

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition Nos.34271, 34284 and 34295 of 2014

Date: 21-07-2015

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Writ Petition Nos.34271, 34284 and 34295 of 2014

Between:

Allala Ravinder Reddy

.... Petitioner

AND

The State of Telangana, represented by its
Director, Municipal Administration, Secretariat,
Hyderabad and 4 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition Nos.34271, 34284 and 34295 of 2014

ORDER:

Since the issue involved in all these writ petitions is similar and identical, they are being disposed of by this common order.

2. All these writ petitions are filed for a writ of mandamus declaring the action of the 2nd respondent in deleting the name of the petitioner and mutating the name of the 4th respondent and from the name of the 4th respondent in the name of the 5th respondent and mutation records pertaining to the property bearing H.No.7-6-222/1, Jagitial Town, Jagitial, Karimnagar District without following due process of law as illegal and arbitrary.

3. The case of the petitioner in all these writ petitions is that the petitioner inherited the property to an extent of 668 square

yards bearing N.7-6-222/1 (corresponding old H.No.6-5-6/2/2 & 6-5-6/2/3), Jagital Municipality in Survey No.465 from his father, who originally acquired the same vide Document No.61/1951, dated 2-5-1951 under partition from the joint family members towards his share and ever since then, his father was holding valid title and possession of the schedule property. It is stated that the above property was also claimed by the 4th respondent by forging and fabricating various documents and she also filed O.S.No.201 of 2005 on the file of Principal Civil Judge, seeking perpetual injunction against the petitioner and the said suit was dismissed and the 4th respondent carried the matter by an appeal before the appellate court and the said appeal was also dismissed. When on the application made by the petitioner for mutation of his name in respect of the subject property, a clarification was sought by the 2nd respondent to the 3rd respondent and after obtaining such clarification, the name of the petitioner was mutated into the revenue records and accordingly, cess was also collected from the petitioner. The name of the petitioner was incorporated in the place of the 4th respondent in the revenue records vide proceedings No.A1/1600/2012, dated 26-02-2013 and also provided ownership documents vide proceedings No.A1/412/13, dated 05-03-2013 by receiving an amount of Rs.1,00,800/- towards miscellaneous receipt. Subsequently, to the utter surprise, the name of the petitioner was replaced in the municipal records by incorporating the name of the 4th respondent vide proceedings No.A1/1600/2012-13, dated 26-03-2013 basing on the second note put up by the 3rd respondent to the 2nd respondent, which is illegal and contrary to law. In the meantime, the 4th respondent transferred the property in favour of 5th respondents in all these

writ petitions vide three different sale deeds and basing on the same, the 2nd respondent issued mutation proceedings vide proceedings No.A1/341/2014, dated 15-09-2014 in favour of the 5th respondent. Challenging the said proceedings, the present writ petitions are filed.

4. The 5th respondent in all these writ petitions filed counters denying the allegations of the petitioner and *inter alia* contending that the petitioner filed W.P.No.29306 of 2014 questioning the proceedings dated 26-03-2013 issued by the 2nd respondent whereby the name of the petitioner was deleted from the mutation records and immediately on coming to know the said writ petition, the 5th respondents and two others, who purchased the property filed applications seeking their impleadment in the said writ petition. That as on date of filing the writ petition, the petitioner has no subsisting interest in the property in question and the petitioner received total consideration and executed registered sale deed dated 12-03-2013 alienating the property in favour of four persons viz., Chitta Reddy, Janapally Raja Reddy, Konda Kishan and Gone Rajashekar. That the proceedings dated 26-02-2013 issued by the Municipality in favour of the petitioner is illegal and mere payment of vacant land tax subsequent to the said mutation proceedings by itself would not create any right in favour of the writ petitioner and the Municipality having realized the mistake merely rectified the same by subsequent proceedings dated 26-03-2013, which was made after receipt of a complaint from the 4th respondent. That as on the date of mutation in their favour i.e. on 15-09-2014 the Municipality has not committed any illegality as the assessment register contain the name of the 4th respondent, who alienated the property in their favour and if the

petitioner has any semblance of right over the property it is open for him to approach the competent court and establishment the same, and hence, sought for dismissal of the writ petitions.

6. It is to be noted that the petitioner herein also filed W.P.No.29306 of 2014 challenging the proceedings No.A1/1600/2012-13, dated 26-03-2013 issued by the 2nd respondent-Commissioner, Jagtial Municipality, canceling the mutation effected in favour of the petitioner herein through earlier proceedings No.A1/1600/2012, dated 26-02-2013 and restoring the name of the 4th respondent herein in the municipal records vide proceedings dated 26-03-2013. This court has already dismissed the said writ petition for the reasons assigned therein. Basing on the proceedings dated 26-03-2013, the 4th respondent executed sale deeds in favour of the 5th respondents in these writ petitions respectively transferring the property in question in their favour. When once the proceedings dated 26-03-2013 issued transferring the property in favour of the 4th respondent in these writ petitions, which are impugned in W.P.No.29306 of 2014, are upheld and basing on the documents executed by the registered owner, mutation is effected in the municipal records in favour of the 5th respondents in all these writ petitions in whose favour the property was transferred, the same cannot be said to be illegal and arbitrary. As such, these writ petitions are also liable to be dismissed on the same grounds.

Accordingly, these writ petitions are dismissed for the reasons alike in W.P.No.29306 of 2014. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in these writ petitions, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 21-07-2015

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