

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.2065 of 2020

ORDER :

This writ petition is filed with the following prayer:

“....to order or any direction, more appropriately in the nature of Writ of Mandamus declaring the action of the respondents herein particularly respondent No.3 & 4 in issuing the Letter F.No.18/RR/Prot/2005, dated 21.12.2019 and its consequential Memo No.B/1770/2019, dated 28.12.2019 for demolishing the construction in Sy.No.281 (part) to an extent of Ac.9-00 Guntas of Mamidipally Village, Balapur Mandal, Ranga Reddy District as illegal, arbitrary, gross violation of principles of natural justice and violative of Articles 14, 16, 21 of the constitution of India consequently set aside the same in the interest of justice and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

(verbatim reproduced)

The proceedings, dated 28-12-2019, impugned in the present writ petition was already challenged in WP.No.29282 of 2019 and the said writ petition was dismissed by this Court by its order dated 06-01-2020 leaving it open to the petitioner to work out his any other grievance. The same is not disputed by learned counsel for the petitioners. Since there is such an observation, the present writ petition is filed. He also submits that since the earlier order dated 21-12-2019 was not available by the time of filing the earlier writ petition, the same is also being challenged now. He also submits that the Executive Officer has no power to initiate proceedings, it is the Chief Executive Officer who is competent to issue proceedings under the Wakf Act. He also submits that the Tahsildar has no power to demolish the constructions, it is the

G.H.M.C who is competent to decide whether any property is constructed without permission or violation of permission.

On the other hand, learned Standing Counsel for Wakf-Board submits that the petitioners have already challenged the proceedings dated 28-12-2019 in WP.No.29282 of 2019 and the said writ petition was dismissed by this Court by its order dated 06-01-2020.

In this case it is to be seen that when the proceedings dated 28-12-2019 were already challenged in WP.No.29282 of 2019 and said writ petition was already dismissed by this Court, it is not known how the present writ petition is maintainable for challenging the same proceedings. The observation given by this Court in the said writ petition is only to work out any other grievance. But the petitioners again challenged the same proceedings in the present writ petition. The petitioners say that some facts were not brought to the notice of this Court in the said writ petition. If that is so the petitioners have other remedy, but they cannot file one more writ petition, when earlier writ petition was dismissed. Though the petitioners have referred two writ petitions filed in the year 2008 and 2018, but learned counsel for the petitioners says that the petitioners are not parties to the said writ petitions.

In view of the facts and circumstances of the case, I do not see any reason to entertain the writ petition and accordingly, the same is dismissed. No order as to costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J



HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.97 of 2019



31.12.2019
(Msr)