

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL NO.1833 OF 2017

AND

WRIT PETITION NO.8502 OF 2016

COMMON JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in WV.MP.No.1898 of 2016 in WP.MP.No.10769 of 2016 in WP.No.8502 of 2016 dated 13.10.2017.

Respondents 1 and 2 herein filed WP.No.8502 of 2016 seeking a mandamus to declare the action of the third appellant in threatening to dispossess the petitioners from their respective huts (House sites) by demolishing the structures of the petitioners, and depriving them of their lawful possession and enjoyment of the huts (House sites) granted under proceedings of the Revenue Divisional Officer, Chittoor dated 30.07.1992, without following due process of law, as illegal, arbitrary and in violation of Articles 14, 21 and 300A of the Constitution of India; and to consequently direct the respondents not to dispossess the petitioners by taking up demolition proceedings of the huts (House sites) in Survey no.33 of Singalagunta, Tirupathi Urban Accounts and Mandal, Chittoor District without following the due process of law.

Parties shall, hereinafter, be referred to as they are arrayed in the Writ Petition.

An interim order was passed by the learned Single Judge, in WP.MP.No.10769 of 2016 in WP.No.8502 of 2016, directing the respondents not to dispossess the petitioners from the subject land without following the due process of law. The first petitioner, along with others, had earlier filed WP.No.32087 of 2014 seeking a writ of mandamus to declare the action of the respondents, in insisting that the petitioners vacate their respective house and site properties, in Survey No.33 of Tirupathi Revenue Village, Tirupathi Urban Mandal, Chittoor District, granted in favour of the petitioners, vide proceedings dated 10.06.1992 issued by predecessors-in-office of the third respondent, as illegal, irregular, irrational and without jurisdiction.

The relief sought for by the first petitioner in WP.No.8502 of 2016 is identical to the relief sought for by her in WP.No.32087 of 2014. This Writ Petition is said to be still pending on the file of this Court, and no interim orders are said to have been passed therein. While matters stood thus, both the petitioners herein, along with several others, filed WP.No.33124 of 2015 to declare the action of the Tahsildar, Tirupathi Urban Mandal, Tirupathi, Chittoor District, in threatening to dispossess them from their respective huts (house sites) by demolishing the structures of the petitioners, and in depriving them of their lawful possession and

enjoyment of the huts (House sites) granted under the proceedings of the Revenue Divisional Officer, Tirupathi, Chittoor District dated 30.07.1992 without following due process of law, as illegal, arbitrary and in violation of Articles 14, 21 and 300A of the Constitution of India. WP.MP.No.45702 of 2015 was filed by the first petitioner herein, along with others, seeking permission of the Court to withdraw WP.No.14870 of 2015 granting them liberty to file a fresh Writ Petition with correct cause title.

By his order dated 06.11.2015, the learned Single Judge dismissed both WP.No.14870 of 2015 and WP.No.33124 of 2015 as withdrawn without granting the petitioners liberty to file a Writ Petition afresh. While WP.No.33124 of 2015, in which both the petitioners herein are parties along with others and have sought an identical relief, was dismissed as withdrawn without granting liberty to file a Writ Petition afresh, both the petitioners herein have filed the present Writ Petition (i.e. WP.No.8502 of 2016) suppressing the fact that they had filed WP.No.33124 of 2015 seeking the very same relief; and the said Writ Petition was dismissed as withdrawn without granting the petitioners liberty to file a Writ Petition afresh.

The respondents-writ petitioners have abused the process of Court by filing WP.No.8502 of 2016, suppressing the fact that they had approached this Court earlier filing WP.No.33124 of 2015, and had withdrawn the said Writ

Petition without liberty being granted to file a Writ Petition afresh. As WP.No.8502 of 2016, as filed, is an abuse of process of Court, we consider it appropriate to dismiss WP.No.8502 of 2016 on this ground alone.

WA.No.1833 of 2017 is allowed and WP.No.8502 of 2016 is dismissed. While we would have, ordinarily, imposed exemplary costs for abuse of process of Court, considering the fact that the petitioners belong to the economically deprived sections of society, there shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

4th December 2017
RRB

