

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**W.P.NOS.13400 AND 13408 OF 2019**

**COMMON ORDER**

The petitioners, in these two writ petitions, challenge the orders dated 25.06.2019 passed by the 4<sup>th</sup> respondent – Presiding Officer (Mandal Parishad Development Officer), Mandal Praja Parishad, Ichoda, Adilabad District, in disqualifying them as Mandal Parishad Territorial Constituency Members (MPTC), on the ground of voting in violation of party whip.

Learned counsel for the petitioners submit that the 4<sup>th</sup> respondent has not considered the explanations submitted by the petitioners and also the material produced by them, and passed orders in a routine manner, without recording any reasons, and this amounts to violation of principles of natural justice, and on this ground, the impugned orders are liable to be set aside.

Learned Government Pleader for Panchayat Raj, appearing for respondents 1 and 2, submits that against the impugned order, petitioners have alternative remedy of appeal under Section 148 of the Telangana Panchayat Raj Act, 2018 (for short 'the Act'), before the District Court, and hence this court may not entertain the writ petitions. She further submits that this court in similar facts and circumstances in W.P.No.12795 of 2019 dated 28.06.2019, disposed of the writ petition leaving it open to the petitioner therein, to avail the said alternative remedy.

Heard Sri G.Narender Reddy, learned Standing Counsel for respondents 3 and 4.

Under Section 148 of the Act, the aggrieved party has to approach the District Court having jurisdiction for resolution of dispute relating to cessation for disobedience of party whip. When the statute provides alternative remedy, this court is not inclined to entertain the writ petition under Article 226 of the Constitution of India, and the hence the petitioners have to approach the District Court under Section 148 of the Act, raising all the grounds, including the ground of violation of principles of natural justice. It is also not in dispute that the said forum has jurisdiction to pass interim orders pending adjudication of main dispute.

Having regard to the facts and circumstances, both the writ petitions are disposed of leaving it open to the petitioners to prefer appeals against their disqualification before the District Court under Section 148 of the Act, along with applications seeking for interim orders, and it is for the said court to consider the same and pass appropriate orders in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

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**A.RAJASHEKER REDDY,J**

DATE:03—07—2019

Note: Issue C.C. in two days.

B/O  
AVS