

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 39663 OF 2016

Between:

Mohd Jafar @ Zafar, S/o Late Mohd Hasan Miya

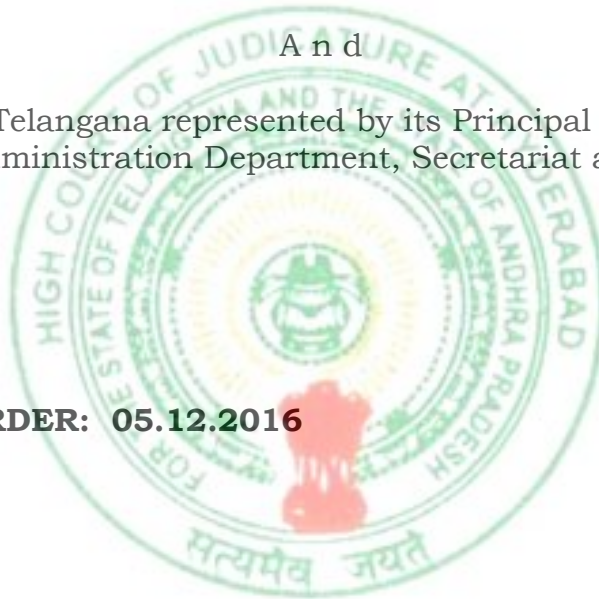
....Petitioner

A n d

The State of Telangana represented by its Principal Secretary,
Municipal Administration Department, Secretariat and 32 others

....Respondents

DATE OF ORDER: 05.12.2016



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO. 39663 OF 2016****ORDER:**

This Writ Petition is filed praying to grant the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to pass an order or direction more particularly in the nature of Writ of Mandamus; declaring the action of respondents 2 to 6 in not considering the representation dated 20.6.2016 of the petitioner to initiate immediate statutory legal action on illegal layout, laying roads, residential plots, developmental, construction activities, without conversion of agricultural land into residential plots in respect of land Acre 10-12 Guntas, in Sy.No. 1/1, situated at Hashmathpet, Balangar Mandal, Ranga Reddy District, without permission and absolute right in violation of the interim status quo orders in O.S.No. 536/2016 and in violation of provisions of the HMDA Act 2008, and GHMC Act 1955 is illegal, arbitrary and violation of fundamental rights and consequently direct the respondent Nos. 2 to 6 to consider and dispose the representation dt. 20-06-2016 by removing all the developments and constructions if any with immediate effect and pass such other order or orders as deemed fit and proper in the circumstances of the case, in the interest of justice.”

When this Writ Petition is taken up for disposal, learned Standing Counsel representing the respondents stated that the petitioner earlier filed Writ Petition No. 23943 of 2016 praying to grant substantially same relief as sought in the present Writ Petition. In fact, petitioner has also filed a petition to implead some of the private respondents. Having withdrawn that Writ Petition, the petitioner filed the present Writ Petition.

Learned Standing Counsel further submits that no layout was approved but it appears roads formed and no other construction activity was noticed by the respondent.

In the earlier petition also, the petitioner sought for disposal of his representation dated 20.6.2016. In the present Writ Petition also, the petitioner sought similar relief. In addition to what was prayed in the earlier Writ Petition, he added certain other consequential reliefs in continuation to the prayer sought in earlier Writ Petition. Petitioner can not file a fresh Writ Petition substantially on the same ground with similar prayer sought in the earlier petition.

Further as seen from the affidavit filed in support of the Writ Petition, it appears a suit is pending with regard to inter-parte dispute on the subject property. According to the learned counsel appearing for the petitioner, injunction was already granted in his favour. If that is so, the petitioner has to work out his remedies there under. Seeking enforcement of the order of injunction granted in the Suit, the second writ petition cannot be filed with similar relief sought in the earlier writ petition, which was withdrawn.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 05.12.2016
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