

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.41360 OF 2015

ORDER

This writ petition was filed by one Maddineni Venkateswarlu and in the affidavit filed in support thereof he stated as under:

'2. I submit that I filed O.S.No.206 of 2007 on the file of the Court of the Senior Civil Judge, Khammam (for declaration of my title) over the land in an extent of Ac.2.33 guntas in Sy.No.246/E of Tirumalayapalem village and Mandal, Khammam District against the 6th and 7th (defendants 1 and 2) respondent and others seeking a declaration that I am the absolute owner of the above mentioned plaint schedule property and for permanent injunction restraining the defendants 1 and 2 therein from interfering with my peaceful possession and enjoyment of the property and for a further direction to effect correction of entries in the revenue record by deleting the names of the defendants 1 and 2 and to incorporate my name and for cancellation of pattadar pass book and title deed in favour of defendant No.1 and also to cancel deed executed by D-1 in favour of 6th respondent. The suit was contested. D-2 filed a written statement which was adopted by D-1. D-5 the Mandal Revenue Officer also filed written statement which was adopted by the remaining defendants.

3. I submit that after full-fledged trial, the suit was decreed as prayed for in my favour. ...'

Acting upon the statement made by the petitioner that an injunction decree had been granted in his favour by the competent civil Court, this Court passed interim orders on 21.12.2015 directing the police authorities concerned to provide aid for securing compliance with the said injunction decree pending further orders.

WVMP No.23 of 2016 was filed by respondents 6 and 7 to vacate the above order.

It was pointed out therein that the petitioner never instituted the subject suit in which the injunction decree was granted and that the said suit was filed by Maddineni Sravan Kumar, the son of the petitioner.

Perusal of the decree dated 31.10.2013 filed along with the writ papers evidences this aspect but for some strange reason, the petitioner willfully misled this Court by stating in his pleading that he had filed the suit and that the suit was decreed in his favour. In that view of the matter, it must be held that the petitioner approached this Court with unclean hands and is not entitled to any relief.

The writ petition is accordingly dismissed. Interim order dated 21.12.2015 passed in WPMP No.53394 of 2015 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

06th JANUARY, 2016
PGS