

Mohankumar. Vs. the Special Deputy Commissioner, and ors.

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Court : Karnataka

Decided On : Feb-23-2011

Judge : D V Shylendra Kumar, J.

Appeal No. : Misc.W. 8355 of 2009 In Writ Petition No. 4539-40 of 2009 (SC-ST)

Appellant : Mohankumar.

Respondent : The Special Deputy Commissioner, and ors.

Advocate for Def. : Sri R Omkumar; Sri Lokesh; Mohamed Nasiruddin, Advs.

Advocate for Pet/Ap. : Sri T S Amar Kumar, Adv.

Judgement :

1. Proceedings in the high court in exercise of judicial review of administrative action under Articles 226/227 of the Constitution of India are not proceedings in the nature of an adversary litigation nor one to determine rights and entitlements of parties to petition, but only for review of action taken by the administrative/statutory authorities.

2. All and sundry, any and even,' person who thinks he/she also has some interest in the proceedings cannot jump into high court seeking for impleadment as either co-petitioner or as a respondent on one pretext or other and such is the nature of the present application filed by as many as 14 persons and represented by their general power of attorney holder one Krishnappa s/o late Muniyappa, aged about 39 years. r/at Nagadevanahaili village, Kengeri hobli. Gnanabharathi post,

Bangalore south taluk. Bangalore - 560 056 seeking for impleadment in the present, writ, petitions figuring as the \5IU applicant as respondents, supported by an affidavit sworn to by the PA holder, pleading that the deponent is conversant with the facts of the case leading to the above writ petitions and the applicants have sought to come on record contending that some of the respondents have colluded together and on the premise that the applicants are absolute owners of the land to an extent of 2 acres of agricultural land in Block No 5, Old SI No 26, new SI No 106 of Nagadevanahalli village, Kengeri hobli. Bangalore south taluk and like extnt in Block No 6, being the land which had been granted in favour of one Muniswamy, evidenced by saquvali chit dated 28-5-1962 and claim to have utmost interest in the subject, land and therefore want to come on record etc.

3. Applicants have not shown any relevance or manner of right they claim or assert in the subject granted land in favour of Venkatappo and Pedda Bovi. The applicants are nothing short of meddlesome interlopers and busybodies and therefore the application, which is, without any rhyme or reason and a frivolous one only deserves to be dismissed with commensurate costs.

4. Even after hearing Sri Lokesh, learned counsel for the applicants, it is very obvious that the applicants acting through their power of attorney holder are persons who are either set up by one or other persons for their own purposes or persons who are fishing in troubled waters;

5. This application is vehemently opposed by the petitioner as well as respondents. Objections to the application are filed by petitioner as well as respondents 3 and 4 and respondents 11(a) to 11(d).

6. In any view of the matter, such applications only deserves to be dismissed with deterrent exemplary costs in order to make it clear to such persons who file such application casually and without bona fides in the high court and waste the precious time of the court, that they will have to be prepared for appropriate dessert! Therefore the request of the learned counsel for the applicants to dismiss the application as not pressed is rejected, but the application is dismissed on merits. levying exemplary cost of Rs25,000/- (Rupees twenty-five thousand only), on the applicants and awarded in favour of the State, but to be remitted to the

accounts of the High Court Legal Services Committee. Bangalore, which amount can be utilized by High Court Legal Services Committee to provide legal aid to deserving litigants who cannot afford the cost of litigation before the High Court.

7. The cost is to be deposited as such within four weeks from today, failing which, the registry is directed to issue a certificate in favour of the High Court Legal Services Committee. Bangalore, against Sri Krishnappa s/o late Muniyappa. aged about 39 years, r/at Nagadevanahalli village, Kengeri hobli. Gnanabharathi post, Bangalore south taluk, Bangalore - 560 056. PA holder of applicants in the present application, for recovery of the cost, as though it is a decree passed by a civil court.

8. List the main petitions on 24-2-2011 for passing orders on other applications and for dictating orders on the main writ petitions, as submissions of all counsel are

complete.

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