

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11161 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Hon’ble I Addl. Judicial Magistrate of First Class, at Jagitial, in rejecting the petitioner’s copy application CA No.829/2018 wherein the copy of the Order dated 11.8.2017 in CrI.M.P.No.548/2017 in DVC No.17/2017 was sought, and insisting the petitioner to be present in the Court, as illegal and arbitrary and set aside the same and further direct the Hon’ble I Addl. Judicial Magistrate of First Class, at Jagitial, to issue the certified copy sought for in CA No.829/2018 and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri C.Raghu, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the 1st respondent. I have perused the material record.

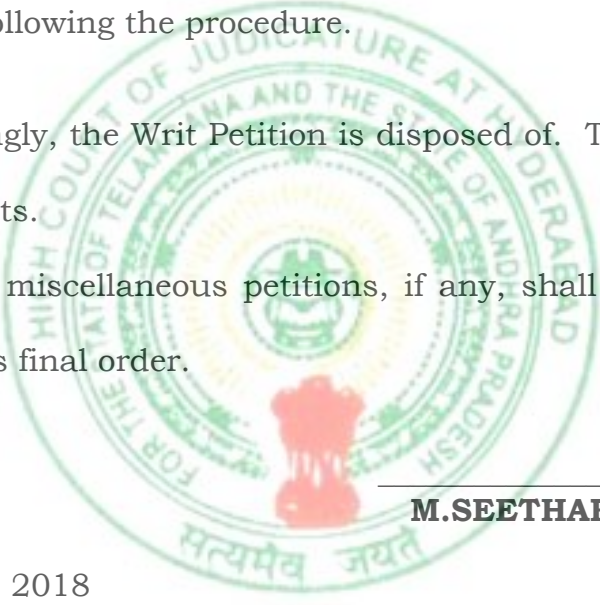
3. Learned counsel for the petitioner would submit that a copy application in D.V.C.No.17 of 2017, dated 31.03.2018, was not granted by the learned I Additional Judicial Magistrate of First Class, at Jagitial, based on the resolution of the Bar Association and that the said order declining to consider the copy application and grant the certified copies of the document sought for in the copy application is unsustainable under facts and in law.

4. The copy of the copy application seeking certified copies of certain documents in D.V.C.No.17 of 2017, on the file of the learned I

Additional Judicial Magistrate of First Class, at Jagitial, on a perusal would show that it contains a 'for' signature and not the signature of either the party or the counsel apparently. The resolution of the Bar Association apart, a copy application must be filed by a person concerned, viz., the counsel on record appearing for the party for grant of copies of any documents. In that view of the matter, this Court is of the considered view that this writ petition can be disposed of reserving liberty to the petitioner to file an appropriate fresh copy application signed by the counsel on record or the petitioner directly, in the event the petitioner withdraws the vakalat given to the counsel on record by following the procedure.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



M.SEETHARAMA MURTI, J

Date: 4th April, 2018

Note: Issue C.C. by 06.04.2018.

(B/o.)
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