

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 37829 of 2015

BETWEEN

S.Venaktesulu

... PETITIONER

AND

The Court of the Principal Junior Civil Judge, Punganur, and others

...RESPONDENTS

Date of Order pronounced: 23.11.2015

ORDER:

This writ petition was filed with the following:

“For the reasons stated in the accompanying affidavit filed in support of the writ petition that the Petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Prohibition call for records and declare the 1st respondent herein has no jurisdiction to entertain the civil suit in O.S.No.206 of 2015 on the file of the Court of the Principal Junior Civil Judge, Punganur, Chittoor District, A.P. against the order of the Commissioner of Punganur Municipality/
the 4th respondent herein in vide Building Permit Order B.A.No.55/G1/15, dated 23-03-2015, when the 3rd respondent herein has having alternative remedy of Appeal under

Sec 345 of Andhra Pradesh Municipalities Act, 1965 as illegal, void and capricious and consequently dismiss the said civil suit in O.S.No.206 of 2015 on the file of the Court of the Principal Junior Civil Judge, Punganur, Chittoor District, A.P. holding that the 1st respondent has no jurisdiction to entertain the said suit in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Section 9 CPC provides that the Courts shall have jurisdiction to try all suits of civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

3. Sri Gade Venkateswara Rao, learned counsel for the petitioner, was therefore asked as to whether there was any express or implied bar preventing the learned Principal Junior Civil Judge, Punganur,

from entertaining O.S.No.206 of 2015 instituted on his file owing to the existence of an alternate remedy of appeal under Section 345 of the Andhra Pradesh Municipalities Act, 1965. Learned counsel fairly conceded that there was neither an express nor implied bar in the Andhra Pradesh Municipalities Act, 1965 which prevented the trial court from entertaining the suit on the ground that an alternate remedy of appeal was provided under the statute.

4. That being so, the petitioner cannot object to the entertainment of the suit by the trial court on this ground.

The writ petition is devoid of substance and is accordingly dismissed. This order shall however not preclude the petitioner from taking recourse to such remedies as may be available to him in law. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

November 23, 2015

Lmv

