

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.41706 of 2015

Dated 28.12.2015

Between:

G.Sivanagendra Reddy

... Petitioner

and

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The State of Telangana
Rep. by its Prl.Secretary
Municipal Admin. Dept.,
Hyderabad, and 2 others.

...Respondents

Counsel for the petitioner: Mr.Challa Srinivasa Reddy

**Counsel for respondent Nos.1 & 2: GP for Municipal
Administration (AP)**

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to direct respondent No.3 to mutate the petitioner's name in respect of house situated in an extent of 415 square yards in Survey No.366, Old Assessment No.22502 and New Assessment No.31310, Ward No/ D.No.21/825, R.Agraharam,

Guntur Municipal Corporation.

I have heard Mr.Challa Srinivasa Reddy, learned Counsel for the petitioner, and Mr.Anche Panduranga Rao, learned Standing Counsel for respondent No.3- Corporation.

The petitioner averred that he has entered into an agreement of sale with the owner of the above-mentioned property; that as the latter failed to execute the registered sale deed in his favour, he has filed OS.No.496 of 1991 in the Court of the learned Additional Subordinate Judge, Guntur, for specific performance of the agreement of sale; and that in pursuance of the decree passed therein, the civil Court has executed the registered sale deed in his favour on 26-03-1993.

The grievance of the petitioner is that though he has made an application before respondent No.3 for mutation of his name in the property register, the same is not being considered and disposed of by the latter.

On 23-12-2015, the case was adjourned to today to enable the learned Standing Counsel to get

instructions. Today, at the hearing, the learned Standing Counsel submitted that as a dispute is pending between the petitioner and a third party in respect of the subject property, the petitioner's application is not being considered.

In my opinion, when an application for mutation is received by respondent No.3, it is obligatory on his part to consider and pass appropriate order thereon on merits. Mere pendency of a dispute between the parties does not enable respondent No.3 to keep the application pending as, by following such a course, he will be denying the aggrieved party of the opportunity to avail further remedies available to him in law. In this view of the matter, respondent No.3 is directed to consider the petitioner's application for mutation, if necessary, by holding an enquiry after issuing notice to the petitioner as well as the third party in whose name the subject property stands, take a decision thereon and communicate the same to both parties within one month from the date of receipt of this order.

Subject to the above direction, the Writ

Petition is disposed of.

As a sequel to disposal of the Writ Petition,
WPMP.No.53822 of 2015, filed by the petitioner for
interim relief is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 28th December, 2015
LUR