

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9544 of 2016

ORDER:

Heard Sri N. Gangadhar, learned counsel for the petitioners,
and
Sri S.D. Gowd, learned Standing Counsel for the Kurnool Municipal Corporation.

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore, prayed that this Hon’ble Court may be pleased to issue a Writ, order or orders more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st Respondent in issuing the impugned proceedings dated 17-11-2015, rejecting the BPS application of the Petitioners, as arbitrary, illegal, against the Principles of Natural Justice and violate the Articles 14, and 300-A of the Constitution of India and contrary to the terms and conditions of G.O.Ms.No. 128, dated 22-05-2015 and consequently set aside the same and direct the Respondents 1 & 2 to regularize the permissible deviations from the sanctioned plan in Municipal Door No. 40/808H, Srinivasa Nagar, Kurnool, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

As G.O.Ms.No.128 dated 22.05.2015 provides for an efficacious alternative remedy in the form of an appeal under Rule 13 stipulated thereunder, it is not open to the petitioners to approach this Court directly by way of this writ petition.

The writ petition is accordingly dismissed leaving it open to the petitioners to avail the appellate remedy. It shall also be open to them to seek interim protection before the Appellate Committee. In the event the appeal is filed within fifteen days from today, the Appellate Committee constituted under Rule 16 of G.O.Ms.No.128 shall entertain and adjudicate the same on merits and in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 21.04.2016

Note:-

Issue CC by tomorrow.

B/o

PGS/IBL