

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**Writ Appeal Nos.460, 463, 473 of 2016; 1526, 1527 of 2014; and
WASR Nos.153751, 153895 and 153956 of 2014**

COMMON JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

These appeals, under Clause 15 of the Letters Patent, are preferred against the order passed by the Learned Single Judge in W.P.No.24735 of 2014 and batch dated 27.08.2014. By the common order under appeal, all these Writ Petitions were dismissed on the ground that the petitioners had an effective alternative remedy to approach the District Court under Section 23-A of the A.P. Municipalities Act, 1965.

Sri M.S.Prasad, Learned Senior Counsel appearing on behalf of the appellants, would submit that, in more or less identical circumstances, a Division Bench of this Court had dismissed W.P.No.29984 of 2014 by its order dated 12.12.2014 directing the petitioners therein to approach the District Court concerned, and seek relief in accordance with law; against the said order, and two connected Appeals, the matter was carried in appeal to the Supreme Court. In its order, in Civil Appeal No.4796 of 2016 dated 03.05.2016, the Supreme Court observed that the questions framed by the Division Bench, which included whether the petitioners-appellants therein belonged to any recognized political party, were questions of law which the High Court should have addressed, rather than referring it for the decision of the Presiding Officer in the election proceedings. While setting aside the order under appeal, the Supreme Court directed the High Court to decide the questions framed in the Writ Appeals, and in terms of the order passed by them, directing that the stay, of suspension of membership, granted earlier would continue in the meanwhile. The Supreme Court made

it clear that it had not considered the matters on merits, and it would be open to both sides to raise all available contentions before the High Court. The High Court was requested to dispose of the appeals expeditiously and preferably within a period of three months.

In view of the aforesaid order of the Supreme Court, the questions of law which form the basis of the Writ Petitions, the order passed in which are under appeals before us, are required to be examined and decided by the High Court. The orders under appeal, relegating the appellants to the statutory remedy of an appeal, are set aside and the Writ Petitions are restored to file, and shall be listed before the appropriate Bench.

In so far as the implead petition is concerned, since we are disposing of the Writ Appeals itself, we see no reason to implead the proposed 5th respondent in these appeals. Suffice it to grant them liberty to move such applications before the Learned Single Judge before whom the Writ Petitions are listed.

All the Writ Appeals are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, ACJ

Dr.SHAMEEM AKTHER, J

Date:31.01.2017.

Note:

Issue C.C. tomorrow.

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