

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

-
WRIT APPEAL Nos.766 and 767 OF 2016

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

Both these writ appeals are preferred against the order passed by the learned Single Judge in Writ Petition Nos. 22291 and 24839 of 2016 dated 16.8.2016. These two writ petitions, along with Writ Petition No. 24283 of 2015, were disposed of by the aforesaid order relegating the petitioner to the alternate remedy available to him under law.

Sri R.K. Suri, leaned counsel for the appellant, would submit that the order impugned in the writ petition, and as passed by the Revenue Divisional Officer, is without jurisdiction; and the remedy provided under the statute is not an appeal, but a revision to the District Collector. Sri U. Shanthi Bhushan Rao, learned counsel for respondent No.5 would fairly state that the remedy prescribed under the statute is only by way of revision to the District Collector, and not by way of appeal.

The order under appeal does not specify the authority before whom the appellant should invoke his remedy. While this Court is not precluded from entertaining a writ petition, under Article 226 of the Constitution of India, merely because there exists an alternate remedy available to the petitioner, the question whether the writ petition should be entertained and heard on its merits, or whether the petitioner should be relegated to the alternative remedy prescribed by the Statute, are matters of discretion.

In an intra-court appeal under Clause 15 of the Letters Patent, unless the order passed by the learned Single Judge is patently illegal or substantial injustice is caused thereby, interference may not be justified. As the question of lack of jurisdiction of the Revenue Divisional Officer, to pass the impugned order, can also be urged in revision before the District Collector, we see no reason to entertain these appeals. Affirming the order of the learned Single Judge, both the appeals are dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

26th August 2016

Note:

Furnish c.c. by 29.08.2016

b/o

pnb

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

—

—

—

—

—

—

—

—

WRIT APPEAL Nos.766 and 767 OF 2016

Date: 26.08.2016

pnb

