

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.A.No.21 OF 2016

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

The petitioners in W.P.No.36688 of 2015 are the appellants.

The appellants challenge the dismissal order dated 12.11.2015 in W.P.No.36688 of 2015.

The writ petitioners challenged notices bearing Roc.No.TPS/ 582/2015 dated 06.11.2015 as illegal and unconstitutional.

The appellants are a few of the occupants of premises of market area at Yellandu Town, Khammam District. The circumstances leading to the writ petition and the reasons for dismissal are not in serious dispute. Hence for brevity, we are refraining from narrating the very same circumstances in this order.

Through the order under appeal, the learned Single Judge has recorded the following:

"From the contents of the impugned notice, it is evident that all persons who are similarly situated to that of the petitioners have vacated the premises in their occupation to enable respondent No.5 to demolish the building and construct a new building for running a market. Evidently, the petitioners who have developed vested interest in public property do not want respondent No.5 to construct a new building for running a market. Therefore, this Court in exercise of its discretionary jurisdiction under Article-226 of the Constitution of India shall not extend aid to the petitioners who absolutely lack bona fides. Hence, the Writ Petition is dismissed".

Learned counsel for the appellants has substantially reiterated the contentions urged before the learned Single Judge and having taken note of the contentions and also the reasons recorded in the order impugned in the appeal, we do not see any reason to take a different view and for this reason alone, the writ appeal fails.

At the time of hearing, learned Government Pleader brings to our notice that the appellants have already availed the remedy of suit for protecting their alleged possession of premises at Market Area, Yellandu Town. Since the appellants have availed the remedy of suit as well, we see no reason to entertain the appeal. The appeal fails and is accordingly dismissed.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 21.01.2016
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