

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.36248 OF 2015

DATED:01-02-2016

Between:

N. Lakshmi ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Panchayat Raj and Rural Development Department
Secretariat
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Narsi Reddy

COUNSEL FOR RESPONDENT NOs.1 and 2: AGP for Panchayat Raj
(AP)

COUNSEL FOR RESPONDENT NO.3 : Mr. G. Seshadri,
Standing Counsel

THE COURT MADE THE FOLLOWING:

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ORDER:
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This writ petition is filed for a mandamus to declare the action of respondent No.3 in interfering with the construction activity of the petitioner in respect of the plot admeasuring Ac.0.03 cents in Sy. No.767-2, situated at Somandepalli Village and Mandal, Anantapur District, as illegal and arbitrary.

At the hearing, Mr. G. Seshadri, learned Standing Counsel for Panchayat Raj Institutions (AP) appearing for respondent No.3 submitted that the petitioner has filed O.S. No.20 of 2015 in the Court of the Junior Civil Judge, Penugodna, for permanent injunction against respondent No.3, in respect of the same property for which she has filed the present writ petition, and that suppressing the said fact, the petitioner filed this writ petition. Learned counsel for the petitioner has not disputed this submission. He has, however, submitted that the petitioner has not informed him of the said fact.

In my opinion, having filed the civil suit, the petitioner ought not to have filed this writ petition. Even for any reason, if she has felt the necessity of filing the writ petition, she was bound to disclose the fact of filing of the suit. Having already availed the remedy of civil suit, the petitioner filed this writ petition suppressing the material fact.

Hence, the writ petition is dismissed with costs of Rs.5,000/- (Rupees five thousand only) to be payable to the Chief Justice Relief Fund, within one month.

As a sequel to dismissal of the writ petition, W.P.M.P. No.46640 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

01-02-2016

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