

WRIT PROCEEDINGS RULES, 1977
HIGH COURT OF ANDHRA PRADESH

Roc. No. 136/SO/77 : - By virtue of Article 225 of the constitution of India and all other powers hereunto enabling and in super session of the existing rules, the High Court of Andhra Pradesh hereby makes the following rules to regulate the proceedings under Article 226 of the Constitution :

Rules to regulate proceedings under Articles 226 of the constitution.

1. (a) These rules may be called the Writ Proceedings Rules, 1977.
(b) These rules shall come into force on the 4th day of June, 1977.
(c) These rules shall apply to the petitions, applications and appeals filed on or after the 4th day of June,1977.
2. In these rules the expression 'Petition shall mean a Writ Petition and the expression "Application" shall mean a Miscellaneous Application.
3. (a) A petition for a direction, order or writ, including a writ of habeas corpus, mandamus, certiorari, quo warranto or prohibition shall be by an original petition to be entitled "Writ Petition No.....of and shall be filed in the office of the Registrar by the petitioner or his duly authorized advocate or attorney:
(b) An application shall be entitled Writ Miscellaneous Petition in the Writ Petition.

Provided that any such petition or application to the High Court by a person who is in jail and has not appointed an advocate or an attorney on his behalf, may be presented to the Officer-in-charge of the Jail, who shall forward the petition or application to the High Court without delay.

- (c) **Writ petition filed or taken up in the nature of Public Interest Litigation shall be numbered as "Public Interest Litigation" and the Writ Miscellaneous Petition filed in such in PIL shall be numbered as "PIL MP". ^{1*}**
4. (a) Every such petition shall set out the provision of law under which it is made and shall contain the following particulars:
 - (i) The name, description and place of residence of the petitioner.
 - (ii) The name, description and place of residence of the respondent so far as they can be ascertained: and
 - (iii) The relief or reliefs sought

^{1*} Inserted vide ROC.No.137/SO-2/2010, published in A.P.Gazette No.12, dated 22/12/2011.

- (b) The petition shall be signed by the petitioner or his advocate or attorney and the facts relied on by the petitioner shall be verified by an affidavit which shall be filed along with the petition.
- 1* 4A Two or more persons raising common questions of law or persons having a common cause of action may join in a single writ petition paying a single set of court fees.**
- 5 (a) Every affidavit shall be drawn up in the first person and shall set forth succinctly and in chronological order all the relevant facts and the grounds for the relief sought. The statement of facts shall be divided into consecutively numbered paragraphs, each paragraph being confined as nearly as may be to a distinct portion of the subject.
- ^{2*} (b) The affidavit shall state:-
- (i) the particular right conferred by the provisions of Part III of the Constitution of India sought to be enforced:
 - (ii) the other purpose for which relief is sought:
 - (iii) the particular law impugned and how it is not constitutionally valid and whether it is a State Law, Central Law or State and Central Law:
 - (iv) Whether any alternative remedy for the relief sought is provided for by or under any other law for the time being in force, and whether that remedy has been availed of and if so, with what result, by way of a separate paragraph:
 - (v) Whether the petitioner had or had not already filed a writ petition in the High Court or instituted any suit or other legal proceedings in any Court of Law or Tribunal either for the same or substantially the same relief on a previous occasion and if he had done so, the particulars of the petition, suit or other proceedings and the result thereof shall also be mentioned in the affidavit, by way of a separate paragraph.
- (c) When the deponent speaks to facts within his knowledge he shall do so directly and positively using the words:
- I make oath (or affirm) and say
- (d) When a particular fact is not within the deponent's knowledge, but is stated upon information the deponent shall use the words I, am informed by (giving the source of information) and verily believe it to be true and set out the grounds of his belief.
- (e) Every affidavit stating any matter of opinion shall show the qualification of the deponent to express such opinion by referring to his length of experience, acquaintance with or other means of knowledge of the person or matter as to which the opinion is expressed.

^{1*} Rule 4-A Incorporated by R.O.C. No.92/SO/86 dt 19.03.86 Published in R.S to Part II A.P. Gazette No.8 dt.10.04.86.

^{2*} Substituted by ROC No.881/SO/80 Vide R.S. TO Part II A.P.Gazette dt. 12.03.1981.

- (f) A petition for a Writ of Habeas Corpus shall be accompanied by an affidavit by the person restrained setting out the nature and circumstances of the restraint:

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the petition shall be accompanied by an affidavit made by some other person acquainted with the facts, which shall state the reason why the person restrained is unable to make the affidavit.

- (g) An application shall state the provisions of Law under which it is made and shall not contain more than one prayer unless the prayers are consequential.

- ³*6 (a) (1) Every petition shall be accompanied by an affidavit and all the documents serially numbered as Ex.P-1,P-2 etc. including rules Bye-laws, notifications etc., relied upon by the petitioner and the order challenged or a certified copy thereof and copies of all documents which shall be certified by the party filing it to be a true and correct copy of the original of such documents if it is not a certified copy.

- (2) When such petition is directed against the Order of a Quasi-judicial nature passed by any Industrial Tribunal, Labour Court, or any other like authority or made in any disciplinary proceedings, by a copy of the award, the report of the Enquiry Officer, the order of the Disciplinary Authority and the Order of the Appellate Authority passed on such Appeal, if any, and shall be marked and serially numbered as mentioned in sub-rule (1) above.

- (3) The petition shall be accompanied by as many authenticated copies of the petition, affidavit and the said documents as there are parties to be served and three additional sets for use of the Court. These shall be separately filed as paper books marking each set.

- (4) The petition shall also be accompanied by the prescribed Court Fees and Process Fees. The petition, affidavit and its enclosures filed in Court shall be duly stitched book-wise and indexed. The Process papers shall be separately stitched as paper book and filed.

