

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37297 of 2015

Date:17.11.2015

Between:

Noorjahan Begum @ Noorjahan

Begum, W/o Late S.Ahmed Basha @ Pyuru Saheb

..... Petitioner

And:

The State of A.P., repled., by its

Principal Secretary, Minority Welfare

Department, Hyderabad and four others.

.....Respondents

Counsel for the Petitioner: Mr. Bhaskar Gandham

Counsel for Respondent No.1: GP for Municipal Administration (AP)

Counsel for Respondent No.3:AGP for Municipal Administration (AP)

The Court made the following:

ORDER:

The petitioner, who appears to be a chronic litigant, has been repeatedly approaching the Courts by filing several cases. She was unsuccessful in the suit filed by her claiming rights over the subject property and the appeal filed by her against the said judgment is pending before this Court. Later, she has filed Writ Petition No.38298 of 2013 questioning the purported illegal construction being undertaken by respondent No.5. Even the said Writ Petition is also pending.

In the present Writ Petition, the petitioner while once again raising the plea of the alleged illegal construction being undertaken by respondent No.5, has also raised an additional ground that as per proceedings, vide F.No.M7/NoC/CTR/2013/ Z-IV, dated 07.3.2013, of the Chief Executive Officer, Andhra Pradesh State Wakf Board, respondent No.5 shall complete the construction within one year and that though the said period has expired on 07.3.2014, it is still continuing the construction.

In my opinion, the petitioner is indulging in needless litigation. The substantive case instituted by her claiming rights over the property in question is pending before this Court in A.S.No.653 of 2005. Thus, her rights over the subject property have not been so far crystallised. Even if respondent No.5 has failed to complete the construction within one year, the petitioner should have raised the said ground in the pending Writ Petition itself by seeking amendment of the pleadings therein. Instead of doing so, the petitioner has embarked upon another needless and avoidable piece of litigation by filing this Writ Petition.

For the above-mentioned reasons, I do not find any reason to entertain this vexatious Writ Petition. If the petitioner is truly aggrieved by the action of respondent No.5 in not completing the construction within one year, she shall be free to raise this ground in the pending Writ Petition.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.48002 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

17th November, 2015

DR