

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 24554 OF 2019**

Shree Abhishek Arun Survase, minor through Guardian Arun Dattatray Survase & Ors	...Petitioners
<i>Versus</i>	
State of Maharashtra through Social Justice & Special Assistance Department & Anr	...Respondents

Mr VS Deokar, *for the Petitioners.*
Mrs AA Purav, *AGP, for the Respondents-State.*

**CORAM: S. C. Dharmadhikari &
G. S. Patel, JJ.**
DATED: 29th August 2019

PC:-

1. This writ petition is filed by the very Petitioners who approached this Court earlier for identical reliefs. That previous Petition was unconditionally withdrawn. In the previous petition which was withdrawn without liberty, as in this one, there is an identical relief sought for a declaration of caste status.

2. Once the petitioners withdrew without reservation or liberty an earlier petition for a declaratory relief (irrespective of the actual wording of the prayers) then we do not see how or even why we should permit the petitioners to continually file and re-file petitions

over and over again for the same relief. Principles analogous to Section 11 Expl. VII of the Code of Civil Procedure, 1908 must be borne in mind. If a subsequent suit would not lie, we fail to see how any litigant can overcome the underlying principle simply by resorting to the form of a Writ Petition and invoking Article 226 of the Constitution of India.

3. The writ petition is dismissed. No costs.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)