

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

WRIT APPEAL No.752 OF 2018

JUDGMENT (ORAL) : (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by the dismissal of their writ petition with exemplary costs, some of the surviving writ petitioners have come up with the above Writ Appeal.

2. Heard Sri Akella Padma, learned counsel for the appellants. Learned Government Pleader for Revenue takes notice for official respondent Nos.1 and 2 and Sri Ganta Rama Rao, learned senior counsel appears on behalf of unofficial respondent No.3 for whom Sri Ganta Sridhar takes notice.

3. The appellants herein along with a few others filed a writ petition seeking to issue a Writ of *Mandamus* to declare the action of the official respondents in interfering with the spiritual activities allegedly being conducted by them for several decades in the *Ashram* land comprised in Survey No.44 in 503/2 to an extent of Ac.1-50 cents in D. Golla Hatti of Madakasira Mandal, Ananthapur District. After notices were ordered, a third party filed an application for impleadment and brought to the notice of the learned Judge that two (2) of the forty one (41) writ petitioners were no more on the date of institution of the writ petition and that several other persons had sworn to affidavits to the effect that the first writ petitioner got signatures in

certain affidavits under the guise of getting electricity connection and that the same had been used to file a writ petition. Shocked by this revelation, the learned Judge dismissed the writ petition with costs of Rs.20,000/-. Therefore, twenty two (22) out of forty one (41) writ petitioners have come up with the above Writ Appeal.

4. It is not disputed by the learned counsel for the appellants that as on the date on which the writ petition was instituted, two (2) persons shown as writ petitioners had already died. In respect of a few others, there was a dispute as to whether they had actually signed for the purpose of filing a writ petition or not.

5. *De hors* the dispute with regard to a few writ petitioners, the fact remains that the other writ petitioners were guilty of coming to Court and seeking relief along with two persons who were already dead. Therefore, the learned Judge was right in frowning upon such a practice on behalf of the writ petitioners and dismissed the writ petition with costs. We find no justification to interfere with the said order.

6. Hence, the Writ Appeal is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

V. RAMASUBRAMANIAN, J

August 6, 2018.
PV