- (b) Where the petitioner has already served the authenticated copies of the petition, affidavit and documents on the party against whom such petition is filed it shall not be necessary to file copies for them under sub-rule(a) but the petitioner shall make a statement to that effect by an additional affidavit and produce proof of service of the documents.

- 7 (a) Whenever a petition or application is presented against the Government, or any authority, the copies of the petition: application and the accompanying affidavit and documents shall be served on the Government Pleader or the Standing counsel concerned, and the said petition or the application shall not be accepted in the Registry unless it contains an endorsement of service signed by the Government pleader or the Standing-Counsel concerned, or by the Secretary of the Government Pleaders' office or by someone authorized by him in this

³* Rule 6 (a)(1) to (4) substituted in place of existing rule 6 (a), vide ROC No. 2097/SO/92 dt.oct.93 and R.S. to Part . II (Ext) A.P. Gazette No.34 dt.4.11.1993.

behalf, not below the rank of a Superintendent, or by a Registered Clerk of the Standing Counsel concerned, as the case may be, or by a person so authorized by the Standing Counsel concerned under intimation to this Registry.

- (b) Every application for an Interim order shall state whether copies of the petition, affidavit and documents have been served on the opposite party or parties and if served, produce proof thereof, or if not served, state the reason therefor.

^{3A*} RULE 7-A:

- (a) Every writ petition filed in public interest shall be heard by a Bench of two Judges;
- (b) In addition to and without derogating from the procedure prescribed in the other Rules contained herein, every writ petition filed in public interest shall conform to the procedure prescribed hereunder:

- (i) The affidavit filed in support of such petition shall contain an averment by way of a separate paragraph in the following terms:

"I hereby affirm and state on oath that the petitioner(s) herein has/have no personal interest in the subject matter of this petition. The petitioner(s) hereby undertake(s) to pay exemplary costs and/or compensatory damages as directed by this Court in the event of a contrary finding upon adjudication by the Court that the writ petition is filed for extraneous/personal considerations or with an oblique motive."

- (ii) Where a writ petition is filed through counsel, the verification by the Advocate, after the above verification statement of the party, shall be in the format below:

"Verified in my presence at _____ on this the _____ day of _____ (Month, Year).

Advocate

Deponent"

- (iii) The petitioner(s) shall file along with the petition, document(s) in proof of his/her/their identity and residential address. Certified true copies of the driving license/pass-port/identity card issued by the Election Commission of India/ration card/bank statement of the petitioner(s) shall be sufficient proof for the purposes of this sub-rule;
- (iv) The affidavit shall clearly set out all the necessary facts to establish that the petition is filed in public interest as commonly understood, and shall be accompanied by all necessary and material documents to support the factual assertions made therein so as to establish *prima facie* the correctness of the contents thereof.

^{3A*} Rule 7-A, vide ROC No.137/SO/2010 dt.oct.93 and A.P. Gazette No.23 dt.10.6.2010.

- (v) The deponent to the affidavit filed in support of such petition shall categorically aver by way of a separate paragraph that all possible efforts have been made to gather the material required for proper and comprehensive adjudication of the issue(s) raised. The deponent shall detail the steps taken in this regard, be it by addressing the authorities concerned or by invoking the relevant laws for obtaining the necessary information.
 - (vi) The affidavit filed in support of such petition shall set out the source of the information gathered by the petitioner(s) which lends support to the cause of action espoused in the petition. The deponent to the affidavit shall specifically state as to which of the facts are within the deponent's knowledge and which of the facts are based upon information gathered by the deponent, indicating the authenticity of such information and the competence of the person who furnished such information. Any information in the form of an opinion expressed by a person competent to speak on the subject shall necessarily be accompanied by the details of the length of experience and the means of knowledge of such person to speak on the subject as to which the opinion is expressed.
 - (vii) In the event the Court comes to the conclusion that the writ petition filed in public interest was motivated by any extraneous and/or ulterior motives or without *bonafides*, it shall be open to the Court to impose exemplary costs and/or compensatory damages upon the petitioner(s). The exemplary costs so imposed may at the discretion of the Court be directed to be paid to the State Legal Services Authority. However, in the event the respondents are shown to have sustained legally redressable damages owing to the filing of a frivolous or untenable writ petition in public interest, the compensatory damages awarded by the Court shall be paid to such affected party or parties as apportioned by the Court;
- (c) The Bench hearing writ petitions in public interest shall prioritize the hearing of such cases based on the nature of the case. Matters involving larger public interest or where the gravity/urgency of the issue raised so warrants, may be heard on priority basis;
- (d) Notwithstanding what is stated in these rules, it shall be open to the Court to entertain a writ petition filed in public interest without reference to the interest of the petitioner(s) in the litigation if the subject matter of the complaint is of such nature as to warrant the adjudication of the case in larger public interest.
- 8 a) Every petition or application shall soon after it is numbered, be posted for orders of the Court as to issue of rule nisi or notice to the respondents. The Court may, upon hearing the petitioner or applicant or his advocate, either direct rule nisi or notice to issue and pass such interim orders as it may deem necessary, or reject the petition or application.

Provided that an application for an interim order shall not be posted for orders of court under this sub-rule, unless a period of not less than forty eight hours elapsed between the service of the copy of such

application in accordance with Rule 7(a) on the Government Pleader or the Standing Counsel concerned:

Provided further that notwithstanding anything contained in the first proviso, if the applicant files an affidavit stating that the object of obtaining an order would be defeated by the delay of forty-eight hours, the application may be posted for orders of court soon after it is numbered and the court may, if it opines that the object of granting the order would be defeated by the delay of forty-eight hours, pass an order in the absence of the Government Pleader or Standing Counsel concerned recording the reasons for the said opinion, fix a date for hearing and require the applicant to deliver to the Government Pleader or Standing-Counsel concerned a gist of the said order informing the date fixed for hearing and file into court on the day immediately following the day on which the order was passed, proof of its delivery.

