

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10756 OF 2019

ORDER:

The prayer of the petitioner in this case reads as under.

“...to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring the inaction of the respondent No.3 in collecting the deficit stamp duty amount to Rs.18,69,325/- (Rupees eighteen lakh sixty nine thousand three hundred and twenty five only) + Rs.75,900/- (Rupees seventy five thousand nine hundred only) along with penalty from respondents 6 to 9 in respect of documents in document Nos.643 to 646 of 2019 and document No.1117 of 2019 all registered at the office of Sub-Registrar, Tandur in respect of Survey Nos.57, 58 and 61 of Tandur Village and Mandal, Vikarabad District, as illegal, arbitrary and contrary to law and unconstitutional thereby consequently direct the respondent Nos.2 and 3 to collect the deficit stamp duty of Rs. 18,69,325/- (Rupees eighteen lakh sixty nine thousand three hundred and twenty five only) + Rs.75,900/- (Rupees seventy five thousand nine hundred only) along with penalty from respondents 6 to 9 in respect of documents in document Nos.643 to 646 of 2019 and document No.1117 of 2019 all registered at the office of Sub-Registrar, Tandur from respondent Nos.6 to 9 respectively and respondent Nos.2 and 3 may also be directed to initiate criminal prosecution under the Registration Act, 1908 against respondent Nos.6 and 9 for giving false statement before the third respondent thereby causing wrongful loss to State Exchequer and pass any other such other order or orders as deemed fit and proper under the circumstances of the case in the interest of justice. It is further prayed that this Hon'ble Court may be pleased to direct the respondent Nos.4 and 5 to restrain the respondent Nos.6 and 7 from carrying out any activity on the unapproved layout in the land admeasuring Acs.8.17 Gts in Survey Nos.57, 58 and 61 of Tandur Village and Mandal, Vikarabad District, without obtaining approved layout from the respondent Nos.4 and 5 and may pass any other order or orders as deemed fit and proper under the circumstances of the case in the interest of justice .”

A bare perusal of the aforestated prayer reflects that the petitioner is acting in public interest insofar as his prayers, i.e., initiation of criminal proceedings for making a false statement and for causing wrongful loss to the State Exchequer apart from collection of deficit stamp duty, are concerned.

Though Sri Syed Yasar Mamoon, learned counsel for the petitioner, would contend that the petitioner owns a piece of land adjacent to the subject land where an unapproved layout is sought to be given effect to and therefore, he has a personal interest in the matter, this Court is of the opinion that clubbing of multiple prayers whereby, out of the three prayers, two prayers relate to public interest, cannot be adjudicated in a Writ Petition simplicitor. All the more so, when this Court has prescribed separate rules for filing of Writ Petitions in public interest litigation.

The Writ Petition is accordingly dismissed on this short ground leaving it open to the petitioner to file an independent Writ Petition in public interest insofar as his prayers in public interest are concerned and a separate Writ Petition insofar as his personal grievance is concerned. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

(SANJAY KUMAR, J)

4th June 2019
RRB