

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.M.P.No.4587 of 2017 in W.P.No.35383 of 2017

and

W.P.No.35383 of 2017

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue appearing for the respondent Nos.1 to 5 and Sri A.Venkateswara Rao, learned counsel for 6th respondent.

2. The Writ petitioner question in this Writ Petition the Memo Rc.No.B/13/2015 dt.25-05-2016 issued by the 5th respondent rejecting petitioner's application for regularization under G.O.Ms.No.59 dt.30-12-2014 for regularization of extent 401 sq. yds in Sy.No.334 of Kakarlapalli village of Sattupalli Mandal, Khammam District.

3. The petitioner claims to be in possession of small extent of house site plot of extent Ac.0.02 gts in Sy.No.334/1/40 and 334/1/51 of the said village. Petitioner submitted an application to regularize the said plot as per the above G.O. The said request of the petitioner was rejected on 25-05-2016 on the ground that litigation is pending in the High Court as well as Revenue Divisional Office, Khammam.

4. Petitioner contends that he had submitted the application on 27-12-2016 to the 2nd respondent to regularize the structure in his occupation, that no orders are passed thereon and in the meantime, respondent Nos.1 to 5 are trying to dispossess him from the said premises.

5. On 24-10-2017, in W.P.M.P.No.43961 of 2017 in W.P.No.35383 of 2017, this Court directed respondent Nos.1 to 5 not to evict the petitioner from the premises claimed by petitioner to be in his possession till his representation dt.27-12-2016 is disposed of by 2nd respondent, if petitioner is in possession of the said property.

6. W.V.M.P.No.4587 of 2017 is filed by 6th respondent to vacate the said order.

7. The 6th respondent contends that she is in possession of the said property, that she along with her sister filed O.S.No.38 of 2003 before the Junior Civil Judge, Sathupalli for the relief of permanent injunction and that the said Court had granted on 04-09-2013 judgment in her favour. She further contends that she and her sister filed Execution Petition and the said Court directed the Bailiff to remove the structures over the subject property and put her back in possession of the same, and that this order was executed. She contended that in spite of the said order of permanent injunction obtained by her, the Writ petitioner is interfering with her possession and enjoyment of the property. She also relied on order dt.20-09-2016 in W.P.M.P.No.38622 of 2016 in W.P.No.31213 of 2016 wherein she was granted police aid by this Court for execution of the decree obtained by her in the Civil Court referred to above.

8. She contended that these facts were suppressed by the Writ petitioner to secure the interim order dt.24-10-2017.

9. From the facts narrated above, it is clear that 6th respondent had obtained a decree for injunction against the Writ petitioner in O.S.No.38 of 2003 and also obtained an order on 11-10-2004 in E.A.No.114 of 2004 in E.P.No.58 of 2004 for removal of the structures erected by Writ petitioner and others, and she has also obtained an order of police aid in W.P.No.31213 of 2016 from this Court. However, these facts have been suppressed by the Writ petitioner for filing the Writ Petition.

10. This conduct of the petitioner to suppress the facts cannot be countenanced. It is therefore clear that the petitioner has approached this Court with unclean hands.

11. I therefore see no reason to continue the interim order granted to the petitioner on 24-10-2017 in W.P.M.P.No.43961 of 2017 in W.P.No.35383 of 2017. Accordingly, the stay order is vacated and W.V.M.P.No.4587 of 2017 is allowed.

12. Consequently, W.P.No.35383 of 2017 is dismissed with costs of Rs.2,000/- (Rupees Two Thousand only) to be paid by the petitioner to 6th respondent.

13. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-01-2018

vsv