

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4866 of 2016

ORDER:

Heard Sri N. Chandra Sekhar Reddy, learned counsel for the petitioner, and Sri Md. Saleem, learned Standing Counsel for the second respondent Municipality.

The final notice dated 04.02.2016 issued to the petitioner under Section 228(3) of the A.P. Municipalities Act, 1965, is appealable under Section 345 of the said Act. Without subjecting this final notice to challenge, the present writ petition has been filed in general terms with the following prayer:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in nature of writ of Mandamus declaring the action of Respondent No.2 in making efforts to demolish the premises bearing D.No.13/256-8&9, Pakkirappa Colony, Survey No.330, Thimmanacherla, Guntakal Municipality, Anantapur District as illegal and arbitrary and consequently direct the Respondent No.2 to not to proceed for demolishing premises bearing D.No.13/256-8&9, Pakkirappa Colony, Survey No.330, Thimmanacherla, Guntakal Municipality, Anantapur and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of case, in the interest of justice.”

Merely because the final notice has not been subjected to challenge, this writ petition cannot be entertained as the grievance of the petitioner is undoubtedly in relation thereto. Without availing the efficacious alternative remedy provided to him by the statute, the petitioner cannot approach this Court unless special grounds, such as lack of jurisdiction or violation of the principles of natural justice, are made out on facts, warranting interference. As no such grounds are made out in the present case, this Court is not inclined to entertain the writ petition.

The writ petition is accordingly dismissed. This order shall

however not preclude the petitioner from taking recourse to the statutory remedy in accordance with law.

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

JUSTICE SANJAY KUMAR

16th February, 2016

IBL