(b) (i) In cases where the respondents are the persons other than the Government or any other authority who are represented by the Government Pleader or Standing counsel concerned and where the court is inclined to pass an order against those respondents before serving notice of the petition or application on them, the court may do so recording reasons for so doing and fix a date for hearing requiring the petitioner or applicant to deliver to those respondents, or to send to them by Registered Post, **"acknowledgement due, or by speed post or by an approved courier service or by fax message or by electronic Mail service or by such means"** immediately after the order has been made a copy of his petition application and the accompanying affidavit and documents on which he relies and a gist of the said order informing the date fixed for hearing and to file into court on the day immediately following the day on which the said order was passed, proof of such delivery or an affidavit stating that the copies aforesaid have been so sent.

*(ii) In case where the party is directed/permitted by an order of the court to takeout summons/notices by Registered Post "acknowledgement due, or by speed post or by an approved Courier service or by Fax Message or by Electronic Mail Service or by such means", the Registry shall handover summons/notices duly prepared and signed by the authorizing Officer to the petitioner or his advocate for service on the parties.

*(iii) The petitioner or his advocate shall file an affidavit stating the mode of service by which he effected service enclosing the acknowledgement card or returned postal covers or any other proof.

* The words in inverted commas are added in sub rule (b) of Rule 8 and shall be read as sub rule (b) (i)..

Sub rule (ii) is added , Vide A.P.Gazette publication dt. 21.04.2003 vide Roc.No.73/SO/2003.

Sub rule (iii) is added , Vide A.P.Gazette publication dt. 21.04.2003 vide Roc.No.73/SO/2003.

The sub rule (d) of Rule 8 is added , Vide A.P.Gazette publication dt. 21.04.2003 vide Roc.No.73/SO/2003.

* Amended Vide ROC.No.1013/SO/2005, published in A.P.Gazette No.6, dated 22/02/2006.

[sub rule (iv) and (v) of Rule 8 is added & Form Nos.12 (A) & (B)]

- * (iv) The person who effects the service on behalf of the courier service and the person authorized by the Board of Courier Service Company shall give separate affidavits in the prescribed **Form Nos.12(A) & 12(B)** stating the manner of service and also the persons in whose presence the service is effected enclosing the acknowledgement card /returned covers with endorsement of refusal signed by the witness/witnesses.
 - * (v) If the affidavit or any endorsement as to service is found to be false, the concerned Court shall summarily try and punish the deponent i.e., the person of the courier service or the person authorized by the Board of Courier Service Company, for perjury and the concerned Court shall also black list the Courier Service Company.
 - (c) Where it is deemed necessary, the court may instead of directing the issue of rule nisi, cause a notice to be served on the respondent to show cause why rule nisi should not be issued.
 - * (d) The Registrar (Judl.) or the officer authorized by him shall prepare the panel of courier service and such panel shall continue until further orders.
- 9 (1) Where any party against whom an interim order whether by way of injunction or stay or in any other manner, is made on, or in any proceeding relating to, a petition under clause (1) of Article 226 of the Constitution, without –
- (a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order : and
 - (b) giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High court is closed on the last day of that period, before the expiry of that period, or , as the case may be, the expiry of the said next day, stand vacated.
- (2) The application referred to in sub-rule (1) shall contain an endorsement of its service or the petitioner or his or her counsel or the respondent shall produce proof such service separately.
 - (3) The application referred to in sub-rule (1) shall be numbered as WVMP.
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10. (a) Unless the Court otherwise directs the rule nisi together with a copy of the petition, affidavit and documents in support thereof shall be served on the party against whom such a petition is filed or on such other party or person as the court may direct, not less than 14 days before the date fixed for the hearing of the rule nisi. If the rule nisi is returned unserved or is

not returned served before the date fixed for the hearing, the petition shall be posted before the Registrar who may give such further directions regarding the steps to be taken for effecting service as may be necessary.

Provided that where a party enters appearance, service of all petitions, affidavits and documents on the advocate or the attorney shall be deemed, to be service on the party for the purpose of these proceedings.

^{4*}(b) Service of rule nisi or notice, shall ordinarily be effected by registered post **speed post or by an approved courier service or by Fax Message or by Electronic Mail Service or by such means and the party shall deposit necessary charges in the shape of court fee stamps for meeting the service charges, if notices are sent by Court.**

11 (a) In every petition for issue of a writ of Habeas Corpus, the respondent shall on a rule nisi being issued produce the person concerned unless the court for reasons to be recorded in writing dispenses with such production.

(b) On sufficient cause being shown the High Court may during the pendency of a petition for issue of a writ of Habeas Corpus, release the person detained or restrained on bail on such terms and conditions as it may deem fit.

^{5*12} (i) (a) Every Respondent in every Writ Petition intending to enter appearance and oppose any Writ Petition on which notice is issued by the High Court, shall enter appearance and file a Counter Affidavit in opposition as soon as may be and in any event ^{3*} **one hundred and twenty days** from the date of service of notice in the Writ Petition or the Service of Rule nisi on the said Respondent.

(b) Reply affidavits shall be filed unless otherwise ordered, within one month of receipt of copy of the Counter Affidavit.

^{3*} (ii) **No Counter affidavit filed beyond one hundred and twenty days from the date of service of notice on the opposite party or parties in the Writ Petition shall be received or be used at the hearing of the Writ Petition unless the Court grants leave to file counter affidavit beyond the stipulated period, subject to such terms as the Court may deem fit.**

(iii) Affidavits in opposition and affidavits in reply thereto shall be filed in the Registry along with authenticated copies of documents on which the party relies duly stitched book-wise and indexed ^{2*}**with continuous pagination**, after service on the opposite party or parties. No such affidavit shall be entertained after the time extended in sub-rule (ii) without the leave of the Court.

