

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No. 85 of 2019

JUDGMENT: *(per the Hon'ble Sri Justice A. Rajasheker Reddy)*

This Writ Appeal is filed against the order dated 28.01.2019 passed by the learned Single Judge in dismissing Writ Petition No.1372 of 2019 filed by the appellant questioning the proceedings dated 21.01.2019 issued by respondent No.6 – Tahsildar, Amberpet Mandal, Hyderabad District.

By the aforesaid order, the learned Single Judge dismissed the Writ Petition mainly on the ground of availability of alternative remedy of appeal to the appellant.

Learned counsel for the appellant submits that the subject land alleged to have been purchased by the appellant forms part of the layout sanctioned by the Greater Hyderabad Municipal Corporation (GHMC); that the appellant has obtained permission from GHMC for making construction on the subject land; that basing on the unilateral survey report that a portion of the land from out of the subject land belongs to the Government, respondent No.6 issued show cause notices, to which, the appellant submitted explanations, and thereafter, passed the order

impugned in the Writ Petition and that the learned Single Judge though considered the said aspects, passed the order under appeal dismissing the Writ Petition.

Learned Standing Counsel for GHMC submits that the appellant has to avail the statutory remedy of appeal before the appellate authority and without availing such remedy, the appellant straightaway approached the writ Court.

A perusal of the order under appeal goes to show that though the appellant relied on the judgment in **Kadiyala Sudershan v. Government of Andhra Pradesh**¹, according to which, the Writ Petition was entertained on the ground that the Tahsildar therein failed to pass a reasoned order, the learned Single Judge by observing that respondent No.6 passed a reasoned order, dismissed the Writ Petition relegating the appellant to the alternative remedy of appeal, as ordinarily Writ Petitions are not entertained when alternative remedy of appeal against impugned order is available except in the cases where the principles of natural justice have been violated or the order has been rendered without jurisdiction.

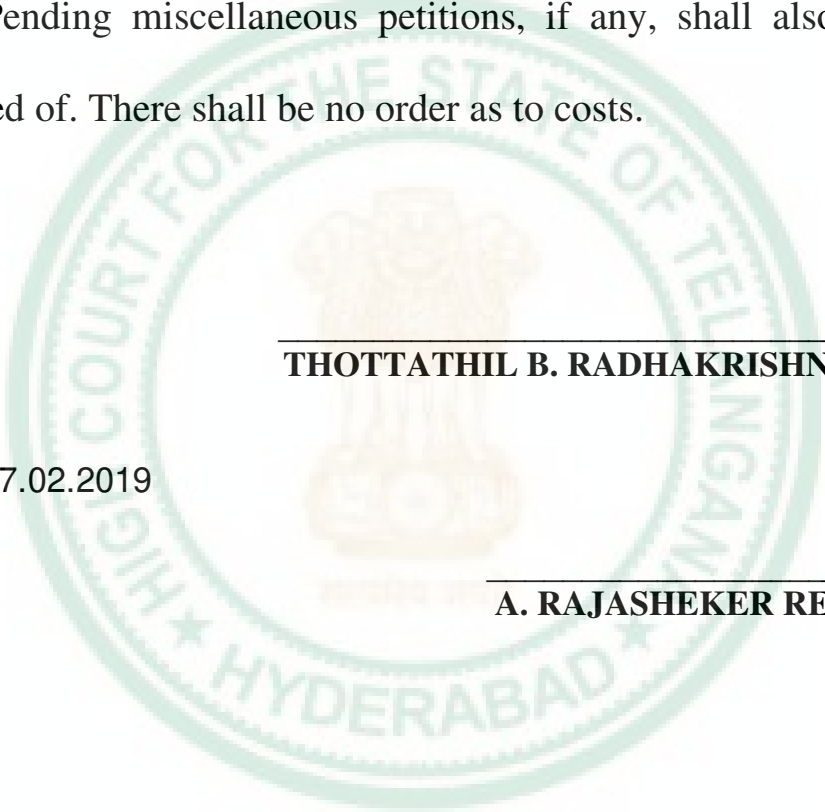
In view of the above, we do not find any infirmity in the order under appeal. However, it is open for the appellant to avail

¹ 2013(6) ALT 42

alternative remedy within a period of three weeks from today and we hope that the appellate authority will decide the appeal that may be filed by the appellant within a period of three (3) months from the date of receipt thereof. However, no coercive steps shall be taken by the authorities concerned till then.

Subject to the above, this Writ Appeal is disposed of.

Pending miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 07.02.2019

A. RAJASHEKER REDDY, J

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