

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.41749 of 2015

ORDER:

Heard.

This is another instance where the Registry has entertained and numbered the writ petition filed by eight petitioners and all of whom were given individual notices to show cause against proposed cancellation of assignment on the ground that they have not cultivated the land since the date of assignment. All the petitioners claim that they were given notices, dated 10-12-2015, but in some notices, the date is mentioned as 10-12-2014. All the petitioners question the said notices by a general prayer and without questioning the individual notices issued to each one of them, obviously, a single writ petition is filed stating as if there is a common cause of action.

It is, however, apparent from the record that each petitioner was given a separate show-cause notice so as to enable him to reply to the allegation appearing against him. Even under Rule 4 of the Writ Rules, I do not see how a common cause of action arises, so as to entertain this writ petition. Though this court passed orders on judicial side and it is within the knowledge of the Registry that in such matters, a single writ petition cannot be maintained, notwithstanding payment of aggregate court fee, the present writ petition is treated as if there is a common cause of action.

Though the learned counsel for the petitioner cited decision of Division Bench of this Court in ***ANNAM ADINARAYANA AND ANOTHER VS. STATE OF A.P. AND ANOTHER***^[1] as well as another decision reported in ***MANAGEMENT OF SINGARENI COLLIERIES CO LIMITED Vs. INDUSTRIAL TRIBUNAL***^[2], both the decisions are distinguishable on facts.

In the decision first cited, by a common order, two writ petitioners were discharged from their services as supervisors of a Market Committee under the impugned order, which was questioned by both of them by a single writ petition. In that context, this Court observed that there being a common question of law and a common cause of action, a single writ petition is

maintainable.

In the decision 2nd cited, a single summons issued by the Industrial Tribunal to eight employees of Singareni Collieries was in issue. Hence, in both the decisions, referred to above, the question as arisen in the present case has not fell for consideration.

Hence, it is evident that a common writ petition is not maintainable. However, at this stage, learned counsel for the petitioner offered to confine the writ petition to the extent of 1st petitioner and the writ petition is entertained only on behalf of the 1st petitioner and it stands dismissed to the extent of petitioners 2 to 8 with a liberty to the said petitioners to file separate writ petitions if so advised.

The petitioner's primary grievance is that though she was granted DKT patta, the 4th respondent by order dated 29-06-2015, directed the petitioner not to enter upon the land or cultivate the said land for which DKT patta was given, as the proceedings under Section 145 Cr.P.C. were already initiated. While the said order is in operation, the impugned notice is given to the petitioner alleging that she failed to cultivate the DKT patta land and hence, she was required to show-cause why the said assignment should not be cancelled.

It is evident that only a show-cause notice is given to the petitioner and the same is required to be answered by the petitioner by submitting her explanation before the 4th respondent.

Since the petitioner is already restrained from entering the land, it is appropriate to permit the petitioner to submit her reply to the said show-cause notice within two weeks from today and thereafter, the 4th respondent shall consider the said reply and take appropriate decision in accordance with law. Till an appropriate order, as directed above, is passed, the status-quo with regard to the land, as existing as on today, shall be maintained.

Accordingly, the writ petition is disposed of so far as the 1st petitioner is concerned and dismissed so far as petitioners 2 to 8 is concerned. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

Date: 28-12-2015

Prv

VILAS V.AFZULPURKAR, J

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[\[1\]](#) AIR 1958 A.P. 16 (Vol.45, C.3) (1)

[\[2\]](#) LAWS (APH)-1970-47, dated 24-04-1970