Omitted ^{4*} Rs.20/- Substituted for Rs.13/- in Rule 10(b) vide Roc No.523/SO/98 dt. 27.02.99, Published in R.S. to Part II (Ext.) A.P. Gazette No. 3 dt. 3.3.99.

^{5*} Rule 12 (i) to (iii) is substituted in place of existing Rule 12 vide ROC No. 1438/SO/93 dt. 18.03.94, Published in R.S. to Part . II (Ext.), A.P. Gazette No. 6 dt. 21.03.1994.

Rule 10(b) substitute for the existing sub rule (b) vide Roc.No.73/SO/2003, Dt: 21.4.2003.

Rule 12 (a) and 12(b) substitute for the existing Rule vide Roc.No.1013/SO/2005, dt.21.02.2006.

Rule 12 (iii) Vide Roc.No.1821/So/2011, dt.26.6.2013.

^{2*} Inserted vide ROC.No.1821/SO/2011, published in A.P.Gazette No.164, dated 06/07/2013.

^{3*}Rule 12 (i) (a) (ii) are substituted in Roc.No.2689/SO/2016 in A.P. Gazette No.10, dt.18.5.2017.

13(a) The copies of documents shall be fairly and neatly type-written on substantial white foolscap paper with an outer margin 2" wide, and inner margin 1 " wide, and shall be stitched book-wise. The copies of the documents shall be arranged in chronological order. The pages shall be numbered and indexed. The copies of documents filed along with the petition and filed subsequently shall bear consecutive numbering. The copies of the documents shall be certified to be 'true copies' by the counsel on record.

(b) While filing the documents the petitioner shall mark his document as 'P' series and the Respondent as 'R' series. If there are more respondents than one, each respondent shall mark his document as 'R-1' series, 'R-2' series and the like according to his rank among the respondents. The parties shall give continuous page numbers to all the documents filed by them and furnish an index.

14 (a) The following petitions shall be heard by a Bench of two Judges

- (i) Petitions for a writ in the nature of Habeas Corpus:
- (ii) Petitions relating to Elections under the Representation of the People Act, 1951
- (iii) Petitions relating to Income-tax, Gift-tax, Wealth-tax, Estate duty, Sales-tax and Excise Acts and other Allied Acts (State and Central Taxation Cases)
- ^{6*}(iv) Petitions relating to matters coming within the purview of :-
 A.P. Land Grabbing (Prohibition) Act,1982.
 Administrative Tribunals Act,1985,
 A.P Lokayukta & Upa - Lokayukta Act, 1983 and
 The Consumer Protection Act, 1986).
- ^{7*} Andhra Pradesh Reorganization Act, 2014
- * (v) The matters in which the High Court is impleaded as a party.
- * (vi) The matters where statutory provisions, Sections or Rules, Regulations or Statute itself is / are challenged, being ultra vires / unconstitutional.

(b) All other petitions shall be posted before a Single Judge who may, if he thinks fit, refer any of them to a Bench of two Judges.

15 The party to the proceedings under the rules shall be entitled to inspect the records called for and relating to the proceedings, on a request made in writing in that behalf to the Government Pleader or the Standing Counsel concerned. If such a request is refused, the party shall be entitled to apply to the court for directions in that behalf.

^{6*} Sub-Clause (iv) to Clause (a) of rule 14 is inserted vide ROC No . 1960/SO/9A3 dt. 29.11.1993, Published in A.P. Gazette No. 26 Part. II.

^{7*} Inserted vide ROC.No.1967/SO/2015, dtd.10/08/2015, published in the A.P.Gazette No.58, Part-II and Telangana Gazette No.182, dtd.04/08/2015.

- 16 (a) The Court may at any stage of the proceedings, either upon or without any application and on such terms as may appear to be just, order that the name of any party in improperly joined be struck out, and that the name of any person who ought to have been joined or whose presence may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions in the petition, be added.
- (b) At the hearing of the petition or application, any person who desires to be heard in opposition to the petition or application and appears to the court to be a proper person to be heard may be heard, subject to such conditions as to costs as the court may deem fit to impose.
- 17 (a) The memorandum of appeal against an order in a petition or an application shall be in the form prescribed or an appeal under the Letters Patent but will be registered and numbered as a "Writ Appeal".
- (b) An application for an interim order in a writ appeal shall be numbered as a "Writ Appeal Miscellaneous Petition".
- 18 Such memorandum shall be accompanied by –
- (i) the court fees prescribed therefor;
- (ii) proof of service of notice on all the parties who had appeared at the hearing of petition.
- (iii) Two typewritten copies of the order appealed against:
- (iv) Two additional copies of the memorandum: and
- (v) two copies of all other papers on which the appellant intends to rely

^{7A*} Provided that whenever any case is referred to Full Bench or Larger Bench, the counsel for the petitioner or the Appellant, as the case may be, shall furnish additional sets of papers (Copies of the Writ Petition or Writ Appeal, Order appealed against and copies of all other papers) on which the petitioner/Appellant intends to rely. The Registry shall inform the counsel concerned regarding the reference to the Full Bench/Larger Bench. Number of additional sets to be filed shall be the number of Judges comprising the said Bench plus two (for record), in addition to as many copies as there be Respondents, within one week from the date of communication by the Registry.

Provided further that the Registry shall prepare as many copies of the Order/Orders of reference as the strength of the Judges comprising the Full Bench/Larger Bench.

