

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40230 of 2015

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Date: 11.12.2015

Between:

Lahari Builders
rep. by its Partner YSVLN.Swamy

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Dept of Panchayat Raj &
Rural Development,
Hyderabad and 3 others

.. Respondents

Counsel for the petitioner: Mr.T.Srikanth Reddy

Counsel for respondent Nos.1 & 2: AGP for Panchayat Raj

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondents in interfering with the petitioner's construction activity over plot bearing No.61-A admeasuring 498.66 square yards in Survey Nos.104, 106, 107, 108, 181 to 186, 188 and 189 of Nizampet Village and Gram Panchayat, Qutbullapur Mandal, Ranga Reddy District, as illegal and arbitrary.

From the pleadings of the petitioner, it is evident that he has filed WP.No.9349 of 2015 with an identical grievance though the form in which the relief claimed therein is slightly at variance with that claimed in the present Writ Petition and that the said Writ Petition was dismissed as withdrawn without any liberty. The petitioner has, however, sought to explain the circumstances under which he had to withdraw the said Writ Petition.

The fact, however, remains that having filed a Writ Petition earlier and withdrawn the same without

any liberty whatsoever to file a second Writ Petition, the petitioner cannot be permitted to file the present Writ Petition. If withdrawal of the previous Writ Petition was under a mistake of law or fact, the petitioner is entitled to seek restoration of the same by filing a review petition.

In this view of the matter, the Writ Petition is dismissed without expressing any opinion on the merits of the case and with liberty to the petitioner to seek review of Order, dated 23-07-2015, in WP.No.9349 of 2015.

As a sequel to dismissal of the Writ Petition, WPMP.No.51942 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 11th December, 2015
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