

HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 37851 OF 2022

ORDER :

The grievance of petitioners is that Respondents 3 to 6 are interfering with their possession over the land in an extent of 2,432 square yards in Survey No. 57/Part in T.S.No. 41, Block 'B', Ward 166, Amberpet Revenue Village, Hyderabad, which, according to them, is their patta land. They state that if TSCPDCL requires the said land, they have to follow the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. This Court while entertaining Writ Petition, *vide* order dated 28.09.2022 directed that *status quo* obtaining as on that day should be maintained.

3. Seeking to vacate the said order, the Assistant Divisional Engineer, TSSPDCL filed vacate stay petition. In the counter affidavit filed along with the said Application, it is stated that on repeated complaints of locals of Amberpet area, in order to augment the supply of electricity, at the request made by TSSPDCL to the District Collector, Hyderabad to provide land

for construction of 33/11 KV sub-station in Amberpet, the latter allotted land admeasuring 300 square yards in the subject area *vide* proceedings dated 27.06.2013. The Deputy Tahsildar, Amberpet in compliance with the proceedings of the District Collector handed over the subject land to TSSPDCL under the cover of panchnama dated 30.07.2013.

It is stated that stating that there is a dispute of title and possession in respect of the subject land, hence, petitioners filed O.S.No. 1024 of 2007 on the file of the VII Senior Civil Judge, CCC, Hyderabad against the Government of Andhra Pradesh and Hindu Grave Yard Committee in 2007. After dragging the mater for about 11 years, they filed an Application to withdraw the suit and the said suit was accordingly, withdrawn with liberty to file fresh suit.

It is also stated that when the Corporation came to know that the suit was dismissed on 24.09.2018, the officers of the 2nd respondent got the compound wall constructed around the subject land. Necessary sanctions are requested from the 2nd respondent to start work of construction. The contention of petitioners that they are in possession of the subject land and that there is a dilapidated house are false and baseless. It is their case that in view of the order of status quo, they are

unable to proceed with the construction , as a result, the inhabitants of the area are made to suffer.

4. Heard Sri Rapolu Bhaskar, learned counsel for petitioner and Sri R. Vinod Reddy, learned Standing Counsel for TSSPDCL.

5. This is a clear case of suppression of facts. In the entire affidavit, there is no whisper that petitioner filed suit and it was withdrawn after 11 years. It is well-settled that the jurisdiction exercised by the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary and it is imperative that petitioner approaching the writ court must come with clean hands and put-forward all facts before the Court without concealing or suppressing anything. A litigant is bound to state all facts which are relevant to the litigation. This is because 'the Court knows law but not facts'. If he withholds some vital or relevant material in order to gain advantage over the otherside, then he would be guilty of playing fraud with the court as well as with the opposite parties which cannot be countenanced.

6. In order to check multiplicity of proceedings pertaining to the same subject matter and more importantly to stop the menace of soliciting inconsistent orders through

judicial forums by suppressing material facts either by remaining silent or by making misleading statements in the pleadings in order to escape the liability of making a false statement, this Court is of the view that parties have to disclose the details of all legal proceedings and litigations either past or present concerning any part of the subject matter of dispute which is within their knowledge. In case, according to the parties to the dispute, no legal proceeding or court litigation was or is pending, they have to mandatorily state so in their pleadings in order to resolve the dispute between the parties in accordance with law. **(see *Shri K. Jayaram v. Bangalore Development Authority* (2021) 9 SCR 359).**

7. In the instant case, since petitioner has not disclosed filing of suit and its withdrawal, this Court directed to maintain *status quo*, hence, they have to be non-suited on the ground of suppression of material facts. They have not only approached this Court with unclean hands but also abused the process of law which disentitles them to seek extraordinary, equitable and discretionary relief. This Court therefore, is of the view that Writ Petition is liable to be dismissed with exemplary costs.

8. The Writ Petition is accordingly, dismissed with costs of Rs.1,00,000/- (Rupees one lac only) to be payable to the credit of the High Court Legal Services Committee, within a period of two weeks from today.

9. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

28th December 2023

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