

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.30383 of 2014

Order:

This Writ Petition was filed seeking a Writ of Mandamus declaring the proceedings dated 19.09.2014 issued by the second respondent.

A reading of the impugned proceedings show that the said proceedings were issued on the basis of the report submitted by the Inspector Auditor Waqfs, Warangal District, stating that the house bearing No.2-5-475 (Old No.2-6-50), situated at Choti Masjid Subedari, Hanamkonda Mandal, Warangal District, is old structure and roof is in dilapidated condition and this Court in W.P.No.2150 of 2014, dated 29.01.2014, directed the second respondent to take appropriate action by considering the said report. On the basis of the same, the second respondent accorded permission to the third respondent for reconstruction of the house with his own funds subject to the conditions mentioned therein. It is brought to the notice of this Court by the third respondent that a committee member of the petitioner herein filed W.P.No.31955 of 2014 and the said Writ Petition was dismissed on 29.10.2015. In the said order it was recorded that the petitioner in the said Writ Petition filed O.S.No.139 of 2009 on the file of the Wakf Tribunal for declaration and recovery of possession and the said suit is pending.

Now the learned counsel for the second respondent submits that in view of the dilapidated condition of the building, though the building was demolished, as on today no permission was granted by the Municipal Corporation for construction of the house and the land is vacant as on today. But, the learned counsel for the petitioner submits that the lease in favour of the third respondent was granted in violation of the Rules

under the Wakf Act and, if that is so, it is for the petitioner to submit an appropriate representation to the second respondent and it is for the second respondent to consider the same, but no relief can be granted in the present Writ Petition.

The Writ Petition is, accordingly, dismissed giving liberty to the petitioner to agitate his rights based on the fresh cause of action. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 14.03.2018
Nsr

A.RAMALINGESWARA RAO, J

