

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15978 OF 2015

DATED: 09.06.2015

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Between:

P. Sivaiah

.. Petitioners

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department,

and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15978 of 2015

ORDER:

This writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Prohibition, restraining the 2nd respondent from proceeding with the enquiry in appeal No.G/6007/2012 filed by the 4th respondent, in pursuance to the impugned Enquiry Notice dt.01.05.2015, by declaring that the impugned Enquiry Notice No.Roc.G/6007/2012 dt.01.05.2015 issued by the 2nd respondent as arbitrary, illegal, without jurisdiction and contrary to the

provisions of Sec. 7(2) of A.P. (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956 and with all other consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Earlier, this petitioner had filed W.P.No.1009 of 2013 with the following prayer:

"For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, Order or direction, more particularly on in the nature of Writ of Certiorari, calling for the records, relating to issuance of the impugned proceedings No.Roc G/6007/2012 dt. 31.12.2012 from the file of the 2nd respondent and after perusing the same, quash the said proceedings dt. 31.12.2012 and as well as Appeal No.G/6007/2012 filed by the 4th respondent, by declaring the same as arbitrary, without jurisdiction and not maintainable under Sec.7(2) of A.P. (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956 and with all other consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

W.P.No.1009 of 2013 is still pending on the file of this Court. In the said writ petition, the petitioner only sought interim suspension of the order dated 31.12.2012 passed by the appellate authority in appeal No.G/6007/2012. No order was passed by this Court interdicting the appellate authority from proceeding with the hearing of the appeal. It appears that taking note of the fact that there was no stay granted by this Court in the earlier case, the appellate authority viz., the Revenue Divisional Officer, Tirupati, issued notice dated 01.05.2015 proposing to take up the appeal for enquiry. The present writ petition is filed seeking a writ of prohibition restraining the appellate authority from proceeding with the appeal pursuant to the said notice dated 01.05.2015.

Earlier the petitioner sought a writ of certiorari to quash the appeal. Now a writ of prohibition is sought in respect of the very same appeal. It is not open to the petitioner to approach this Court time and again on the same issue and seek different remedies. The principle of constructive *res judicata* would bar the petitioner from doing so. This Court is therefore of the opinion that the present writ petition is an abuse of process and is therefore not maintainable.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

9th June, 2015

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