- 19 The appeal shall, as soon as may be after it is numbered, be posted before a Division Bench who may dispose of it at once or adjourn it for further hearing.
- 20 Where a petitioner unduly delays the bringing of a petition to hearing the Registrar shall call upon him to explain the delay, and after notifying all parties who have entered appearance, place the petition and the explanation if any, before the court for such directions as the court may think fit to give thereon.

^{7A*} proviso is added to Rule 18 vide A.P.Gazette Notification dt: 21.4.2003 vide Roc.No.73/SO/2003

- 21 Unless the court otherwise directs, the direction or order made or the rule absolute issued by the High Court shall be implemented within two months of the receipt of the order.
- 22 (a) In all proceedings to which these rules apply, the court may make such order as to costs and security as it may consider just and necessary.
- ^{7*}{(b) In all petitions and appeals under Article 226 and 227 of Constitution of India, and in all appeals arising there from under Clause 15 of Letters Patent the Court shall fix such fees as it considers to be just and proper and irrespective of whether the petition or appeal, as the case may be, is allowed, dismissed or disposed of}
- (c) Notwithstanding anything contained in sub-rule (b), where the courts is of the opinion that any party to the proceedings or any other person or authority has made averments false to his knowledge or deliberately suppressed material facts, or misrepresented or indulged in vexatious proceedings, it may award such amount of exemplary costs as it may deem fit in the circumstances of the case, in addition to the costs that may be awarded under clause (b).
- 23 (a) A party to whom costs have been awarded in a Writ Petition or a Writ Appeal or an application therein may obtain an order of the court for transmission for the purpose of execution, or the order of costs to the court of the District Munsif or to the Court of the Subordinate Judge in the State in whose jurisdiction the party against whom the order is to be executed ordinarily resides or carries on business or has property which can be attached.
- (b) An application for such transmission shall be made by a verified Miscellaneous Petition under the title of the Writ Petition or Writ Appeal, in addition to such particulars as may be necessary, and mention the court to which the transmission is sought. It shall also be accompanied by a copy of the order sought to be transmitted for execution.
- (c) ^{7B*}A court fee of Rs.10/- shall be affixed to the Miscellaneous Petition and the applicant shall also pay necessary transmission charges as per process fee rules in the shape of court fee stamps.
- (d) The Registrar shall dispose of a Miscellaneous Petition for transmission. He may in his order provide also for the costs of the Miscellaneous Petition and shall, if he so provides, direct the recovery there of along with the sum recoverable under the order transmitted.

^{7*} Sub-rule (b) of Rule 22 is substituted for the existing sub-rule (b) vide ROC No. 102/SO/92 dt. 10.03.1992

^{7B*} Sub-rule (c) of Rule 23 is substituted for the existing sub rule (c) vide Roc.No.73/SO/03,dt:21.4.03.

24. All other rules relating to causes and matters coming before the Original Side and Appellate Side of the High court and the provisions of the Code of Civil Procedure, 1908 will apply to the Writ Petitions and the Writ Appeals in so far as they are not inconsistent with these rules.
25. The court may, on an application being made, set-aside an order dismissing for default or an ex parte order subject to payment of such costs and such other conditions as it may think fit to impose
26. The forms set out in the Appendix hereto shall be used with suitable modifications wherever necessary.
27. (1) The Rule Nisi and Notice in the Writ Petition and Writ Miscellaneous Petition respectively or in the Writ Appeal and Writ Appeal Miscellaneous Petition respectively shall be issued to the respondents therein in the Composite Notice Form No.7 set out in the Appendix hereto and the Rule Nisi and Notice so issued and served shall be treated as sufficient Notice to the respondents of the hearing of writ Petition and Writ Miscellaneous Petition or Writ Appeal and Writ Appeal Miscellaneous Petition, as the case may be.
- (2) The following Composite Form No.7 shall be substituted for the existing Form No.7 set out in the Appendix to the Writ Proceedings Rules 1977.

Note:-Rule 27 is newly inserted as per R.O.C. No. 1209/S0/82, dated 16th December 1982 and published in A.P.Gzette, Part II at page 142, dated 10th March 1983.

8* **{ Rule 28 :**

**Rule for Destruction of the Records in the
Writ Petitions and Writ Appeals (vide Appendix I and II).**

Writ Petitions and Writ Appeals.

I Writ Petition:-

PART – I

- 1. Index**
- 2. Impugned order.**
- 3. Affidavit.**
- 4. Writ Petition.**
- 5. Counter or Counters.**
- 6. Reply Affidavit or Reply Affidavits, if any.**
- 7. Order of the Court, and Docket Order**
- 8. Writ absolute.**

^{8*} Rule 28 is added and amended by ROC No. 1569/SO/92 dt. 17.01.1994 Published in R.S. to Part II (Ext.), A.P. Gazette No. 3 dt. 04.02.1994.

PART – II

All Miscellaneous Petitions where only notice was ordered.

Notice papers

Vakalatnama and Memo of Appearance

Implead Petitions, L. R. Petitions.

Petitions for fixing date of hearing and Expedite Petitions

All other Miscellaneous Petitions.

II Writ Appeal:

PART – I

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- 1 Memorandum of grounds of Writ Appeal**
- 2 Judgment in the Writ Appeal.**
- 3 Docket Order, order of the court, if any,**
- 4 Writ absolute.**
- 5 Additional pleadings, if any.**
- 6 Counter Affidavit and reply Affidavit.**

PART – II

Implead Petitions. L. R. Petitions and other Miscellaneous Petitions.

Petitions for Interim Orders (draft orders).

Miscellaneous Petitions where only notice was ordered.

Notice papers.

Memo of Appearance.

Expedite Petitions.

Petitions for fixing date of hearing and all other Miscellaneous papers.

