

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.296 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.30213 of 2017 dated 20.11.2017.

In the order under appeal, the Learned Single Judge observed that, though a revision petition was filed by the 5th appellant (5th respondent in the writ petition) before the 2nd appellant (2nd respondent in the writ petition), the revision was not disposed of for more than 10 years. Taking note of the submission of the learned Government Pleader for Revenue, that the revision continued to be pending, and as there was no explanation for the pendency, the Learned Single Judge disposed of the writ petition directing the 2nd appellant (2nd respondent in the writ petition) to decide the revision, within one month, after issuing notice to the respondent-writ petitioners, and in compliance with principles of natural justice. The Learned Single Judge also imposed costs of Rs.2,000/- on the 1st appellant (1st respondent in the writ petition). It is now represented, by the Learned Government Pleader for Revenue, that the 2nd appellant (2nd respondent in the writ petition) has, since, disposed of the revision.

The costs imposed of Rs.2,000/- is for the inordinate delay in disposing of the revision. While the learned Government Pleader for Revenue would submit that the 1st appellant (1st respondent in the writ petition) was not responsible for the delay, as the matter was pending before the 2nd appellant (2nd respondent in the writ petition) who could also not dispose of the case as he was awaiting receipt of the records, from respondents 3 and 4 in the writ petition, the fact remains that the

revision was pending on the file of the 2nd appellant (2nd respondent in the writ petition) for 10 years.

While the Learned Single Judge could have imposed costs of Rs.2,000/- on the 2nd appellant (2nd respondent in the writ petition), instead of the 1st appellant (1st respondent in the writ petition), suffice it to make it clear that this order shall not disable the 1st appellant (1st respondent in the writ petition) from identifying the persons responsible for the delay, and in recovering the costs of Rs.2,000/- from them in accordance with law.

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)

(KONGARA VIJAYA LAKSHMI, J)

23rd February, 2018
JSU



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Date: 23.02.2018

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