

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Appeal No.1323, 1331, 1349 and 1364 of 2016

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These appeals, under Clause 15 of the Letters Patent, are preferred against the orders passed by the learned Single Judge in W.P. Nos. 32060 of 2015, 4839 of 2011, 31977 of 2015 and 4848 of 2011, dated 1.10.2015, 21.7.2015 and 17.6.2015 respectively.

In the orders under appeal, the learned Single Judge noted that both the learned counsel for the petitioners, as well as the learned Assistant Government Pleader for Irrigation and Command Area Development, had agreed that an identical issue was raised and decided in Writ Petition No. 4838 of 2011 dated 17.6.2015, and the writ petitions were accordingly allowed in terms of the order in W.P. No. 4838 of 2011 dated 17.6.2015. It is not in dispute that no appeal has been preferred against the order passed in W.P. No.4838 of 2011 dated 17.6.2015.

Learned Government Pleader for Irrigation would contend that the earlier order in W.P. No. 4838 of 2011 dated 17.6.2015 did not consider certain aspects; the appellants herein intended to bring these facts to the notice of the learned Single Judge; and they had not agreed for the Writ Petitions to be disposed of in terms of the order passed in W.P. No. 4838 of 2011 dated 17.6.2015.

In ***State of Maharashtra vs. Ramdas Shrinivas Nayak***¹ the Supreme Court held that public policy barred, and judicial decorum restrained, Courts from doubting the judicial record; the statements of Judges, recorded in their judgments, are bound to be accepted as to what transpired in Court; the statement of the Judges cannot be allowed to be contradicted by the statements at the Bar, or by affidavit and other evidence; if the Judges say in their judgment, that something was done, said or admitted before them, that has to be the last word on the subject;

¹ AIR 1982 SUPREME COURT 1249

the statements of fact as to what transpired at the hearing, recorded in the judgment of the Court, are conclusive of the facts so stated, and no one can contradict such statements by affidavit or other evidence; if a party thinks that the happenings in Court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the mind of the Judge, to call the attention of the very Judge, who had made the record, to the fact that the statement made, with regard to his conduct, was a statement that had been made in error; this was the only way to have the record corrected; and, if no such step is taken, the matter must necessarily end there.

As held by the Supreme Court in the aforesaid judgment, the appellants' complaint of their not having conceded to an order being passed in terms of the order in W.P. No. 4838 of 2011 dated 17.6.2015, can only be represented before the learned Single Judge by way of a review, if as is now contended before us that they had not agreed for the writ petitions to be disposed of in terms of the said order. The appellate Court cannot undertake an examination as to what transpired before the learned Single Judge. We see no reason, therefore, to interfere with the orders under appeal as it is a consent order. The Writ Appeals are, accordingly, dismissed.

Suffice it to make it clear that this order shall not preclude the appellants, if they so choose, from seeking review of the order by way of an application before the learned Single Judge. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

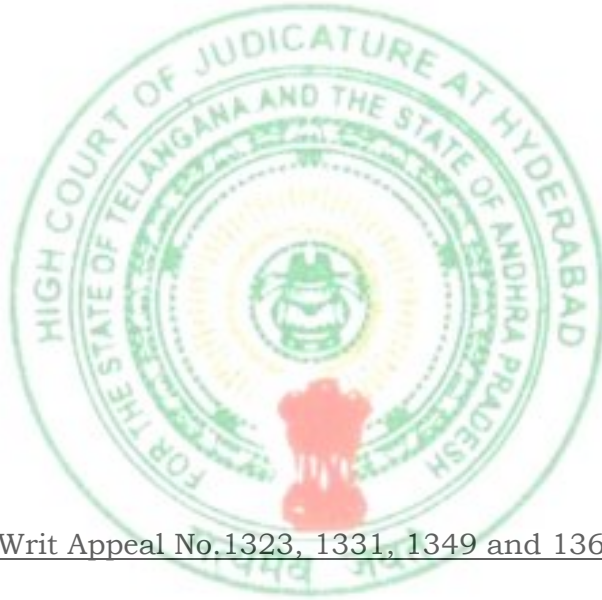
(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

8th December, 2016

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Date: 8.12.2016

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