In the case of writ Petitions, the Writ Petitions bundle shall be divided into Part-I and Part – II for the purpose of destruction of the records. Part-I shall consist of the impugned order, the affidavit, Writ Petition, Counter or Counters Reply Affidavit or Reply Affidavits, if any and the order of the Court. Part-I records shall be preserved permanently.

Part-II shall consist of the rest of the papers filed in the writ Petitions. Part-II papers shall be destroyed, if no appeal is preferred against the order in the Writ Petition after two years from the date of disposal of the case.

The Writ Appeal bundle shall be divided into two parts, viz., Part-I and Part-II, Part-I shall consist of the Memorandum of Grounds of Writ Appeal, Judgment in the Writ Appeal, and the Writ Absolute and additional pleadings, if any, and it shall be preserved permanently.

Part-II shall consist of the rest of the papers filed in the Writ Appeal and it shall be destroyed if no appeal is preferred against the order in the Writ Appeal, after two years from the date of disposal of the case.

Regarding Miscellaneous Petitions filed in the Writ Petitions, Writ Appeals, only the orders passed in the Miscellaneous Petitions including the docket orders shall be preserved permanently. The rest of the papers filed shall be preserved for a period of one year and thereafter the same can be destroyed.

“One month’s notice of destruction of the records shall be displayed on the Notice-Board of the High Court and also on the Notice – Board of the High Court Bar Association”.

N.B.:- The Records in the Writ Petitions, and Writ Appeals which were disposed of prior to 31.12.91 shall be preserved for a period of two months from the date, these Rules come into force and thereafter they can be destroyed. In the cases disposed of during the period from 1.1.1992 till the date these rules come into force, the records shall be destroyed six months after these rules come into force. These Rules shall come into force with effect from 1.11.1993, or the date of publication of the Rules in the Official Gazette, whichever is earlier.

Annexure - I

APPENDIX - I

**RULES FOR DESTRUCTION OF RECORDS – UNDER RULE 28
OF THE WRIT PROCEEDINGS RULES, 1977.**

**Table Showing The Periods Prescribed for the retention
of Various parts of the Records in the writ Petitions and Writ
Appeals**

Nature of Proceedings	No. of Years for which Records are to be Retained	
	Part – I	Part – II
(1)	(2)	(3)
WRIT PETITIONS		
Index		
Impugned order Affidavit	Permanent	
Writ Petition	Do.	
Counter or Counters	Do.	
Reply Affidavit or Reply affidavits, if any.	Do.	
Order of the Court and Docket order	Do.	
Writ Absolute	Do.	
All Miscellaneous Petitions where only notice was ordered		2 years
Notice Papers		Do.
Vakalatnama and Memo of Appearance		Do.
Implead Petitions, L.R. Petitions		Do.
Petitions for fixing date of hearing and Expedite Petitions		Do
All other Miscellaneous Petitions		Do

Annexure – I

APPENDIX - II

Nature of Proceedings	No. of Years for which Records are to be Retained	
	Part – I	Part – II
(1)	(2)	(3)
WRIT APPEALS		
Index		
Memorandum of Grounds of Writ Appeal	Permanent	
Judgment in writ Appeal	Do.	
Docket Order, Order of court, if any.	Do.	
Writ absolute.	Do.	
Additional pleadings, if any	Do.	
Counter Affidavit and Reply Affidavit.		2 years
Implead Petitions, L. R. Petitions and other Miscellaneous Petitions		Do.
Petition for Interim Order (Draft orders)		Do.
Miscellaneous Petitions where only notice was ordered.		
Notice papers		
Memo of Appearance		Do
Expedite Petitions		
Petitions for fixing date of hearing and all other miscellaneous papers		

FORM NO. 2
Order Directing issue of Writ of Habeas Corpus

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERBAD

Day, the day of
One thousand nine hundred and

Present:- The Honourable Mr. Justice:
and
The Honourable Mr. Justice:

Writ Petition No.of 19
Between: .. Petitioner

AND

.. Respondent

Petition under Article 226 of the constitution of Indian, praying that in the circumstances set out in the affidavit filed therewith, court may be pleased to issue a writ of Habeas Corpus, etc.

The Petition coming on this day for orders, upon reading the petition, etc., and upon hearing Mr. for the petitioner, and Mr. for the respondent, it is ordered that a Writ of Habeas Corpus, do issue directed to the superintendent, Central Jail, at requiring him to produce the body of confined in the said jail, immediately before this court to be dealt with according to law.

Deputy Registrar.

To

- The Superintendent, Central Jail (in duplicate)
- 2 The Chief Secretary to the Government of Andhra Pradesh, General Administration Department, Hyderabad (with covering letter).
- 3 The District Magistrate
(Docket)

ORDER

Writ Petition No.of 19.....
Directing the release from custody a detenu in the Central Jail
at

FORM NO. 3

Writ of Habeas Corpus

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH AT HYDERABAD.

To
The Office-in-charge of _____ Jail / Asylum.

The Superintendent of _____

You are hereby directed to produce the body of
now a prisoner in _____ (name Jail)

now in custody in _____ (Asylum)

Now in your charge, under safe conduct before the High
Court of Judicature, Andhra Pradesh, Hydeerabad on
.....(date).....at

.....(hour) in the forenoon of the same day and unless the
said shall then and there be ordered by the said court
to be released, cause him to be conveyed back under safe custody
to the Jail/Asylum/custody.

Witness the Honourable Mr. Chief

Justice of the High Court of Judicature, Andhra Pradesh: at
Hyderabad,

this Day of in the

year One thousand nine hundred and

Deputy Registrar.

FORM NO. 4

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH AT HYDERABAD

Day theday of one thousand nine hundred and

Present:- The Honourable Mr. Justice
And
The Honourable Mr. Justice
Writ Petition No..... of 19
In the matter of A detenue in the
Central Jail at Petitioner.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith, the High court will be pleased to issue a Writ of Habeas Corpus for production before the High Court, Andhra Pradesh at Hyderabad, the person ofa detenue in the Central Jail at to be dealt with according to law and direct that he/they be set at liberty.

