(1954) 08 AP CK 0011

In the Andhra Pradesh High Court

Case No : S.R. No. 4389 of 1954

Venkayala Janaiah APPELLANT

Vs

Board of Revenue (Andhra) and Another RESPONDENT

Date of Decision : 27-08-1954

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : AIR 1955 AP 23

Hon'ble Judges : Subba Rao, C.J

Bench : Single Bench

Advocate : P. Babulu Reddy, for the Appellant;

Judgement

(1) This is a petition for issuing a writ of certiorari to quash the order of the Board of Revenue (Andhra) now situated in the City of Madras.

(2) The petitioner was appointed Village Munsiff of the village of Regulagadda in the year 1948. One Venkayala Koteswara Rao filed a suit before the Deputy Collector, Narasaraopet, for setting aside that order and for appointing him instead. That suit was dismissed.

His appeal to the District Collector was also dismissed. When he preferred a Second Appeal to the Board of Revenue, the Board allowed the appeal and directed that Koteswara Rao should be registered as minor Headman of Regulagadda.

The present writ is filed for quashing the order of the Board of Revenue on the ground that it has exceeded its jurisdiction in passing the said order. The office took the objection that a writ cannot be issued by this Court, as the Board of Revenue (Andhra) is situated beyond the territorial jurisdiction of this Court.

In -- Election Commission, India Vs. Saka Venkata Subba Rao and, , the Supreme Court laid down the limits of the jurisdiction of the High Court under Art. 226, Constitution of India, At pp. 212-213 of the report, Patanjali Sastri C. J.

observed as follows :

"But wide as were the powers thus conferred a two-fold limitation was placed upon their exercise. In the first place, the power is to be exercised "throughout the territories in relation to which it exercises jurisdiction" that is to say, the Writ issued by the Court cannot run beyond the territories subject to its jurisdiction. Secondly, the person or authority to whom the High Court is empowered to issue writs must be "within those territories" which clearly implies that they must be "amenable to its jurisdiction either by resident or location within those territories."

(3-4) In the present case, the Board of Revenue (Andhra) is not within the territorial jurisdiction of this Court, for, it is now in the City of Madras and is functioning only from that place. As the Board of Revenue (Andhra) is not within the Andhra State, over which this Court has jurisdiction, it is obvious that no writ under Art. 226 can be issued to it. The legal position may lead to many anomalies. The Andhra High Court may issue a writ against Tribunals subordinate to the Revenue Board, whereas the Madras High Court may issue writs against the Revenue Board. There may be conflicts in orders and jurisdiction.

(5) Further, the situation of the Revenue Board at Madras will lead to the anomaly of one of the institutions of the Andhra State being subject to the superintendence of the High Court of another State, for under Art. 227 of the Constitution

"Every High Court shall have superintendence over all Courts and Tribunals throughout the territories in relation to which it exercises jurisection."

(6) It is for the Andhra Government to consider whether it is advisable to avoid this anomaly by shifting the Board of Revenue as early as possible to a place within the territorial jurisdiction of this Court. The petitioner''s remedy, if any, is to file a writ in the Madras High Court.

(7) The petition is dismissed.

Petition dismissed.

