

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SMT. JUSTICE T. RAJANI

WRIT APPEAL NO.1004 OF 2017

ORDER: (per Hon'ble the Acting Chief Justice 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. No.14922 of 2017 dated 25.04.2017. The appellant herein is the petitioner in the Writ Petition wherein he sought a mandamus to declare the proceedings of the 3rd respondent dated 22.01.2014 as illegal, arbitrary and in violation of principles of natural justice. The petitioner contended that no enquiry was caused before the impugned order was passed; failure to do so vitiated the order impugned in the Writ Petition; and the Learned Single Judge was not justified in relegating the petitioner to the remedy of an appeal as the jurisdiction of this Court can be invoked on grounds including that of violation of principles of natural justice.

While it is no doubt open to a person aggrieved to invoke the jurisdiction of this Court under Article 226 of the Constitution of India complaining of violation of principles of natural justice, and it cannot be said that a Writ Petition is not maintainable, the question whether the Writ Petition should be entertained, or the petitioner relegated to the statutory remedy of an appeal, are all matters which are within the discretion of the Learned Single Judge. In the present case, the Learned Single Judge has exercised his discretion to relegate the petitioner to avail the remedy of an appeal. Such exercise of discretion by the Learned Single Judge cannot be said to suffer from a patent illegality in

which event alone would this Court entertain an intra-Court Appeal under Clause 15 of the Letters Patent. The petitioners' complaint of violation of principles of natural justice can also be urged before the Appellate Authority. We find no infirmity in the order under appeal necessitating interference under Clause 15 of the Letters Patent. The Appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

(RAMESH RANGANATHAN, ACJ)

Date: 24-07-2017.

MRKR

(T.RAJANI, J)

