

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL NO.1057 OF 2018

JUDGMENT: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

This appeal is filed, under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in Writ Petition No.22133 of 2018 dated 29.06.2018.

The appellant herein filed the aforesaid Writ Petition seeking a mandamus to declare the action of the respondents, in trying to interfere and dispossess their peaceful possession and enjoyment over the land in Survey No.255/4 (Old Survey No.255/3) to an extent of Acs.5.00 situated at Kalipatnam Village, Mogalturu Mandal, West Godavari District without following the procedure established by law and without notice to them, as arbitrary and illegal.

Based on the written instructions submitted by the learned Assistant Government Pleader on 27.02.2018, the contents of which are not reflected in the order under appeal, the learned Single Judge opined that there was no cause of action for the Writ Petition to be filed.

As to what were the instructions which the learned Assistant Government Pleader placed before this Court is not evident from the order under appeal. Even otherwise these instructions, furnished by revenue officials to the learned Assistant Government Pleader, are more in the nature of an internal communication between a lawyer and his client. The Writ Proceeding Rules, 1977 require a counter affidavit to be filed by the respondents, and the

Court would be required to take note of its contents in passing orders in accordance with law.

As the order under appeal was passed, based merely on the instructions received by the learned Assistant Government Pleader, the contents of which are not also reflected in the said order, we deem it appropriate to set aside the order under appeal, and restore Writ Petition No.22133 of 2018 to file. The Writ Appeal is, accordingly, disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

23rd August 2018
RRB

