

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.128 OF 2015

DATED:26.2.2015

Between:
Shaik Mahabub Subhani and another.

... Appellants.

And

The State represented by Collector & District Magistrate, Guntur District
and others.

... Respondents.

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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WRIT APPEAL No.128 OF 2015

JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This appeal is sought to be preferred and admitted against the judgment and order of the Hon'ble Trial Judge, dated 09.12.2014, by which His Lordship has been pleased to dismiss the writ petition *in limine*, on the ground of existence of alternative remedy.

The Hon'ble Trial Judge found that statutory remedy is available to the writ petitioners - appellants and this case does not fall within the exceptional category for entertaining the writ petition. Since His Lordship in exercise of the discretion refused to entertain the writ petition, we do not find any reason to substitute our own decision.

However, learned counsel for the appellants says that there are 55 members who have been expelled by the order impugned in the writ petition and hence the numerical strength itself is a good cause for entertaining the writ petition. We are unable to accept this untenable submission for number does not matter, and substance matters to decide in which case writ jurisdiction can be invoked in view of availability of alternative remedy. We do not find any merit in this appeal.

The writ appeal is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

26.2.2015
BNR / GJ