

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No.: W.P.Nos.23890 & 20381 of 2023

PROCEEDING SHEET

S. No	DATE	ORDER	
8 .	21.03.2024	<u>RC, J</u> <u>I.A.No.2 of 2023</u> <u>in</u> <u>W.P No.23890 OF 2023</u> This is a petition filed under Section 151 CPC to vacate the orders of <i>status quo</i> granted by this Court on 15.09.2023 in I.A.No.1 of 2023 in Writ Petition No.23890 of 2023. Heard Sri Posani Venkateswarlu, learned senior counsel for the unofficial respondents (petitioners in Writ Petition No.20381 of 2023) and Sri O.Manohar Reddy, learned senior counsel for the petitioner (6th respondent in Writ Petition No.20381 of 2023). Sri Posani Venkateswarlu, learned senior counsel appearing for the unofficial respondents (petitioners in Writ Petition No.20381 of 2023) contended that the petitioner has suppressed several facts particularly selling away the subject property to some third parties. Some of the purchasers of the subject property have filed suits <i>vide</i> O.S.Nos.455, 452, 493, 496 and 582 of 2016 on the file of the Court of I Additional Junior Civil Judge, Kakinada against the unofficial respondents herein and other assignees	

		seeking permanent injunction and in the said suits interlocutory applications for temporary injunctions were also filed. The said interlocutory applications were dismissed on 23.09.2016. Aggrieved by the same, the said purchasers filed Civil Miscellaneous Appeal Nos.8, 9, 10, 11 & 12 of 2017 before the VI Additional District Judge, Kakinada and the same were dismissed on 10.01.2024. The petitioner is guilty of suppression of the factum of selling away the property to third parties and in fact he has no right and title over the subject property. He further contended that, when the purchasers along with police officials tried to dispossess the unofficial respondents and other assignees from the subject land, the unofficial respondents and other assignees filed Writ Petition No.14616 of 2023 before this Court and this Court granted interim order dated 21.06.2023 directing the police not to dispossess the unofficial respondents who were in possession of the subject property. Further when the Mandal Executive Magistrate (Tahsildar), Kakinada rural has passed order under Section 145 of Cr.P.C on 26.06.2023 ordering both the parties not to enter into the subject land until further orders and aggrieved by the same, the unofficial respondents and other assignees preferred CrI.P.No.4387 of 2023 and this Court <i>vide</i> order dated 26.06.2023 stayed the proceedings issued by the Tahsildar.	
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		He further submitted that by suppressing all the above facts, the petitioner filed the present Writ Petition and obtained <i>Status Quo</i>. As such prayed to vacate the interim order dated 15.09.2023 granted in I.A.No.1 of 2023 in Writ Petition No.23890 of 2023. On the other hand, Sri O.Manohar Reddy, learned counsel for the petitioner (6th respondent in Writ Petition No.20381 of 2023) contended that, the predecessors in title of the petitioner filed a suit <i>vide</i> O.S.No.228 of 1984 on the file of the Court of II Additional Subordinate Judge, Kakinada and in the said suit, the revenue authorities have also been impleaded as party respondents and the said suit was decreed in their favour. He further contended that originally the paternal grandmother of the petitioner purchased the land to an extent of Ac.0.45 cents in the year 1966 and again in the year 1969, she purchased the land to an extent of Ac.0.70 cents in survey No.90 of Ganganapalli village, Kakinada Rural, Kakinada District, which is classified as 'Gramakantam.' The unofficial respondents filed Writ Petition No.5971 of 2016 against the revenue authorities claiming that they were granted pattas in the year 1983 by the Government. In the said Writ Petition, the unofficial respondents have not impleaded the petitioner herein as party respondent and obtained interim orders. On coming to know about the pendency of said Writ Petition, the petitioner has filed implead petition and	
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		the same is ordered. He further submitted that the petitioner lodged a complaint against the unofficial respondents on 14.07.2023, upon which the police officials had come to the subject property to investigate into the matters. Thereupon, the unofficial respondents and others approached this Court by way of Writ Petition No.14616 of 2023 contending that the police officials are interfering with their possession and this Court granted interim order directing the police officials not to interfere with the possession of the unofficial respondents over the subject property. He further submitted that the petitioner and the unofficial respondents had submitted their respective representations in Spandana to the District Collector on 26.07.2023 and the District collector, after hearing both sides issued proceedings dated 07.08.2023 directing both the parties not to make any constructions in the subject property. Aggrieved thereby, the unofficial respondents approached this Court by way of Writ Petition No.20381 of 2023 and this Court granted interim stay of the proceedings of the District Collector. The unofficial respondents cannot claim any right over the subject property. He further submitted that, he filed additional affidavit admitting that the petitioner along with two others has sold the subject land to third parties way back in the year 2015 and 2016 keeping Ac.0.17 cents in survey No.90 out of Ac.1.15 cents. As such,	
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		prayed to dismiss the said application Perused the record. On 15.09.2023, this Court, after hearing both sides, has granted order of <i>status quo</i> in respect of the subject property in both the Writ Petitions. Having sold part of the subject property way back in 2015 and 2016, the petitioner filed Writ Petition on 12.09.2023 as if he was the owner of the subject property. On 12.03.2024, the petitioner filed additional affidavit bringing the factum of selling the subject property to the third parties to the notice of this Court. The said facts were suppressed by the petitioner at the time of granting <i>status quo</i> orders dated 15.09.2023 by this Court. In view of the same, this Court is not inclined to continue the order of <i>status quo</i>, as it leads to multifarious litigation. Accordingly, <i>status quo</i> granted earlier on 15.09.2023 shall stand vacated with regard to the Writ Petition No.23890 of 2024 only. _____ RC, J <u>W.P.Nos.23890 & 20381 of 2023</u> For counters of official respondents, post on 04.04.2024 in the Motion List. _____ RC, J MP	
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