

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

Writ Petition No.41882 of 2015

Dated 28.12.2015

Between:

Tammiseti Ramu

... Petitioner

and

-
The State of Telangana
rep. by its Prl.Secretary,
Municipal Administration
Hyderabad and 2 others.

...Respondents

**Counsel for the petitioner: Mr.MMM.Srinivas for Mr.Kowturu Vinaya
Kumar**

Counsel for respondent No.1: AGP for Municipal Administration

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to set aside the order in ROC.No.A1/24035/2015, dated 01-12-2015, of respondent No.2- Corporation, whereby it has cancelled the house number earlier allotted to the petitioner's building situated in Survey No.188 of Saradhinagar, Khammam Town,

on the application made by him.

The petitioner claims to be the owner of the above-mentioned property. On his approaching respondent No.2, the latter has allotted 'House No.1-3-67/C' to the said property. Subsequently, respondent No.3 has made a representation, on 28-11-2015, to respondent No.2 wherein he has brought to the latter's notice that the petitioner has obtained the house number by suppressing the factum of pendency of a civil suit between himself and the petitioner. On considering the said representation, respondent No.2 has passed the impugned order.

The principal ground, on which the petitioner has assailed the impugned order, is that before the same was passed, respondent No.2 has failed to issue any notice to him.

A perusal of the impugned order does not show that the same was preceded by any prior notice to the petitioner. Therefore, technically, the impugned order is passed in violation of the principles of natural justice. However, the petitioner

has not denied the fact that as there is a dispute between himself and respondent No.3, he has filed OS.No.301 of 2015 in the Court of the learned Principal Junior Civil Judge, Khammam, which is pending and that the same was not mentioned by him before respondent No.2.

Ordinarily, when a civil dispute is pending between two parties, respondent No.2 may not entertain an application of one of the parties to the dispute either for mutation or for allotment of house number or for any other purpose. Indeed, in the impugned order, while cancelling the allotment of house number, respondent No.2 has observed that soon after receipt of final order from the Court, further necessary action will be taken.

In my opinion, even if a notice was issued to the petitioner, the same would not have served any purpose as there is no dispute that a civil dispute between him and respondent No.3 is pending. Therefore, the facts of the case attract the doctrine of 'Useless Formality Theory' as recognised by the Apex Court in **State Bank of Patiala and others vs. S.K.Sharma**^[1] and **Aligarh Muslim University**

and others vs. Mansoor Ali Khan^[2].

In the light of the above discussion, I am not inclined to interfere with the impugned order. However, the petitioner is left free to approach respondent No.2 for allotment of house number after disposal of the civil case as observed by the said respondent.

Subject to the above observation, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.54014 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 28th December, 2015
LUR

^[1] 1996 AIR 1669 = 1996 SCC (3) 364

^[2] 2000 (7) SCC 529