It appears from the record that the writ petitioner has made an application for grant of final registration certificate. According to the writ petitioner, the respondent authorities have not taken any decision so far. Assailing the same, the present writ petition was filed.

Learned counsel for the respondents is unable to state us whether any decision has been taken or not, and seeks time.

The grievance of the appellant before us is that the learned Single Judge did not follow the rule of consistency of judicial pronouncement while refusing to pass similar interim relief as was granted in another writ petition.

We have checked up the record and found that an interim order is sought to be placed as comparable instance to seek for rule of consistency. We think that an interim order passed in one matter cannot be a binding precedent in another matter. We are not commenting on the validity and legality of the order being comparable instance. We think that the following order will sub-serve the interest of justice.

We direct the respondents to take a decision on the application made by the writ petitioner/appellant for grant of final registration certificate as applied for in accordance with law, in the event, no such decision has been taken as yet. If any decision has been taken that should be communicated to the writ petitioner/appellant forthwith. If a decision is required to be taken the same must be done within a period of eight weeks from the date of communication of this order. In case of failure to grant final registration certificate as applied for then reasons must be assigned and decision so to be taken in terms of our order shall be communicated forthwith to the writ petitioner/appellant.

In view of the aforesaid order nothing remains in the writ petition. So, the

parties will be free to get the writ petition disposed of finally by the learned Single Judge by producing a copy of this order.

The appeal is accordingly disposed of.

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

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 25.03.2015

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