

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.964 of 2017

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

Heard Sri M.Adam, learned counsel for the appellants, the learned Government Pleader for Revenue (TG) and Sri Mahadev Anyarambhatla, learned counsel for respondent No.4 and, with their consent, this Writ Appeal is disposed of at the stage of admission. This appeal, under Clause 15 of the Letters Patent, is preferred by the widow and minor son of Sri Shabbir Ali aggrieved by the order passed by the Learned Single Judge in W.P.No.11225 of 2006 dated 13.03.2017.

Sri Shabbir Ali, along with his brother, filed W.P.No.9530 of 2005 seeking a writ of certiorari to quash the order of the Joint Collector, Mahaboobnagar dated 13.07.2004. During the pendency of the said writ petition, Sri Shabbir Ali filed W.P.No.11225 of 2006 questioning the very same order of the Joint Collector dated 13.07.2014 (erroneously shown as 13.07.2005 instead of 13.07.2004). The fact that he had earlier filed W.P.No.9530 of 2005 was suppressed by Sri Shabbir Ali in the affidavit filed in support of W.P.No.11225 of 2006. Both Sri Shabbir Ali and his brother Shafuddin died during the pendency of these writ petitions, and W.P.No.9530 of 205 was dismissed as abated by order dated 20.02.2017. On the very same day i.e 20.02.2017 Ms.Ghousia Begum and Md.Abdul Rahman (widow and minor son of Shabbir Ali) were brought on record as the legal representatives of the deceased-1st appellant-writ petitioner by

order in W.P.M.P.No.2787 of 2017 in W.P.No.11225 of 2006 dated 20.02.2017.

In the order under appeal, the Learned Single Judge held that the appellant-writ petitioners were disentitled for grant of relief solely on the ground of suppression of material facts and for having filed successive writ petition, through different counsel on different dates, for the very same relief.

While the writ petition was rightly dismissed for suppression of facts by Sri Shabbir Ali, his widow and minor child, who came on record only on 20.02.2017 pursuant to the order of this Court in WPMP.No.2787 of 2017 dated 20.02.2017 cannot be made to suffer for his sins.

While we see no reason to interfere with the order under appeal, suffice it to make it clear that this order shall not disable appellants 2 and 3 herein (i.e the widow and minor son of Sri Shabbir Ali), from availing their legal remedies, including to challenge the earlier order of the Joint Collector dated 13.07.2004.

The Writ Appeal is disposed of, accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

12th April, 2018
JSU

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
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Date: 12.04.2018

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