

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No. 733 OF 2015

31-07-2015

Between:

Jala Prabhu Das

... Appellant

And

State of Andhra Pradesh, rep., by its Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad and two others

... Respondents

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-
WRIT APPEAL Nos. 733 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the appellant.

This writ appeal is directed against the order dated 18-06-2015 passed in Writ Petition No.13933 of 2011 by which writ petition filed by the appellant has been dismissed.

Learned counsel appearing for the appellant, on instructions, confines challenge to imposition of costs of Rs.25,000/- while dismissing the writ petition.

The relevant observations made by learned Judge for imposing costs read thus:

“It is consternating to note that the petitioner has not made a whisper of his filing the suit and dismissal of the same in this Writ Petition. He has, thus, indulged in blatant suppression of the material fact and made this Court entertain the Writ Petition and grant an interim order in his favour, despite the fact that the judgment of the civil Court referred to above is staring at his face disentitling him to grant of any relief in this Writ Petition. His misdemeanor in suppressing the vital fact of his filing the suit and being unsuccessful therein renders the Writ Petition to be thrown out lock, stock and barrel. This apart, for suppression of the factum of his filing the suit and its dismissal, the petitioner is liable to pay exemplary costs.”

In view of the observations made in the aforementioned paragraph, learned Judge dismissed the petition with costs of Rs.25,000/-. In the present writ petition, the appellant sought mandamus declaring the action of respondent No.3 in

interfering with his possession over the land in R.S No.182, measuring Acs.13.20 cents in Gullapudi Village, Musunuru Mandal, Krishna District. It has come on record and not in dispute that the appellant had filed a suit bearing O.S No.28 of 1999 before the Court of II Additional District Judge, Vijayawada for injunction simplicitor and the suit was dismissed observing that the appellant was not in possession of the suit land. The suit land in the said suit and the land mentioned and referred to in the instant petition is one and the same.

In view thereof, learned Judge for the reasons recorded in the aforementioned paragraph dismissed the writ petition with costs. We do not find any reason to interfere with such order when suppression is apparent and not disputed by learned counsel for the appellant.

The writ appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

SANJAY KUMAR, J

31-07-2015

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