

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

WRIT PETITION No.2810 of 2016

-
01.02.2016

Between:

S.Yesu Chaitanya

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Gade Venkateswara Rao

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 to 4: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.3 in not stopping the alleged unauthorized and illegal construction by respondent No.4 over the land admeasuring Acs.0.24 cents in survey No.1038/2 situated at Bapatla East, Bapatla Mandal and Municipality, Guntur District, as illegal and arbitrary.

The petitioner claims to be the absolute owner and possessor of the subject land. He has traced his title to an assignment made to his grandfather under ex-servicemen quota, *vide* G.O.Ms.No.1142, dated 18.06.1954, and a Will executed by his grandmother in his favour on 22.12.2012. The petitioner further pleaded that on coming to know about an article published in a Telugu newspaper on 01.12.2015 that respondent No.2 has passed a resolution allotting the subject land to respondent No.4, he has approached respondent No.2 and other officials, that on 06.12.2015, the leaders of Kapu Sangham has laid a foundation on his land, that as respondent Nos.2 and 3 have failed to take any action to prevent respondent No.4 from proceeding with construction over his land, the petitioner has filed W.P.No.40362 of 2015 to declare the allotment of the subject land as illegal and also not to dispossess him from the subject land and that notice before admission was ordered in the said writ petition and the same has been posted to 18.01.2016. The grievance of the petitioner is that though the said writ petition is pending, respondent No.4 is proceeding with the construction, without any permission, and that respondent Nos.2 and 3 have not been preventing respondent No.4 from proceeding with the illegal construction.

In my opinion, the petitioner is indulging in multiplicity of proceedings. From his own pleadings, the grievances raised in this

writ petition are equally the subject matter of the earlier writ petition. This Court is unable to comprehend as to why the petitioner has not sought appropriate interim reliefs in the earlier writ petition, which is stated to be pending before this Court. Mr.Gade Venkateswara Rao, learned counsel for the petitioner, has submitted that respondent No.4 is not a party to the earlier writ petition. This Court cannot visualize a writ petition filed questioning the allotment of the subject land in favour of respondent No.4, without the latter being impleaded in the writ petition. In the light of the above facts, this Court is of the opinion that the petitioner has needlessly split the cause of action and instead of raising all the aspects, which are raised in this writ petition, in the earlier writ petition itself, he has filed this writ petition and therefore, this writ petition is barred by the principle underlying Order II Rule 2 C.P.C.

For the abovementioned reasons, the Writ Petition is dismissed, however, with liberty to the petitioner to pursue the pending writ petition.

As a sequel to dismissal of the writ petition, W.P.M.P.No.3524 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

01st February, 2016
GHN

