

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No.: W.P. No.33895 of 2022

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
2	14.09.2023	<u>UDPR, J & AVRB, J</u> <u>I.A. No.1 of 2023</u> Heard. The order of Hon'ble Apex Court dated 07.02.2023 in Civil Appeal No.908 of 2023, reads thus: <i>“What was argued before the High Court was on jurisdictional ground and it is not disputed on behalf of the respondent-State that the question raised was a jurisdictional issue before the High Court.</i> <i>In such circumstances in our opinion, the High Court ought to have addressed the jurisdictional question and the appellant ought not to have been non-suited on the ground of existence of alternative remedy. The point urged before the High Court goes to the root of the controversy, which gives rise to the present proceeding. In the event the High Court found that the officer who passed the assessment order had the authority to do so, on such finding the writ petition could be dismissed as there being alternative remedy under the statute.</i> <i>We, accordingly, set aside the impugned order and remand the matter to High Court for adjudication on the question of the jurisdiction of Assistant Commissioner to pass the assessment order, which was challenged before the High Court.</i> <i>We request the High Court to take up this matter expeditiously.</i>	

The appeal is allowed in the above terms.”

In that view of the matter, the writ petition has already been revived for fresh consideration. Hence, no separate petition for restoration/revival of the writ petition is required.

The Registry is directed to list the writ petition for hearing.

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Since the learned Government Pleader requests time for filing counter as it was not filed earlier, list the matter after two weeks, for filing counter and hearing.

UDPR, J

AVRB, J
SS