

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.10596 of 2014

Date: 07.06.2018

Between:

Varada Ramesh @ Gupta
S/o.Rama Rao, Aged 37 years,
R/o.8-17, Managing Partner of
M/s.R.S.Constructions,
D.No.48-18-65, side of
Umanursing home,
Visakhapatnam and another

Petitioners

And

Government of A.P.
rep. by the Secretary,
Consumer Affairs, Food and
Civil Supplies Department,
Hyderabad and two others.

Respondents

Counsel for the Petitioners : Mr. K.Purushotham

Counsel for the Respondents :G.P. for Civil Supplies(AP) for R1&2
None appeared for R3

The Court made the following:

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

This writ petition is filed for issue of mandamus to set aside the order dated 08.06.2011 in E.A.No.4 of 2011 in C.C.No.48 of 2010 on the file of the respondent No.2.

2. We have heard Mr.K.Purushotham, learned counsel for the petitioners and the learned Government Pleader for Civil Supplies. Though served, respondent No.3 has not entered appearance.

3. The order impugned in this writ petition was passed under Section 27 of the Consumer Protection Act, 1986 (for short 'the Act'). Under Section 27 (a) of the Act, an appeal lies against any order passed by the District Consumer Disputes Redressal Forum under Section 27, to the State Consumer Disputes Redressal Commission. No reasons whatsoever, have been given by the petitioners, for bypassing the effective alternative remedy.

4. In NIVEDITA SHARMA VS. CELLULAR OPERATORS ASSOCIATION OF INDIA AND OTHERS¹, the Supreme Court held that an alternative remedy is not a bar for entertaining of a writ petition filed for enforcement of any of the fundamental rights or where there has been a violation of the principles of natural justice or where the order under challenge is wholly without jurisdiction or the vires of the statute are under challenge. It has further held that

¹ (2011) 14 Supreme Court Cases 337

when alternative, effective and speedy remedies under the Act are provided, the writ petition cannot be entertained by the High Courts under Article 226 of the Constitution of India, unless the case falls under any of the above exceptions.

5. It is not the pleaded case of the petitioners that the impugned order falls in any one of those exceptions. Therefore, this writ petition cannot be entertained for adjudication on merits. The writ petition is, accordingly dismissed, without expressing any opinion on the legality or otherwise of the impugned order. If the writ petitioners so choose, they shall be free to avail the remedies available to them under the Act.

6. As a sequel to dismissal of the writ petition, the interim order dated 07.04.2014 is vacated and I.A.No.1 of 2014 (W.P.M.P.No.13307 of 2014) is dismissed.

(C.V.Nagarjuna Reddy, J)

(M.Ganga Rao, J)

Date: 07th June, 2018

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n THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.8770 of 2018

Date: 07.06.2018

Between:

M/s.Prestige Avenues Ltd.,
rep. by its Managing Director
Mr.M.Venkaeswar Rao,
Registered office at 4th floor,
H.No.3-6-262, Thirumala Estates,

Himayatnagar, Hyderabad-500029
Telangana State
and seven others

... Petitioners

And

The Union of India
rep. by the Secretary,
Department of Consumer Affairs,
Food and Public Distribution,
Krishi Bhavan, New Delhi,
Rajendra Prasad Road,
New Delhi-110001
and two others.

... Respondents

Counsel for the Petitioners : Mr. S.K.Chandrasekhar
for Mr.Sarosh Bastawala

Counsel for the Respondents : Mr.K.Goverdhan Reddy for R3
Mr.K.Lakshman (Assistant
Solicitor General) for R1
G.P. for Civil Supplies for R2

The Court made the following:

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

This writ petition is filed for the following substantial relief:

“to issue a writ in the nature of writ of mandamus or any other appropriate writ, order or direction to the respondent No.2, that the respondent No.2 shall recall the order dated 31.01.2018 issuing Non Bailable Warrants in E.A.No.7 of 2013 in C.C.No.593 of 2010, against these petitioners.”

2. At the hearing, Mr.S.K.Chandrasekhar, representing the counsel for the petitioners Mr. Sarosh Bastawala, submitted that the cause in the writ petition has become infructuous.
3. Hence, the writ petition is dismissed as infructuous.
4. As a sequel, miscellaneous applications if any, stand dismissed.

(C.V.Nagarjuna Reddy, J)

(M.Ganga Rao, J)

Date: 07th June, 2018

msb



