

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL No.705 of 2019

Date: 25.11.2019

Between:

Mohammed Abdul Khader

... Appellant

and

The State of Telangana
Rep. by its Principal Secretary,
Home Department,
Secretariat,
Hyderabad, and others.

... Respondents

Counsel for the appellant: Mrs. G. Jaya Reddy

Counsel for the respondent Nos.1 to 3: GP for Excise

The Court made the following:

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghendra Singh Chauhan)*

The appellant has challenged the legality of the order dated 13.03.2019, passed by a learned Single Judge, in W.P.No.4865 of 2019, which was dismissed along with W.P.No.4831 of 2019 and batch.

The learned counsel for the State has raised a preliminary objection with regard to the maintainability of the present appeal. The learned counsel has relied on the case of **Ram Kishan Fauji vs State of Haryana**¹, in order to plead that an intra-court appeal under Clause 15 of the Letters Patent does not lie against an order passed by the learned Single Judge in exercise of his criminal jurisdiction. Since the impugned order has been passed by the learned Single Judge in exercise of his criminal jurisdiction, according to the learned counsel, the present appeal is not maintainable.

The learned counsel for the appellant submits that despite the best efforts of the appellant to have a criminal case registered by the police, the police is consistently refusing to register the F.I.R. Therefore, according to the learned counsel, the learned Single Judge is not justified in dismissing the writ petition. However, the learned counsel has not addressed this Court with regard to the maintainability of the present appeal.

Considering the principle established by the Hon'ble Supreme Court in the case of **Ram Kishan Fauji** (*supra*), the

¹ 2017 (5) SCC 533

present appeal is not maintainable. Therefore, this appeal stands dismissed as not maintainable. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 25.11.2019
va

