

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4176 OF 2019

ORDER:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of mandamus to declare the action of the respondent Nos.2 to 5 in threatening to dispossess the petitioner herein from his lawful possession in respect of agricultural land in survey No 249/1 admeasuring Ac.4-00 guntas situated at Mandamarri Mandal Mancherla District without issuing any notice and without following the procedure contemplated under the Law as being illegal arbitrary violative of Article 21 and 300A of the Constitution of India and consequently direct the respondent Nos.2 to 5 herein not to dispossess or in any manner interfere with the possession and enjoyment of the petitioner herein in respect of the above said land and to grant such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

2 The learned Assistant Government Pleader for Home, appearing for the 5<sup>th</sup> respondent, brought it to the notice of this Court that the petitioner earlier filed Writ Petition No.3937 of 2019 before this Court against the 5<sup>th</sup> respondent and others with the following prayer:

“To issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondents in calling the petitioner to the police station and threatening to settle the land dispute and thereby causing his interference in the civil disputes as being illegal arbitrary unconstitutional and violative of Article 21 of the Constitution of India and consequently direct the 2nd respondent herein to take against the 3rd against the 3rd respondent herein for causing his interference in the civil disputes and to grant such other reliefs.”

3 The learned Assistant Government Pleader would further state that as no interim order was passed in the said Writ Petition, the petitioner resorted to filing of the present Writ Petition, without disclosing the fact that he had earlier filed Writ Petition No.3937 of 2019. Perusal of the affidavit filed in support of the present Writ Petition bears out this fact.

4 In terms of the law laid down in *K.D.SHARMA V/s. STEEL AUTHORITY OF INDIA*<sup>1</sup>, such suppression by the petitioner would amount to a clear abuse of process. The observations of the Supreme Court in this regard are extracted hereunder:

“38. The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of

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<sup>1</sup> (2008) 12 SCC 481

this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play "hide and seek" or to "pick and choose" the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because "the court knows law but not facts".

5 As the petitioner has approached this Court with unclean hands, he is not entitled to seek any relief. On this short ground, this Writ Petition is dismissed.

6 Pending Miscellaneous Petitions, if any, shall also stand dismissed.  
No order as to costs.

28<sup>th</sup> February, 2019  
Kvsn

JUSTICE SANJAY KUMAR

