

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13191 of 2012

ORDER:

When the matter is called, it is submitted by the learned Standing Counsel for respondent No.1 and also the Advocate for respondent No.2 that this Court dismissed similar W.P.No.22248 of 2001 on 11.07.2016. It is further submitted that the said writ petition was filed in respect of the property in the same survey number. Paragraph 15 of the said order reads as under:

“Accordingly, the writ petition is dismissed. Be it noted that this writ petition is dismissed holding eventually that the writ petition is not entertainable and that in a matter of this nature, the writ jurisdiction cannot be permitted to be invoked and that this writ petition is a parallel proceeding and that the filing and continuation of the same is an abuse of process of law and that a writ of this nature involving complex questions of fact and mixed questions of fact and law is not maintainable and that the remedy provided under Article 226 of the Constitution of India is not intended to supersede the modes of obtaining relief before a civil Court or to deny defences legitimately open for such actions and that, therefore, the writ petition is liable for dismissal. Thus, it is made clear that this Court did not express any opinion on the merits of the issues raised in this lis. Since this Court did not deal with the merits of the issues raised and the veracity of the contentions related to the issues, no reference is made to the decisions cited on both the sides as it is felt that such reference is not necessary.”

Following the said order and for the reasons recorded therein, this writ petition is also dismissed. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any pending in this writ petition shall stand disposed of.

Office to annex a copy of the order in W.P.No.22248 of 2001 to this order.

A.V.SESHA SAI, J

Dt:01.11.2016.
kdl