ORDER

This petition coming on for orders/hearing, upon perusing the petition and the affidavit filed in a support thereof and other papers material to this petition, and upon hearing the arguments of Mr..... Advocate for the petitioner, and of Mr. for the Public Prosecutor on behalf of the State, it is ordered that now a detenue in the Central Jail atunder

(Specify Act) be released forthwith from custody, unless he is liable to be detained in custody for some other cause.

Deputy Registrar,

Assistant Registrar

Dated

"True copy"

To

1. The Superintendent, Central Jail (in duplicate).
2. The Chief Secretary to the Government of Andhra Pradesh, General Administration Department, Hyderabad (with covering letter).
3. The District Magistrate.

FORM No. 5

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT HYDERABAD.

Whereas this Court has granted a Writ of Habeas Corpus directed
..... to (or other person) having the custody of
..... commanding him to have the body of before the
said court.....at the High Court of Andhra Pradesh at
Hyderabad immediately to undergo and receive all and singular such
matters and things as the court shall then and there consider of concerning
him in this behalf:

Now, take notice, that you are hereby required to have the body of
the said before the said court on the day of
.....19, at thehour of in the fore (or after)
noon. And to make a return to the said writ. Or in default thereof the
said Court will then, or so soon after as counsel can be heard, be moved
for an attachment against you for your contempt in not obeying the said
Writ.

Dated theday of19

Deputy Registrar

FORM No. 6

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT HYDERABAD.

Day,theday of.....one thousand
nine hundred and

Present:- The Honourable Mr. Justice

And

The Honourable Mr. Justice

Writ Petition No..... of 19

BETWEEN:

1. Petitioner

And

2 Respondent

Petition praying that in circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a writ of certiorari calling for the records in on the file of the And quash the order therein.

This petition coming for orders, upon perusing the petition, the affidavit filed in support thereof and upon hearing the arguments of Mr..... Advocate(s), the petitioner, it is ordered as follows:-

- 1) that a writ of certiorari nisi returnable do issue to the calling for the records in on the file of.....
- 2) that a rule nisi do issue to the respondent herein directing him to appear before this Court in person or by advocate on at 10.30 a.m. and to show cause why this application should not be complied with.

Assistant Registrar.

Dated16

ORDER

Writ Petition No. of 19

Directing issue of a writ of certioraricalling for the records in on the file of and rule nisi to respondent to show cause why this application should not be complied with.

COMPOSITE FORM NO. 7

**IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH : AT
HYDERABAD**

(Special Original Jurisdiction)

day the day of One thousand nine hundred and eighty

Writ Petition No. and Writ Miscellaneous Petition No.....Writ Appeal No and Writ Appeal Miscellaneous Petition No..... 19

BETWEEN

Petitioner/Petitioners

.....

Appellant and Petitioner

And

Respondent in both...

To

Respondent No.....

Upon motion this day made into this Court by Mr. Advocate for the Writ Petitioner/Writ Appellant and the Court being of opinion that the records relating to and touching upon all the matters and contentions raised in the Memorandum of Writ Petition/Writ Appeal a copy of which is annexed hereto, together with the decision therein should be called for and perused; and that the prayer in Writ Miscellaneous Petition/ Writ Appeal Miscellaneous Petition, copies of petition and affidavit of which are annexed hereto may be considered.

IT IS HEREBY COMMANDED

- (1) That you, the aforesaid Respondent No..... do send for our use in High Court of Judicature, Andhra Pradesh at Hyderabad all and singular the said records and others with all things touching the same as fully and perfectly as they have been made by you, and now remain in your custody or power together with this, our writ before the day of 198..... and
- (2) That if you intend to oppose the Writ Petition and Writ Miscellaneous petition/Writ Appeal and Writ Appeal/Miscellaneous Petition you, the aforesaid Respondent No..... do appear personally or by Advocate on the day of198..... at 10.30 before this Court, show cause why they should not be complied with, and that we may cause further to be done thereon what of right and according to law we shall fit to be done.

Witness the Honourable Mr..... Chief Justice of the High Court of Judicature, Andhra Pradesh at Hyderabad, this the day of in the year one thousand nine hundred and eighty.

Hearing date

Assistant Registrar

**RETURN OF THE WRIT OF CETIORARI ORDER : NISI AND NOTICE IN WRIT
MISCELLANEOUS PETITION/WRIT APPEAL MISCELLANEOUS PETITION.**

(To be endorsed on this Writ and Rule Nisi and Notice in Writ Miscellaneous
Petition/Writ Appeal Miscellaneous Petition)

The Process of the Writ of Certiorari and Writ Miscellaneous Petition/Writ
Appeal Miscellaneous Petition whereof mention is within made, with all
things touching the same in the several papers hereto annexed as within
commended and served on respondent.

The answer of

Dateday of198

This should be served urgently on the respondent No. and
returned to the High Court.

WRIT AND RULE NISI

W.P. of 19 and W.P.M.P of 19 / W.A.No of 19 and W.A.M.P. No. of 19

Certified that the required conveyance charge and the process fee for the
service of the process has been collected. It is requested that the English
Translation of the Process Server's Report, if it is in vernacular may be
sent along with the Rule NISI and Notice returned.

Sd/-
Registrar (Admn.)

High Court of Andhra Pradesh,
Hyderabad.

16th December, 1982.

Note:- Form No. 7 is substituted as per ROC No. 1209/SO/82, dated 19th Dec.82
and published in A.P.Gazette Part II, Page 142, dated 16th March, 1983.

