

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.23414 of 2016

18.07.2016

Between:

Pulli Srinivasa Murthy

..Petitioner

And

The District Consumer Forum No.1,
Visakhapatnam and others

..Respondents

Counsel for the petitioner: Mr.R.Siva Sai Swaroop

Counsel for the respondents: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to declare the action of respondent No.1 in straight away entertaining E.A.No.77 of 2012 in C.C.No.453 of 2010 filed by respondent Nos.2 and 3 under Section 27 of the Consumer Protection Act, 1986 (for short 'the Act') without exhausting the remedy available under Section 25 of the Act, as illegal and in violation of Article 21 of the Constitution of India.

2. After hearing the learned counsel for the petitioner, we are of the opinion that this writ petition is wholly misconceived for the reason that on his own showing the petitioner has availed the remedy of appeal before the Andhra Pradesh State Consumer Disputes Redressal Commission at Hyderabad and that the same is yet to be numbered.

In our opinion, having already availed his legal remedy before the appellate *forum*, the petitioner cannot avail a parallel remedy by way of filing this writ petition by invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

3. In the above view of the matter, the Writ Petition is dismissed, without prejudice to the right of the petitioner to pursue the appeal stated to have been filed by him before the State Commission.

4. As a sequel to dismissal of the writ petition, W.P.M.P.No.28848 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

18th July, 2016

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