

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8290 OF 2017

ORDER:

The case of the petitioner is that he filed appeal along with stay petition before the 2nd respondent against the order dated 02.06.2015 passed by the 3rd respondent wherein the 3rd respondent cancelled the pattadar pass book and title deed issued in favour of petitioner herein. As the same is not being disposed of, present writ petition is filed.

This Court on 09.03.2017 granted *Status quo* for a period of four weeks.

Now the 5th respondent filed counter and vacate petition stating that earlier the writ petitioner has filed WP.No.1282 of 2016; and that having failed to obtain interim order in the said writ petition he filed WP.No.7347 of 2016 against the CRDA and the 5th respondent herein. It is further stated that the petitioner also filed suit in OS.No.160/2015 against 5th respondent and others. All these two writ petitions and suit are filed against the same property. Though, initially, interim order was granted in WP.No.7347 of 2016 in favour of petitioner, the same was vacated after filing of vacate petition by the 5th respondent herein; and that the injunction application filed by the petitioner herein in OS.No.160 of 2015 against the 5th respondent was also dismissed. Suppressing all these facts, present writ petition has been filed. In the counter other aspects are also raised.

Admittedly, the petitioner filed the present writ petition suppressing the aforesaid facts mentioned in the counter. Though, learned counsel for the petitioner submits that the prayer in the present writ petition and the prayer in the writ petition filed earlier are different, all these writ petitions and the suit are filed in respect of same property. This goes to show that the petitioner is filing writ petition after writ petition, suppressing the facts, against the 5th respondent who is none other than his mother. There is a clear finding in the civil suit and in WP.No.7347 of 2016 that the petitioner is not in possession of the subject property.

In view of the aforesaid facts and circumstances, the jurisdiction under Article 226 of the Constitution of India being a discretionary and equitable remedy; and as the petitioner suppressed the facts, this Court feels that the petitioner is not entitled for invoking the jurisdiction of this Court by filing writ petition under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.04.2017
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