FORM NO. 8
(Writ of Certiorari-Order Absolute)
 IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
 (Special Original Jurisdiction)

day the Day of One thousand nine
 hundred and eighty Writ Petition No. of 19

BETWEEN:

AND

.. Petitioner

.. Respondent

This petition, under Article 226 of the constitution of India coming on for further consideration, before the Honourable Mr. Justice upon perusing the records relating to comprising in the return to the Writ and Rule Nisi, directed by order of the High Court..... dated and made herein, and upon the arguments of Advocate for the petitioner and of On behalf of the Respondent And having stood over for consideration till this day it is ordered as follows:-

- (1) that the Rule Nisi issued pursuant to the order of the High Court, dated and made herein, be and hereby is made absolute and that and
- (2) That the Respondent herein do pay the petitioner the sum of Rs. as and for his costs of this petition.

Memorandum of Costs

Writ Petition No. of 19

(Petitioner's (.....) Costs)

	Rs.	Ps.
Stamp used for the Writ Petition	..	
Stamp for Vekalatnama	..	
Stamp enclosures	..	
Advocate's Fee	..	
Batta and Postage	..	
Total...		

Witness the Honourable Mr., Chief Justice of the High court of Judicature, Andhra Pradesh at Hyderabad, thisdayin the year one thousand nine hundred and eighty.

Registrar

FORM NO. 9

Writ of Prohibition

Formal Parts as in Form No.1

Whereby a petition filed in this Court by the aforesaid petitioner it has been to the notice of this Court, that you, the Respondent aforesaid, have taken on your file (here describe the proceedings): and whereas this court is of opinion that you, the respondent, by reason that (State facts showing want of jurisdiction):

You are hereby prohibited from further proceedings with the said

Witness etc.

FORM NO. 10
ORDER ON PETITION FOR QUO WARRANTO

Formal Parts as in Form No.1

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a writ of quo warranto directed to the Respondent above named, requiring him to show cause by what authority he claims to have use, enjoy and perform the rights, duties and privileges of the office of

The petition coming on for orders/hearing this day, upon reading the petition, etc., upon hearing Mr..... for the petitioner and the said Respondent appearing by Mr..... and entering a disclaimer to the Quo Warranto this court both order and direct that the said the respondent herein shall not intermeddle in any manner with the said office and this court both further order and declare that the said office of is vacant.

FORM NO. 11
WRIT OF MANDAMUS

Formal Parts as in Form No.1

To

Whereas by section of Act (State provision of law on which the Act required to be done is founded) you are required to.....(Specify the Act to be done):

And whereas it has been represented to the Court, that, contrary to the requirements of the Act, you failed, neglected and refused to(State Act refused) in spite of demands made in that behalf.

You are hereby directed to do (specify the Act) on or before

Witnesses etc.,

FORM No.12 (A)**AFFIDAVIT**

(To be furnished by the Courier Service Company Agent)

Case No. / 200

I, , S/o aged years,
 resident of Occupation: Employee in M/s.
 Courier Service Company, do hereby solemnly affirm
 and state as follows:

- (a) I have served the Notice on the party, Sri
 on dt.
- (b) I have served the notice on Sri an adult
 member of the family of the party, as the party was absent from his
 house.
- (c) The party Sri S/o
 r/o refused to receive the notice.
- (d) I could not serve the notice on the party, as he was absent from the
 address given and as no adult member of the family prepared to
 receive the notice.
- (e) Sri S/o
 r/o and Sri
 S/o r/o
 were Present at the time of the above service.

Solemnly affirmed and
 Signed before me

DEPONENT

Note:

1. Strike off (a) (b) (c) (d) whichever is not applicable.
2. The Affidavit can be sworn before the persons authorized by the Board of the Courier Service Company/Village Assistant/ Sarpanch of the Village/ any Gazetted Officer/Notary/First Class Magistrate/Advocate/Municipal Councilor/Corporator.
3. If the endorsement of service is found false, the person shall be summarily tried and punished for perjury.

* Amended Vide ROC.No.1013/SO/2005, published in A.P.Gazette No.6, dated 22/02/2006.

[sub rule (iv) and (v) of Rule 8 is added & Form Nos.12 (A) & (B)]

FORM No.12 (B)

AFFIDAVIT

(To be furnished by the person authorized by the Courier Service Company)

Case No. / 200

I, _____ S/o _____ aged _____ years,
 working as Manager in M/s _____ Courier Service Company, do
 hereby solemnly affirm and state as follows:

- (a) Our agent Sri _____ S/o _____
 served the notice on the party, Sri _____ S/o _____
 r/o _____ on dt. _____
- (b) Our agent Sri _____ S/o _____
 served the notice on Sri _____ an adult member of the
 family of _____ the party as the party was absent from his house..
- (c) Our agent Sri _____ S/o _____
 could not serve the notice on the party Sri _____
 S/o _____
 r/o _____ as he refused to receive the notice.
- (d) Our agent Sri _____ S/o _____
 could not service the notice on the party Sri _____ S/o _____
 as he was absent at the address given and as no adult member in his
 family prepared to receive the notice.

Solemnly affirmed and
 Signed before me

DEPONENT

Note:

1. Strike off (a) (b) (c) (d) whichever is not applicable.
2. The Affidavit can be sworn before the persons authorized by the Board of the Courier Service Company/Village Assistant/ Sarpanch of the Village/any Gazetted Officer/Notary/First Class Magistrate/Advocate/Municipal Councilor/ Corporator.
3. If the endorsement of service is found false, the person shall be summarily tried and punished for perjury.

* Amended Vide ROC.No.1013/SO/2005, published in A.P.Gazette No.6, dated 22/02/2006.
 [sub rule (iv) and (v) of Rule 8 is added & Form Nos.12 (A) & (B)]