

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.1120 of 2017

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.No.24087 of 2017 dated 21.07.2017. The appellant herein is the petitioner in the writ petition wherein he sought a mandamus to the Inams Deputy Tahsildar, Chittoor to conduct an enquiry into the matter relating to the endorsement dated 19.04.2017 in IDT No.80 of 2017 keeping in view the orders passed in I.A.No.225 of 2012 in A.S.No.67 of 2004 dated 12.06.2017 on the file of the VI Additional District Judge (FTC), Tirupati.

In the order under appeal, the Learned Single Judge observed that, with the assistance of the learned counsel for the petitioner, the endorsement was read and re-read in the open Court; after reading the endorsement, the learned counsel for the petitioner fairly stated that no exception to the endorsement could be taken by filing the writ petition under Article 226 of the Constitution of India; and he had submitted that he would advise his client to work out remedies against grant of pattas in S.R.Nos.2/2010 dated 12.08.2010 and 3/2010 dated 20.08.2010. The Writ Petition was, accordingly, dismissed granting liberty to work out remedies in accordance with law. The Learned Single Judge made it clear that he had not considered the merits of the matter, and it shall not be understood that the appeal, if filed, shall be automatically entertained.

While Sri Ramidi Satyanarayana, learned counsel for the appellant, put forth his submissions on merits, we asked him how an appeal would lie, under Clause 15 of the Letters Patent, when the

learned counsel for the petitioner had himself agreed, before the Learned Single Judge, that no exception could be taken to the endorsement by filing the writ petition under Article 226 of the Constitution of India. Learned counsel for the appellant had no answer.

Having conceded before the Learned Single Judge that the said endorsement could not be subjected to challenge, and that the petitioner should avail his appellate remedy, the present appeal, filed after changing the counsel, is clearly an abuse of the process of Court.

We consider it appropriate, therefore, to dismiss the writ petition with exemplary costs of Rs.25,000/- (Rupees Twenty Five Thousand Only). The appellant shall pay the said amount to the 2nd respondent within four (4) weeks from today, failing which it is open to the 2nd respondent to recover the same in accordance with law. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

10th August, 2017
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Date: 10.08.2017

JSU