

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: WRIT PETITION NO.20104 OF 2024

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	06.11.2024	<u>SP, J & RRN,J</u> <u>I.A.No.3 of 2024</u> This application seeking review of the order dated 30.07.2024 is taken up. Sri Preet Kumar, party-in-person present and Sri Dominic Fernandes, learned Senior Standing Counsel for CBIC, appears on behalf of respondent Nos.2 to 5. The party-in-person raised two fold submissions. The first submission is that on the date writ petition was heard, the petitioner could not point out that containing similar subject, the petitioner had earlier filed W.P.No.9740 of 2021. The said writ petition was entertained by the Court. But, subsequently, the petitioner prayed to withdraw the writ petition in the light of the subsequent developments and prayed for liberty to assail the subsequent developments independently. The petition was permitted to be withdrawn with liberty prayed for. Since this order could not be pointed out on the last date of hearing and since W.P.No.9740 of 2021 containing similar subject was kept pending for quite some time before this Court, the order under	Transferred to IO Folder before corrections.

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		Review may be re-called and writ petition may be heard on its own merits. The Second submission is that the bone of contention of the petitioner is based on the ground that principles of natural justice were not followed. Thus, in a case of this nature, despite availability of alternative remedy, the writ petition can be entertained. Learned Senior Standing Counsel for CBIC supported the order under review. We deem it proper to take second ground first for the purpose of deciding this matter. This ground is considered in the order under Review in <i>extensio</i>. After considering various Supreme Court judgments, the Bench relegated the petitioner to avail alternative remedy of appeal. There is no error apparent on the face of the record, which necessitated this Bench to take a different view. So far, first ground is concerned, the petitioner can take all possible grounds before the appellate authority. It is note-worthy that while permitting the petitioner to withdraw W.P.No.9740 of 2021, this Court only permitted him to assail the subsequent developments independently. It was no where mentioned that such independent remedy can be the writ petition alone. Since the petitioner has a statutory efficacious	

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		alternative remedy, we find no reason to review the order under Review. Accordingly, the Review Petition is dismissed. SP,J RRN,J sa/nvl	