

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.1186 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.27155 of 2017 dated 11.08.2017.

The Learned Single Judge has refused to entertain the writ petition on the ground that a Civil Suit was pending for the very same relief. The Writ Petition was dismissed leaving it open to the appellant-writ petitioner to pursue the Civil Suit pending before the IV Junior Civil Judge, City Civil Court, Hyderabad.

Sri Nazir Ahmed Khan, learned counsel for the appellant-writ petitioner, would submit that the appellant-writ petitioner has other statutory remedies; and the order of the Learned Single Judge may be construed by the GHMC as precluding the appellant-writ petitioner from availing the statutory remedies under the Greater Hyderabad Municipal Corporation Act, 1955.

The Learned Single Judge has, in the order under appeal, only refused to entertain the writ petition on the ground of pendency of the Civil Suit. The order does not disable the appellant-writ petitioner from availing any other remedies, which are available to him in law. The apprehension expressed by the learned counsel for the appellant-writ petitioner is, therefore, unfounded. We see no reason to interfere with the order under appeal.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

24th August, 2017
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Date: 24.08.2017

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