

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.39268 of 2015

Dated 03.12.2015

Between:

Mohd.Ismail Kauser

... Petitioner

and

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Telangana Wakf Board

Hyderabad, rep. by its

Chief Executive Officer and 2 others

...Respondents

Counsel for the petitioner: Mr.Srinivas Polavarapu

The Court made the following:

Order:

Feeling aggrieved by the purported inaction of respondent Nos.1 and 2 against respondent No.3 in respect of the unauthorised constructions made by him, the petitioner filed this Writ Petition.

I have heard Mr.Srinivas Polavarapu, learned Counsel for the

petitioner, and perused the record.

In Paragraph 4 of the affidavit, the petitioner *inter alia* averred as under:

“While things stood thus, basing on the complaint made by one Sri Ahmed Moinuddin @ Shahibuddin on 20-09-2014 against the 3rd respondent herein the GHMC issued a Notice dated 22-09-2014 to the 3rd respondent proposing to demolish the unauthroized structures on road margin along with the Compound wall of Grave Yard Land. Questioning the said Notice issued by the G.H.M.C., the 3rd respondent herein filed a W.P.No.28944/2014 and obtained Status-quo Orders on 01-10-2014 without impleading the Petitioner herein who is an interested party. The authorities has not filed any Counter in the said Writ Petition and they are hand in glow with the 3rd respondent thereby directly or indirectly not initiating any action against the 3rd respondent herein. The Petitioner herein is taking steps to Implead himself in the above Writ Petition.”

From the above reproduced averments, it is evident that on the action initiated by respondent No.1 for removal of the unauthorised constructions, respondent No.3 has availed the legal remedy by filing WP.No.28944 of 2014 and that the petitioner is taking steps to implead himself in the said Writ Petition.

In my opinion, when the issue raised in this Writ Petition is already *sub judice* in another Writ Petition, it is not permissible for the petitioner to institute this Writ Petition touching the same subject matter. If the petitioner is so interested, he can pursue the said Writ Petition and in the event of its dismissal, he can approach respondent No.1 for resuming the action already initiated by it.

Subject to the above observation, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.50628 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd December, 2015

LUR