

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.13652 OF 2008

ORDER:

This writ petition came to be filed seeking issuance of writ of *Mandamus* declaring the action of the respondents in not mutating the house bearing No.2-3-8/Part, Tawai Pura, Tad Bund, Secunderabad of the petitioner on the rolls of the Board of Cantonment records and not providing water connection in spite of repeated requests of the petitioner, as illegal and arbitrary, and consequently, to direct the respondents to mutate the aforesaid house on the rolls of the Board of Cantonment records and to provide water connection by setting aside the impugned proceedings dated 10.4.2007 of respondent No.1.

2. The petitioner questions the show cause notice dated 10.4.2007 issued by respondent No.1 wherein the application made by the petitioner on 9.11.2005 for change of name under Section 81 of the Cantonment Act, 2006 for the aforesaid premises is still pending consideration.

3. By an order dated 17.7.2008, this Court directed the respondents to provide water connection to the petitioner subject to payment of Rs.11,023/- which would be subject to the result of the writ petition. It is stated by the learned Standing Counsel for the respondents that the amount of Rs.11,023/- was already paid by the petitioner and water connection was also provided to the petitioner's house.

4. The petitioner herein claims to have purchased the aforementioned house from one Bachwala Rajansha Vinod on 26.10.2005 by way of a registered sale deed. Thereafter, the vendor made an application before respondent No.1 to mutate his name in favour of the petitioner vide application dated 9.11.2005. Pending such application, a show cause notice was issued to the petitioner stating that an amount

of Rs.11,023/- was due towards water charges and that the link documents are not produced along with the application.

5. However, learned counsel for the petitioner submits that production of link documents is not the subject matter of consideration while dealing with the application for mutation, which is seriously disputed by the learned Standing Counsel for the respondents saying that unless important documents are submitted, the question of mutating the name of the petitioner on the rolls of the Board of Cantonment would not arise.

6. Without going into the merits of the case and having regard to the rival submissions made, since water connection was already given to the house of the petitioner, no further orders are necessary insofar as the said aspect is concerned. But the application made by the petitioner is still pending consideration. Hence, the respondent authorities are advised to dispose of the application made by the petitioner on 9.11.2005, in accordance with law, as early as possible preferably, within a period of three (3) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 16.11.2015

AMD

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