

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.15242 of 2010

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 3.

2. The prayer of the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the orders passed by the 1<sup>st</sup> respondent dated 29.10.2009 vide Memo No.10778/CV.2/2009 (received on 15.04.2009) in not entertaining the appeal, as illegal, arbitrary, untenable, contrary to the provisions of the Andhra Pradesh (SCs, STs, & BCs) Regulation of issue of Community Certificate Act, 1993, contrary to the memo issued by the 1<sup>st</sup> respondent dated 21.05.2009 apart from violative of Article 14 of the Constitution of India and consequently to set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. During the course of hearing, the learned counsel appearing for the petitioner seeks permission of this Court to direct the first respondent to entertain the revision filed by the petitioner against the orders of the District Collector, Srikakulam, dated 22.01.2009.

4. From the perusal of the said order, it is evident that this Court in W.P.No.20070 of 2009 directed the petitioner to file revision against the orders of the District Collector, Srikakulam, within one week from the date of passing of the order. It is also indicated that till such time, the respondents in the said writ petition were directed not to take any coercive steps against the petitioner.

5. From the affidavit filed in support of the writ petition, it appears that the petitioner has not filed revision before the time stipulated in the said writ petition. Therefore, the impugned orders in the writ petition came to be passed. This Court after going through the contents of the impugned order, does not find any irregularity or illegality. In the peculiar facts and circumstances of the case, the petitioner instead of filing the present writ petition, ought to have filed a separate miscellaneous petition seeking extension of time enabling the first respondent to receive the revision petition. In the light of the orders passed in W.P.No. 20090 of 2009, this Court cannot direct the first respondent to receive the revision petition and pass orders. Therefore, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, acceding to the request made by the learned counsel for the petitioner that liberty is given to move an appropriate miscellaneous petition in W.P.No.20090 of 2009 for extension of interim orders. No costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date:02.11.2018  
ccm

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