

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**

Writ Appeal No.27 of 2018

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.28649 of 2017 dated 03.11.2017.

The appellants herein are respondents 2 and 3 in the writ petition. The 1st respondent herein filed the writ petition seeking a mandamus to declare the action of respondents 3 and 4 therein in not taking any steps pursuant to the letter addressed by the District Collector directing them to submit a report on his application dated 11.04.2016, as also the action of respondents 2 to 7 therein in not disposing of his application for grant of money lending licence, though he had complied with all formalities, as illegal and arbitrary. A consequential direction was sought to the respondents in the writ petition to consider and pass appropriate orders on the 1st respondent-writ petitioner's application.

On the ground that the learned Government Pleader for Revenue had not obtained instructions, though the matter had been adjourned twice, the Learned Single Judge allowed the writ petition with costs of Rs.10,000/- to be paid by the 1st appellant herein (2nd respondent in the writ petition) to the 1st respondent-writ petitioner; and directed the 1st appellant herein to pass an order within one week from the date of receipt of a copy of the order positively, and without fail, on the 1st respondent-writ petitioner's application dated 29.03.2016.

It is wholly unnecessary for us to dwell on the merits of the 1st respondent-writ petitioner's claim as we are satisfied that time being sought twice to obtain instructions did not justify imposition of costs of

Rs.10,000/-. The relief sought for in the writ petition was only to direct the respondents therein, including the appellants herein, to consider the 1st respondent-writ petitioner's application for grant of a money lending licence. The Joint Collector, by memo dated 28.12.2017, informed the 1st respondent-writ petitioner that his request for issue of a money lending licence was rejected. While the 1st appellant has complied with the order of the Learned Single Judge, and has considered the 1st respondent-writ petitioner's application, the imposition of costs, in the facts and circumstances of the present case, is not justified.

The order under appeal, to the extent it directed the 1st appellant herein to pay costs of Rs.10,000/- to the 1st respondent-writ petitioner, is set aside. Needless to state that this order shall not disable the 1st respondent-writ petitioner from questioning the validity of the memo dated 28.12.2017 in appropriate legal proceedings.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M.GANGA RAO, J)

18th January, 2018
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**



Writ Appeal No.27 of 2018

Date: 18.01.2018

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