

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8603 of 2015

Date: 30-03-2015

Between:

Hafeeza Begum

.. Petitioner

AND

The Greater Hyderabad Municipal Corporation

Represented by its Chief Commissioner and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8603 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the respondents in not considering and disposing of the application of the petitioner dated 28-04-2014 made for mutation of concerned records by way of incorporating her name as owner and possessor in the place of her mother late Khatija Bee in respect of bearing Municipal No.1-3-1036 (Old No.A-13-1036) under Survey No.140, admeasuring 1244 square yards situated at Kavadiguda, Hyderabad, as illegal and arbitrary and for a consequential direction to the respondents to consider and dispose of the application of the petitioner dated 28-04-2014 by following the procedure contemplated under law.

2. The case of the petitioner is that she is lawful owner and possessor of house bearing Municipal No.1-3-1036 (Old No.A-13-1036) under Survey No.140, admeasuring 1244.00 square yards situated at Kavadiguda, Hyderabad having acquired the same through gift-cum-relinquish deed dated 12-10-1995 executed by her natural mother and brother and since then she is in actual peaceful possession and enjoyment of the subject property without there being any interruption from any corner. It is stated that after acquiring the subject property, the petitioner made an application on 28-04-2014 to the respondents for mutation of her name in the concerned records by way of incorporating by enclosing all relevant material, but the respondent authorities neither considered the request of the petitioner for mutation nor disposed of the same. Aggrieved by the same, the present writ petition is filed.

3. Sri R. Radhakrishna Reddy, learned standing counsel for the respondent Corporation stated that before seeking mutation of name, the petitioner shall give a notice as provided under Sections 207 and 208 of the Greater Hyderabad Municipal Corporation Act, 1955. Instead, the petitioner without availing such option has filed a representation dated 28-04-2014, which is in violation of the provisions of the Act. In this regard, the learned counsel for the petitioner sought for a liberty of giving of notice as provided under Section 207 of the Act.

4. In the circumstances, the writ petition is disposed of directing the petitioner to give a notice under Sections 207 and 208 of the Greater Hyderabad Municipal Corporation Act, 1955 to the respondent authority and on receipt of such notice, the respondent Corporation shall positively consider the same and take action in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 30-03-2015

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