

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13594 of 2012

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ORDER:

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Heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents

1 and 2. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in issuing proceeding vide Rc.No.57/12/A dated 01.05.2012, as illegal and arbitrary.

On 10.05.2012, this Court, while ordering notice before admission, directed the parties to maintain *status-quo*.

At the time when the matter is taken up for admission, the learned Government Pleader for Revenue raised an objection with regard to filing of the writ petition before the Court when the statute provides for appeal before the Collector.

A perusal of the provision of the Act show that the petitioner has got statutory right of appeal before the Collector. The Apex Court in **Commissioner of Income Tax v.Chhabil Dass Agarwal** held that “ *the High Court will not entertain a petition under Article 226 of Constitution, if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. Therefore, when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.*”

Since the petitioner has an alternative remedy of appeal, the writ petition is

disposed of, giving liberty to the petitioner to file an appeal before the Collector, Vizianagaram District, within three (3) weeks from today, in which event, the same shall be disposed of, in accordance with law, within a period of six (6) months thereafter, after hearing all the necessary parties. Till such time, the interim order dated 10.05.2012 passed by this Court shall continue. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

15th September, 2015

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