

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO.4076 OF 2015

ORDER:

1. There is no representation on behalf of the petitioner.

2. The prayer sought in the Writ Petition is as under:

“....to issue an appropriate Writ, Order or direction more in the nature of a WRIT OF MANDAMUS declaring the action of the respondent No.2 rejecting the application submitted by the petitioner for return of Original title deeds and also pass such other order or orders as are deemed fit proper in the circumstances of the case. The respondent No.2 acting as arbitrary, illegal, contrary to the provisions of the Law and also violating Fundamental and Constitutional rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A. The respondent No.2 has no authority under the law to retain the documents on the Ground of general lien by taking recourse to the provisions of Section 171 of Indian Contract Act.”

3. Learned Standing Counsel appearing for respondent Nos. 1 and 2, placed on record, a Xerox copy of the orders passed in Consumer Complaint No. 06 of 2017 filed by the petitioner before the District Consumer Disputes Redressal Forum, Kadapa Y.S.R. district, seeking the very same relief sought in the present Writ Petition i.e., returning of the original title deeds. The said complaint, after hearing, was dismissed by orders dated 4.9.2017. Against dismissal of the said complaint, the petitioner filed appeal in F.A.No.349 of 2017 before the A.P. State Consumer Disputes Redressal Commission, Hyderabad, originally (at present transferred to Vijayawada) and the said appeal is pending consideration.

4. The Xerox copies of the above said order as well as the memorandum of appeal are made part of the record.

5. Having heard the learned counsel for the petitioner and having regard to the facts of the case, this Court is of the opinion that the petitioner cannot be permitted to run two parallel proceedings before this Court and the State Commission seeking the very same relief. As such, the Writ Petition as filed is not maintainable.

6. Accordingly, the Writ Petition is dismissed.

7. It is needless to observe that the dismissal of the present Writ Petition will not come in the way of the petitioner to pursue the said appeal pending before the AP State Consumer Disputes Redressal Commission, Vijayawada.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



P. KESHA VA RAO,J

Date: 23.11.2018

KPM