

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

Writ Appeal No.507 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 I.A.No.1 of 2018 in W.P.No.5528 of 2018 dated 12.03.2018. The appellants herein filed the said writ petition seeking a mandamus to declare the award passed by the 5th respondent dated 12.02.2018, seeking to acquire their land for laying a branch canal, as illegal, arbitrary, without jurisdiction and as barred by limitation under Section 25 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. By way of interim relief, they sought stay of all further proceedings, including dispossession of the appellants-writ petitioners from the land owned by them at Duddukuru Village, Inkollu Mandal, Prakasam District.

In the proceedings under appeal, the Learned Single Judge took note of the submission of both the learned counsel for the appellants-writ petitioners and the learned Government Pleader, and observed that this was a matter which required a counter-affidavit to be filed. He, therefore, issued notice and granted time to file a counter-affidavit. It is against such a proceeding that the present appeal is preferred. The submission of Sri D.Krishna Murthy, learned counsel for the appellants-writ petitioners, is that, if the appeal is not entertained, the writ petition itself would be rendered infructuous.

A Division Bench of this Court, in ***Kunala Subbarao vs. P.Nagaratnayamma***¹, held that an intra-court appeal, under Clause 15 of the Letters Patent, does not lie against hearing of the admission of

¹ AIR 1982 AP 443

the writ petition being deferred. The said judgment was followed, subsequently, by a Division Bench of this Court in ***T.M.Reddy Educational Society vs. State of Andhra Pradesh***².

As the proceedings under appeal, whereby notice was issued and a counter-affidavit was directed to be filed, would not constitute a judgment under Clause 15 of the Letters patent, an intra-court appeal against such proceedings is not maintainable.

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.

29th March, 2018
JSU



(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

² Judgment in W.A.No.918 of 2016 dated 29.09.2016

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