

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Rev.WPMP No.35026 of 2017
in/and
WRIT PETITION No.23100 of 2017

COMMON ORDER:

Rev.WPMP No.35026 of 2017 is filed by the petitioners-unofficial respondents seeking to review the order dated 13.07.2017 passed in W.P.No.23100 of 2017, on the ground that by suppressing the material facts, the writ petitioner filed the writ petition and obtained an order.

WP No.23100 of 2017 is filed questioning the inaction on the part of the second respondent in acting on the representation submitted by the petitioner on 20.08.2016 and 22.06.2017 wherein the petitioner sought eviction of respondents 6 to 8 from the land. This Court disposed of the said writ petition, at the stage of admission itself, dispensing with issuance of notice to the unofficial respondents directing the petitioner to make an application before the third respondent, in which event, directed the third respondent to deal with the representation to be filed by the petitioner.

The grievance of the petitioner is that earlier i.e. just ten days before filing WP No.23100 of 2017, the writ petitioner filed WP No.19083 of 2017 seeking a direction to the 4th respondent therein i.e. Tahasildar not to interfere with the peaceful possession and enjoyment of the petitioner over the very same land and the said writ petition was withdrawn by the petitioner on 30.06.2017. It is urged that the petitioner withdrew the same when the Court was about to dismiss the writ petition. Suppressing the said fact and by changing the nature of prayer,

the petitioner again filed the present writ petition i.e. W.P.No.23100 of 2017.

As seen from the material on record, two writ petitions i.e. W.P.Nos.19083 of 2017 and 23100 of 2017 came to be filed seeking two inconsistent prayers. The first writ petition i.e. WP No.19083 of 2017 was filed seeking a direction to the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the property whereas the second writ petition i.e. W.P.No.23100 of 2017 came to be filed seeking a direction to the official respondents to consider the representation made by the petitioner for eviction of the unofficial respondents from the very same land. No reasons are forthcoming from the learned counsel for the petitioner, as to why the said fact was suppressed before this Court and also for the reliefs which run contrary to each other.

Hence, this Court is of the view that the order dated 13.07.2017 is liable to be recalled. Accordingly, Rev.WPMP No.35026 of 2017 is allowed recalling the order dated 13.07.2017 passed in WP No.23100 of 2017 and consequently the writ petition is also liable to be dismissed in view of the two inconsistent reliefs sought by the same petitioner in respect of the same property.

Accordingly, the Writ Petition is dismissed.

However, having regard to the facts in issue, this Court is also of the view that it is a fit case for imposing costs on the writ petitioner. Accordingly, the writ petitioner is directed to pay costs

of Rs.2,500/- to the Andhra Pradesh State Legal Services Authority, within a period of two weeks from today.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

06.09.2017
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