

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.38902 of 2015

ORDER:

The prayer of the petitioner in this writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondents No.3 and 4 in harassing and threatening the petitioner to vacate his land to an extent of Ac.2.05 ¼ guntas in Survey No.1368 (Ac.0.12¼ guntas) Survey No.1369/A (Ac.0.33 guntas) and in Survey No.1370/E (Ac.1.00) Situated at Aswaraopet Village and Mandal, Khammam District as illegal, arbitrary and in violation of principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Admittedly, the petitioner earlier filed W.P.No.19200 of 2015 against the following authorities

“1. State of Telangana, rep. By its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.

2. The District Collector, Khammam District at Khammam.

3. The Revenue Divisional Officer, Palvanha, Khammam District.

4. The Tahasildar, Aswaraopet Mandal, Aswaraopet, Khammam District.”

with the following prayer:

“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 an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in threatening to dispossess the petitioner from his land being a total extent of Ac.2.05 ¼ guntas of land in Sy.No.1368 (Ac.0.12 ¼ gts.) Sy.No.1369/A (Ac.0.33 gts.) and Sy.No.1370/E (Ac.1.00) situated at Ashwaraopet Village and Mandal, Khammam District without following the due process of law, as illegal, arbitrary, violation of Articles 14, 21 and 300-A of the Constitution of India and also violation of the principles of natural justice, and consequently direct the respondents not to dispossess the petitioner from his land.”

The interim order granted by this Court in W.P.No.19200 of 2015 on 29.06.2015 required that the petitioner should not be dispossessed except after giving notice and opportunity to him to file an application. However, this interim order was only limited to a period of two weeks and thereafter expired by efflux of time.

The present writ petition has been filed alleging that the police authorities are now interfering in the matter. As the petitioner has already approached this Court alleging interference by the State authorities and the said writ petition is pending, any further interference by an authority who was not impleaded in the pending writ petition only warranted his impleadment therein and did not entitle the petitioner to file a fresh writ petition. This multiplicity of proceedings is not only undesirable but would also lead to the possibility of conflicting orders being passed by different Courts in the various writ petitions arising on the same cause of action.

This writ petition is therefore not maintainable and is accordingly dismissed. This order shall however not preclude the petitioner from taking appropriate steps in the pending writ petition, if so advised.

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

SANJAY KUMAR, J

Date:02.12.2015

