

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.1087 of 2017

ORDER: (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 Judge in W.P.No.19687 of 2017 dated 20.06.2017. The appellant herein is the petitioner in the writ petition wherein he sought a mandamus to declare the action of the respondents in constructing the Government Degree College in Kodangal Village, Vikarabad District, which is not allocated for construction of the said college, as illegal and arbitrary.

In the order under appeal the Learned Single Judge noted the appellant-writ petitioner's contention that construction of the Degree college was undertaken not at the place allotted but at a far off place; and, for this purpose, the appellant had relied upon certain photographs. The Learned Single Judge observed that it was difficult for the Court to examine each one of the aspects, now complained by the appellant-writ petitioner, with reference to sketchy details either on allotment of land for construction of the Government Degree College, or construction of the Government Degree College at a place other than the allotted place; the fact that the foundation stone was laid slightly away from the ongoing construction site by itself could not be treated as a construction not at the place where land was allotted for construction of the Government Degree College; and, according to the 3rd respondent (Mandal Revenue Officer), construction of the college was being undertaken in an extent of Acs.5.00 of land granted to them through proceedings dated 28.06.2010.

In judicial review proceedings, under Article 226 of the Constitution of India, this Court would neither undertake an examination regarding whether the Government Degree College was

being constructed at the earmarked place nor would it fix the site where the Government Degree College should be located.

It is not even asserted in the writ affidavit that the Government is constructing the college on land belonging to the Temple. In any event, if the Temple has any grievance regarding construction of the said college on their land, it is always open to them to agitate the same in appropriate legal proceedings. It is, however, not open to the petitioner to contend that a Degree College should be constructed only at a particular place. In an intra-court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal.

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)

(J.UMA DEVI, J)

04th August, 2017
JSU

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Date: 04.08.2017

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