

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 39368 OF 2012

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Between:

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Shafiq Fatima.........Petitioner

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And

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Municipal Commissioner, Mahaboobnagar
and others........Respondents

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Date of Judgment pronounced: 18.08.2015

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Submitted for Approval:

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The Hon'ble Sri Justice A.Rajasheker Reddy

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1. Whether Reporters of Local newspapers
May be allowed to see the Judgments?.....Yes/No

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2. Whether the copies of judgment may be
Marked to Law Reporters/Journals.....Yes/No

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3. Whether His Lordship wish to see the fair
Copy of the Judgment?.....Yes/No

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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 39368 of 2012

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ORDER :
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This writ petition is filed seeking writ of mandamus declaring the action of the first respondent in taking steps to mutate the house property bearing door No.3-9-10,11,12, situated at Shab Bazar, Mahaboobnagar contrary to the partition deed in favour of the 4th and 5th respondents as illegal and arbitrary and consequently to direct the first respondent not to mutate the house plot contrary to the partition agreement and to direct the 3rd respondent not to entertain any document for registration of the subject property.

2. It is the case of the petitioner that though she filed objections before the first respondent for not mutating the names of the 4th and 5th respondents in the revenue records in respect of the subject property, the first respondent is proceeding to mutate the names of the 4th and 5th respondents. Aggrieved by the same, the present writ petition is filed.

3. Counter affidavit is filed by the first respondent denying the averments in the affidavit filed in support of the writ petition stating that Sri M.A.Rahaman and Sri M.A.Abrar have filed a petition dated 24.04.2012 along with a Xerox copy of registered sale deed No.3018/2012 dated 13.04.2012 executed by Syex Afzaland Syed Abdul Khader for mutation of their names in respect of H.No.3-9-12 and its vacant place, total admeasuring 101.39 sq.yds as shown in the map appended to the registered sale deed. Meanwhile the petitioner herein

sent a legal notice dated 11.05.2012 through an advocate not to mutate the names of purchasers in the municipal records on the basis of the registered sale deed. The Municipality had issued notice to both parties to produce link documents and title deeds of the house property. The vendees produced registered partition deed dated 28.07.2000 executed among the petitioner herein and her two sharers who are vendors of the house property. The portion of house property fallen to the share of vendors as per the partition deed, was sold to the purchasers. After taking legal opinion from the Standing Counsel of the municipality the registered sale deed was relied upon by the Municipality. That the present case is purely of civil dispute between the petitioner and the respondents 4 and 5, as such this writ petition is not maintainable.

4. Heard Sri S.M.Subhan, learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel for the first respondent.

5. The grievance of the petitioner is that she filed objections before the first respondent with regard to mutation of the names of the 4th and 5th respondents and also not to entertain any documents for registration in respect of the subject property, contrary to the partition deed.

6. In the counter affidavit of the first respondent, it is categorically stated that notices were issued to both the parties for producing the relevant documents i.e., sale deeds, link documents etc. The first respondent, after considering the relevant documents and sale deeds in favour of the respondents 4 and 5, affected the mutation in favour of the respondents 4 and 5.

7. If the petitioner is having any grievance over the mutation proceedings, she has to challenge the mutation proceedings issued in favour of the respondents 4 and 5 by way of appropriate proceedings. Though the present writ petition is filed in the year 2012 and counter is also filed in the year 2013 to that affect, the petitioner has not

challenged the mutation proceedings in favour of the respondents 4 and 5 and that this Court has also not granted any interim orders. The mutation proceedings have been issued by the first respondent in favour of the respondents 4 and 5 after considering the documents produced by them and also after obtaining legal opinion of the learned Standing Counsel. In view of the same, I do not see any merit in the writ petition and same is liable to be dismissed.

With the above direction, this writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

18.08.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.39368 OF 2012

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Date: 18-08-2015

KVS

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