

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No. 519 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Allegations are made for the first time, in the appeal, that the person, who applied for a No Objection Certificate to the District Collector on behalf of the 6th respondent is none other than the son of the Sarpanch. Sri T. Surya Satish, learned counsel for the appellant-writ petitioners, submits that it is for this reason that the Gram Panchayat resolution was concocted as if permission had been accorded by the Gram Panchayat for establishment of a petrol pump.

Sri G. Vidya Sagar, learned Senior Counsel appearing on behalf of the 6th respondent, would point out that neither has Sri Mahadevuni Raju nor the Sarpanch been arrayed as a respondent *eo-nominee* nor has the validity of the Gram Panchayat resolution been put in issue in the Writ Petition.

It would be wholly inappropriate for us to examine all these contentions in an *intra-Court* appeal, under Clause 15 of the Letters Patent, when none of these contentions were urged before the Learned Single Judge.

Sri T.Surya Satish, learned counsel for the appellant-writ petitioners, would submit that, since the Writ Petition is still pending on the file of the learned Single Judge, liberty be granted to the appellant-writ petitioners to file an application to implead the Sarpanch and her son as respondents *eo-nominee*; and to challenge the validity of the resolution passed by the Gram Panchayat therein.

Granting liberty to do so, 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)

29th March, 2018
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