

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

Writ Appeal No.454 of 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Sri S.Satyanarayana Prasad, learned counsel for the appellant-writ petitioner, the learned Advocate General for the State of Telangana and Sri S.Ramachandra Rao, learned Senior Counsel appearing on behalf of the 5th respondent and, with their consent, the Writ Appeal is disposed of at the stage of admission.

After arguing for some time, Sri S.Satyanarayana Prasad, learned Senior Counsel appearing on behalf of the appellant-writ petitioner, would submit that, instead of deciding his submissions on merits, it would suffice if the following line, in the order passed in W.P.No.9422 of 2004 dated 19.07.2010, is deleted:

"It indicates that the petitioner is not interested in pursuing this writ petition."

W.P.No.9422 of 2004, filed by the appellant-writ petitioner, was dismissed for non-prosecution by the order of the Learned Single Judge dated 19.07.2010 on the ground that there was no representation on behalf of the appellant-writ petitioner. Thereafter, W.P.M.P.No.18864 of 2017 in W.P.No.9422 of 2004 was filed to condone the delay of 2423 days i.e nearly 7 years in filing an application to restore the writ petition by recalling the order dated 19.07.2010.

By the elaborate order under appeal, the Learned Single Judge rejected the application filed by the appellant-writ petitioner, to condone the inordinate delay, and dismissed W.P.M.P.No.18864 of 2017 in W.P.No.9422 of 2004 by his order dated 20.11.2017 with costs quantified at Rs.5,000/-.

While we see no reason to interfere with the order under appeal, as we are satisfied that the Learned Single Judge had rightly refused to condone the inordinate delay of 7 years in preferring the appeal, even if the aforementioned line in the order passed in W.P.No.9422 of 2004 dated 19.07.2010 is set aside, the following would be the order therein which would continue to remain in force:-

*“No representation on behalf of the petitioner.
Accordingly, the Writ Petition is dismissed for
non-prosecution. No costs.”*

As the limited relief Sri S.Satyanarayana Prasad, learned Senior Counsel, now seeks, appears to be innocuous, we consider it appropriate to delete the following line in the order in W.P.No.9422 of 2004 dated 19.07.2010.

*“It indicates that the petitioner is not interested
in pursuing this writ petition.”*

It is made clear that we have not interfered with the remaining part of the order in W.P.No.9422 of 2004 dated 19.07.2010, and the entire order in W.P.M.P.No.18864 of 2017 in W.P.No.9422 of 2004 dated 20.11.2017, and they shall continue to remain in force.

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)

(KONGARA VIJAYA LAKSHMI, J)

21st March, 2018
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Writ Appeal No.454 of 2018

Date: 21.03.2018

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