

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33182 of 2018

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent No.3, in issuing the impugned proceedings dated 19.05.2013 in file No.B/1038/2013 in ordering to implement ROR in favour of respondent No.5-temple by issuing pattadar passbook and title deeds in its favour in respect of the land in Sy.No.3, admeasuring Ac.7-05 gts., situated at Janumpally village, Kodair Mandal, Nagarkurnool District, without canceling the ORC and ROR proceedings of the petitioner and his pattadar passbook and title deed in respect of the said land and also without giving any notice and opportunity to him and when the statutory appeal was filed on 07.09.2017 before the 2nd respondent was pending, as illegal, unlawful and contrary to law and consequently direct the 3rd respondent to continue to record ROR of the above land only in the name of the petitioner as long as the ORC in his favour is force.

2) The petitioner by name Setti Rachaiah claims to be the owner, pattedar and possessor of the agricultural land referred to above. The nature of land was "Inam" land belonging to Krishnaiah and Veeraiah sons of Ratnaiah. The petitioner claims to have purchased the said land by way of private sale deed dated

01.05.1973. After the abolition of Inams, the land vested in the Government under Section 3 of the A.P. Abolition of Inams Act (hereinafter referred as "the Act"). But, however, he continued to be in possession of the property. While so, he made an application on 08.05.1997 to the second respondent for issuing Occupancy Right Certificate. Vide File No.I/2140/97 dated 10.09.1997, the second respondent ordered to grant Occupancy Right Certificate in favour of the petitioner on payment of premium amount of Rs.540/- and accordingly the said amount was paid. It is said that the third respondent implemented the ROR of the above land in the name of the petitioner as pattadar and possessor and issued pattadar passbook and title deed. While the matter stood thus, some of the Trust board members of 5th respondent/temple tried to interfere with the possession and enjoyment of the above land, which lead to file O.S.No.227 of 2016 seeking perpetual injunction on the file of Junior Civil Judge, Kollapur. During the course of the enquiry, the committee members of the temple filed their counter and produced the copy of the impugned proceedings, wherein the third respondent ordering to issue pattadar passbook and title deeds in respect of the above land in favour of the 5th respondent/temple. According to him, no notice was issued to the petitioner though the application dated 30.05.2017 was referred to in the impugned proceedings. It is said that the petitioner filed an appeal before the 2nd respondent

on 07.09.2017 along with the stay petition, but till date no orders have been passed. The record further discloses that the petitioner also filed W.P.No.23156 of 2017 before this Court, which was disposed of directing the petitioner to prefer an appeal and also application for proper interim relief before the Appellate Authority. Having regard to the above, the present writ petition came to be filed questioning the action of the 3rd respondent in issuing the impugned proceedings in File No.B/1038/2013 dated 19.05.2013.

3) At first blush, the argument of the counsel appeared to be appealed, but a perusal of the record would show that questioning the very same proceedings dated 19.05.2013 in File No.B/1038/2013, the petitioner already filed W.P.No.23156 of 2017 before the Court. The very same plea which is now taken viz., that "these proceedings though issued in the month of May 2017 are back dated to 19.05.2013," was also taken therein. The petitioner therein and the petitioner herein are one and the same and the land in dispute is also one and the same. This Honb'le Court disposed of the said Writ Petition directing the petitioner to workout his remedies by filing an appeal and also an application for proper interim relief before the appellate authority. Strangely the present Writ Petition is filed for the very same relief which he has earlier sought for. Though the learned counsel for the petitioner tried to contend that he has not suppressed any material, but fact remains

that having filed a Writ petition earlier for the very same relief questioning the very same proceedings, it is strange as to how he can file another Writ Petition questioning the very same proceedings with the same prayer, by the same petitioner and for the very same land. This Court is of the view that matters of this nature should be viewed seriously and if entertained would lead to inconsistency in the orders passed. Further, practice of this nature requires to be deprecated. It may be true that the petitioner has not suppressed any fact, but no explanation is forthcoming as to why and under what circumstances another Writ Petition came to be filed for the same relief.

4) Hence, the Writ Petition is dismissed by imposing costs of Rs.10,000/- (Rupees ten thousand only) on the petitioner. The petitioner is directed to deposit the said costs of Rs.10,000/- in the account of Chief Justice Relief Fund. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

C. PRAVEEN KUMAR, J

Date: 19.09.2018
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