

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT APPEAL NO.78 OF 2012

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 WP.No.28434 of 2008 dated 21.11.2011.

The appellant herein is the petitioner in the Writ Petition. He filed the Writ Petition seeking a writ of certiorari to call for the records in MP.No.8 of 2008 in OA.SR.No.1145 of 2008 dated 19.11.2008 on the file of the Andhra Pradesh Co-operative Tribunal, Visakhapatnam (Tribunal) and to quash the same. In its order, impugned in the Writ Petition, the Tribunal refused to condone the delay of 820 days in preferring the appeal against the surcharge order. In the order under appeal, the learned Single Judge has observed that, except stating that he was arrested in the criminal proceedings initiated against him and was upset physically and mentally, there was no valid explanation for the inordinate delay of 820 days in filing the appeal; and the reasons stated by the petitioner, in the petition for condonation of the delay, were not sufficient so as to condone the abnormal delay of 820 days in preferring the appeal.

The delay, in the present case, is for a period of more than 2 ½ years. The learned Single Judge has exercised his discretion to refrain from interference with the order of the Tribunal on the ground that there was no satisfactory explanation for the inordinate delay of 820 days in invoking the jurisdiction of the

Tribunal against the surcharge order. Interference in an intra-Court appeal, under Clause 15 of the Letters Patent, is extremely limited; and, save patent illegality in the order of the learned Single Judge, no interference is called for. We are satisfied the order under appeal does not suffer from any infirmity.

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)

(T.RAJANI, J)

12th July 2017
RRB

