

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.3636 OF 2017

ORDER

As per the writ averments, the petitioner is claiming to be the de facto mutawalli of the wakf institution, which along with the appurtenant land to an extent of Acs.149-32 guntas, was notified as wakf property vide Gazettee notification dated 9.2.1989. Earlier, when the 3rd respondent – Tahsildar tried to interfere with the subject land and allot the same to other authorities, the mother of the petitioner filed O.S.No.86/2003 on the file of A.P. Wakf Tribunal for perpetual injunction. The said suit was decreed by judgment and decree dated 13.10.2003. Subsequently, when the authorities of Hyderabad Urban Development Authority and the Weaker Section Welfare Association tried to interfere with the subject land, the mother of the petitioner filed O.S.No.20/2006 for perpetual injunction and the same is pending. Now the grievance of the petitioner is that in spite of suffering a decree for perpetual injunction, the 3rd respondent – Tahsildar is again interfering with the subject land without following the due process of law. Hence the writ petition.

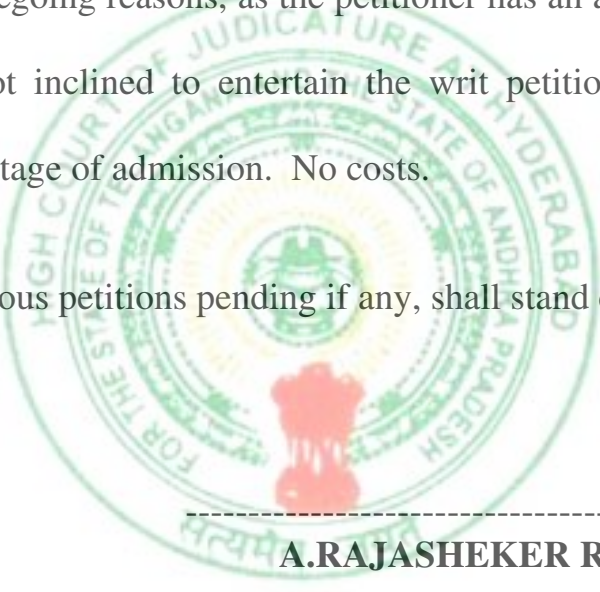
The learned Assistant Government Pleader for Revenue, based on written instructions, submit that in respect of subject land several writ petitions have been filed and the same were dismissed by this court and the subject land is recorded as Government land.

The petitioner is claiming that the subject land as wakf property and as per the written instructions of the learned Assistant Government Pleader

for Revenue, it is recorded as Government land in the revenue records. It is also submitted that earlier several writ petitions were filed in respect of the subject lands, and the same ended in dismissal. It is well settled that this court under writ jurisdiction cannot delve into the disputed questions of fact. That apart, as per the case of the petitioner, there is already a decree for injunction in respect of the land in question. Therefore, when there is violation of the same, it is always open for the petitioner to seek for implementation of the injunction orders in accordance with law, and for the said relief, cannot file writ petition.

For the foregoing reasons, as the petitioner has an alternative effective remedy, I am not inclined to entertain the writ petition and the same is dismissed at the stage of admission. No costs.

Miscellaneous petitions pending if any, shall stand closed.



A.RAJASHEKER REDDY,J

DATE:08—03—2017

AVS