

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 40822 OF 2017

ORDER:

Heard learned counsel for the petitioner and Sri G.Narender Reddy, learned Standing Counsel for the respondents 12 to 18.

Learned Standing Counsel has brought to the notice of this Court that the petitioner has filed WP No.9543 of 2017 against proceedings dated 14.03.2017 asking the petitioner to remove all the structures from the subject premises in terms of the orders passed by this Court in W.P.No.43113 of 2016 dated 09.12.2016, basing on the proceedings dated 17.08.2016 and no interim orders are granted in the said writ petition.

It is to be seen that suppressing filing of the aforesaid writ petitions, present writ petition is filed, seeking stay of demolition of the house bearing No.3-115 stating that the respondents are trying to demolish his property, without acquiring the same.

Learned counsel for the petitioner could not dispute the filing of W.P.No.9543 of 2017 and also W.P.No.43113 of 2016. It is to be bear in mind that a prerogative remedy is not a matter of course. While exercising extraordinary power under Article 226 of the Constitution of India, a Writ Court would

certainly bear in mind the conduct of the party who invokes the jurisdiction of the Court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the Court, the Court may dismiss the action on that ground alone. The said principle enunciated in the judgment of the Hon'ble Supreme Court reported in **K.D.Sharma v. Steel Authority of India Ltd.**,¹ wherein it is held as follows:

“24. The jurisdiction of the Supreme Court under [Article 32](#) and of the High Court under [Article 226](#) of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the Writ Court must come with clean hands, put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim.”

In view of above facts and circumstances, this writ petition is liable to be dismissed and accordingly, dismissed only on the ground of suppression of material facts.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A.RAJASHEKER REDDY,J

05-12-2017
kvs

¹ Civil Appeal No.4270 of 2008

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