

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Appeal No.793 of 2016

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in Writ Petition No. 21414 of 2016, dated 22.7.2016.

The order, impugned before the learned Single Judge in Writ Petition No. 21414 of 2016, was passed by the Revenue Divisional Officer on 25.10.2010. In the order under appeal, the learned Single Judge observed that, though the impugned order was passed on 25.10.2010, the writ petition was filed in the year 2016 after a period of five years, and no revision was filed against the impugned order. In such circumstances, the writ petition was dismissed by the learned Single Judge.

The order of the learned Single Judge, no doubt, records a finding that the petitioner had not produced any documentary evidence before the Revenue Divisional Officer, to establish title over the land which, Sri R.Siva Sai Swaroop, learned counsel for the appellant, contends is not correct, and that documents were, in fact, produced before the Revenue Divisional Officer. The fact, however, remains that the order passed by the Revenue Divisional Officer on 25.10.2010 could have been questioned by the petitioner either before the Joint Collector in revision proceedings or before this Court under Article 226 of the Constitution of India. The petitioner has invoked the jurisdiction of this Court five years after the impugned order was passed. The finding recorded by the

learned Single Judge, that the said application is belated, does not suffer from any illegality necessitating interference in an intra-Court appeal under Clause 15 of the Letters Patent.

The writ appeal fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

26th September 2016

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(U.DURGA PRASAD RAO, J)



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Date: 26.09.2016

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