

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

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WRIT PETITION No.23634 OF 2015

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Between:

D.Komuraiah.

.. Petitioner

And

The State of Telangana and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.23634 of 2015

ORDER:

Heard.

The petitioner questions the order of the 3rd respondent in Proceedings No.C/03/2015, dated 23-06-2015, wherein he directed seizure of borewell of the petitioner on the ground that the petitioner has violated the provisions of WALTA Act. The petitioner questions the said order on the ground that no proper enquiry is conducted by the 3rd respondent in spite of the directions of the 2nd respondent. The petitioner also states that earlier the petitioner has filed an appeal against the seizure order passed earlier on 21-01-2015, whereupon the 2nd respondent as an appellate authority examined the entire matter and vide Proceedings No.F/185/2015, dated 14-02-2015, remanded the matter to the 3rd respondent for fresh disposal and directed the 3rd respondent to conduct field enquiry and give opportunity to the petitioner to put his claims and evidence and then pass a detailed order, after following the principles of natural justice. In pursuance of the directions of the 2nd respondent, the present impugned order is passed by the 3rd respondent.

The impugned order mentions that the 3rd respondent personally visited the spot, called both the parties and recorded their statements and then the impugned order was passed. The order as such is appealable.

Since the petitioner has an effective alternative remedy of appeal against the said order, I am not inclined to entertain the writ petition. However, the learned counsel for the petitioner states that limitation for preferring the appeal under Rule 29 of the Rules framed under the WALTA Act is only 30 days and he constrained to file the present writ petition.

Keeping in view the fact that the petitioner has an efficacious alternative remedy and his borewell is seized, I deem it appropriate to permit the petitioner to approach the appellate authority and file appeal by raising all his available grounds on or before 14-08-2015. If the appeal is filed accordingly, the 2nd respondent shall consider the same on merits without any objection as to the limitation and hear and pass appropriate orders expeditiously.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 06-08-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.23634 of 2015

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06-08-2015