

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.31955 of 2014
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ORDER:

The petitioner states that himself and his sister are the successors to the property bearing H.No.2-5-475 situated at Choti Masjid Subedari, Warangal, admeasuring 1330 square yards. They filed O.S. No.139/2009 on the file of Wakf Tribunal, Hyderabad, for declaration and recovery of possession against the second respondent, and the said suit is pending. In the said suit, the Wakf Board was made a party as first defendant. When the said suit is pending, the second respondent filed W.P.No.2150/2014 alleging that the Wakf Board was not considering his application for grant of permission for reconstruction of house, and this Court disposed of the said writ petition on 29.01.2014 directing the Wakf Board to take appropriate action in accordance with law. Pursuant to the said direction, when an order was passed by the Wakf Board on 19.09.2014 according permission for reconstruction of house bearing No.2-5-475, the present writ petition is filed challenging the said order.

Learned counsel for the petitioner submits that there is a dispute with regard to title between the petitioner and second respondent, and in view of the same, the first respondent ought not to have granted permission for reconstruction of house.

On the other hand, the learned Standing Counsel appearing for the first respondent submits that in view of the order passed by this Court in W.P. No.2150/2014 dated 29.01.2014, they have considered the request of second respondent for reconstruction of house and granted permission.

Learned counsel for the petitioner submits that the suit in O.S.No.139/2009 is pending on the file of the Wakf Tribunal.

Grant of permission for reconstruction of house in favour of the second respondent does not come in the way of the petitioner pursuing the said suit, which is filed for declaration of title and recovery of possession. The petitioner cannot challenge the grant of permission by the first respondent in favour of second respondent, but can take appropriate relief in the pending O.S. No.139/2009. In view of the same, this writ petition is not maintainable.

Accordingly, this Writ Petition is dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

29.10.2015

MVA

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