

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
and
THE HON'BLE MR JUSTICE SANJAY KUMAR

WRIT PETITION No.6678 of 2009

Between:

- 1 V.V.Durga Prasad S/o.V.Kotaiah
R/o.Flat No.501/B, 73, Millenium Royale, H.No. 7-1-63, Dharam Karam Road,
Ameerpet, Hyderabad.
- 2 M/s. Vamshi Properties, a firm having its office at
R/o.Flat No.501/B, 73, Millenium Royale, H.No. 7-1-63, Dharam Karam Road,
Ameerpet, Hyderabad.
- 3 Vamshi Constructions Pvt. Ltd., a company having its regd. office at 73,
Millenium Royale, H.No.7-1-63,
Dharam Karam Road, Ameerpet, Hyderabad, rep. by its Managing Director
V.V. Durga Prasad.

..... PETITIONER(S)

AND

- 1 The District Consumer Disputes Redressal Forum-I, Chandra Vihar,
Nampally, Hyderabad,
represented by Superintendent/Sheristadar.
- 2 Smt.K.Aruna W/o.K.Maheshchandra Reddy
R/o.18/C (990) MLA Colony, Road No.12, Banjara Hills, Hyderabad.
- 3 K.V.Rajendra S/o.K.J.Neelaratna
R/o.Plot No.127/A, Road No.62, Jubilee Hills, Hyderabad.
- 4 Mrs. Sundra Kaur W/o.Avtar Singh
R/o. Plot No.64 & 65, Shantiniketan Colony, Mahendra Hills,
Secunderabad -26.
- 5 Kashi Raju Nagaraju S/o.K.V.Krishna Murthy
R/o. Flat No.101, ARCOT Plaza, Shyamlal Building, Begumpet,
Hyderabad.
(RR. 3 to 5 are Formal parties to this W.P. and no relief is claimed against them)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be

pleased to issue a writ or order or direction more particularly one in the nature of Writ of Certiorari, calling for the records pertaining to EA No.130/2007 in CC No.719/2005 on the file of District Consumer Disputes Redressal Forum-I, Hyderabad and quash the order dt. 17.03.2009 in EA No.130/2007 in CC No.719/2005 passed by the 1st respondent, as erroneous and without jurisdiction, in the interest of Justice.

Counsel for the Petitioner:MR.P.SHIV KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

**THE HON'BLE MR JUSTICE V.ESWARAIAH
and
THE HON'BLE MR JUSTICE SANJAY KUMAR**

WRIT PETITION No.6678 of 2009

ORDER: (per the Hon'ble Sri Justice V. Eswaraiah)

Learned counsel appearing for the petitioners seeks permission of this Court to withdraw this writ petition with liberty to approach the State Commission under Section 15 of the Consumer Protection Act, 1986.

Though a ground has been raised by the learned counsel for the petitioners that as against the execution proceedings, no appeal lies to the State Commission, we are unable to accept the same.

Under Section 15 of the Consumer Protection Act, 1986, any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission. Such order means, the main order as well as the order in E.P. also. Therefore, the petitioners have got an alternative remedy under Section 15 of the Consumer Protection Act, 1986.

Accordingly, the writ petition is dismissed as withdrawn reserving liberty to the petitioners to approach the State Commission within two weeks from today. Status-quo obtaining as on today shall be maintained for a period of two weeks from today. There shall be no order as to costs.

V.ESWARAIAH, J

SANJAY KUMAR, J

Date : 31-03-2009

Note:

Issue C.C. in three days

(B/o)

Prv

// TRUE COPY //

..... REGISTRAR

SECTION OFFICER

To

1) 2 CD copies

*Form-NIC-OGS/WP{**LS**}*