

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL NO.1051 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent Act, is preferred against the order passed by the learned Single Judge in WP.No.32074 of 2016 dated 23.09.2016 whereby the Writ Petition was disposed of granting liberty to the appellant-writ petitioner to make an application before the competent authority i.e., the Revenue Divisional Officer (RDO); and, on such application being made, the competent authority was directed to dispose of the same in accordance with law.

Before us Sri C.Hanumantha Rayudu, learned counsel for the appellant, would submit that the appellant-writ petitioner had made an application to the RDO, and it is only because such an application was not considered ~~did~~ they submit a representation to the third respondent. The order of the learned Single Judge records that a representation was submitted by the appellant-writ petitioner to the third respondent (Joint Collector) on 29.08.2016. As the learned counsel claims that representation was made to the RDO earlier, we asked him to show whether there is an averment to that effect in the affidavit filed in support of the Writ Petition. Learned counsel would fairly state that there is no such averment in the Writ affidavit.

As it is not in dispute that the competent authority is the RDO, and the only averment in the writ affidavit is that the petitioner had made an application to the Joint Collector, the

learned Single Judge has rightly observed that the application ought to have been made to the RDO, and the Writ Petition was disposed of granting liberty to the petitioner to do so. We find no error in the order of the learned Single Judge necessitating interference, in an intra-Court appeal, under Clause 15 of the Letters Patent.

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

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

21st October 2016
RRB

