

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.10380 of 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order of removal passed by the 2nd respondent vide proceedings, dated 05-06-2015.

Heard, Ms.Madhavi Priya Mantena, learned counsel for the petitioner, learned Government Pleader for Irrigation for respondent No.1 and Sri M. Sreeramachandra Murthy, learned Standing Counsel for respondent No.2.

When the matter is taken up, a preliminary objection with regard to the maintainability of the writ petition is taken by learned Standing Counsel for respondent No.2 stating that as against the order impugned in the present writ petition appeal lies to the District Collector. In view of the availability of the said alternative remedy of appeal to the petitioner herein, this Court is not inclined to meddle with the impugned order. However, it is open for the petitioner herein to avail the said alternative remedy.

Having regard to the reasons explained in the affidavit filed in support of the writ petition, this Court is of the opinion that ends of justice would be served if the petitioner is permitted to file appeal against the order impugned in the present writ petition before the District Collector.

For the aforesaid reasons, the writ petition is disposed of, keeping it open for the petitioner herein to file appeal against the order passed by the 2nd respondent vide proceedings, dated 05-

06-2015, within a period of one month from the date of receipt of a copy of this order and if any such appeal is filed same be considered and appropriate orders be passed, in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

March 30, 2016

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