

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

Writ Appeal No.962 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 W.P.M.P. No. 33786 of 2015 in Writ Petition No. 26017 of 2015 dated 8.10.2015, dismissing the W.P.M.P. on the ground that the relief sought for in the W.P.M.P and in the Writ Petition are one and the same; and, unless the Writ Petition itself is decided, no relief can be granted in the W.P.M.P.

The main relief sought for in the Writ Petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 to 5 herein in not restoring the electricity service connections bearing Nos. 603-101 and 603-484 of the petitioners herein for their electrical bore wells located in their agriculture land admeasuring Ac.9.34 guntas in Sy. No. 140, situated at Dhulapally Village, Qutubullapur mandal, Ranga Reddy District, T.S., as illegal, biased, void and capricious and consequently direct the respondents herein to pay Rs.3 lakhs to the petitioners towards damages of agriculture crops for the year 2014-15 and pass such other order or orders.”

The interim relief sought for is as under:

“In the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents herein to restore the electricity service connections bearing Nos. 603-101 and 603-484 of the petitioners herein for their electrical bore wells located in their agriculture land admeasuring Ac.9.34 guntas in Survey No.140, situated at Dhulapally Village, Qutubullapur Mandal, Ranga Reddy District, T.S.”

It is evident from a reading of the prayers, both in the W.P.M.P. and in the main Writ Petition, that the relief is identical. What the petitioners have sought, in addition, is for a consequential direction to

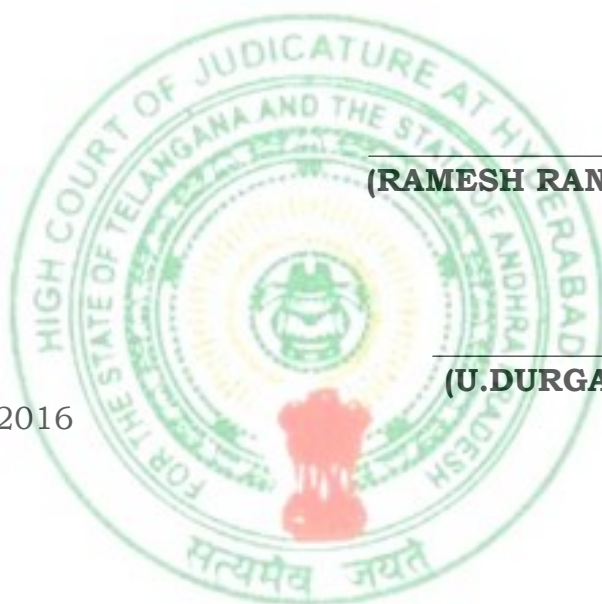
the respondents to pay damages for the agricultural crop for the year 2014-15. The mere fact that the petitioners have sought a relief, as a consequence of the relief sought for in the main writ petition, does not mean that the prayer in the main Writ Petition and the prayer in the W.P.M.P. are different. In an appeal, under Clause 15 of the Letters Patent, interference is called for only when the order of the learned Single Judge suffers from a patent illegality. We do not find any error, in the order of the learned Single Judge, necessitating interference.

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)

(U.DURGA PRASAD RAO, J)

28th September 2016
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THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

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Date: 28.09.2016

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