

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.779 of 2017

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

No appearance for the appellant. There was no appearance for the appellant on the previous date of posting as well.

2. We have looked into the matter. Learned single Judge was justified in saying that the issue sought to be raised cannot be agitated in view of the fact that the hereditary rights of archakatvam have been abolished as per the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as, the Act), which statute was upheld in judicial review, including before the Hon'ble Supreme Court.

3. The aforesaid apart, the challenge before the learned single Judge was a decision rendered by a District Court under Section 88 of the Act. In view of the decision in **Radhey Shyam v. Chhabinath**¹, such a decision can be challenged only by invoking Article 227 and not Article 226 of the Constitution. Therefore, an intra-court appeal does not lie in as much as no intra-court appeal lies against a decision on an application which falls under Article 227. This way also, this Writ Appeal does not lie.

¹ (2015) 5 SCC 423

In the result, the Writ Appeal is dismissed.

The miscellaneous petitions pending in this Writ Appeal, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

20.08.2018
vs

