

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.10635 of 2015

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ORDER:

This petition is filed for issuance of a writ of *Mandamus* declaring the action of the 2nd respondent in rejecting the petitioner's application vide endorsement dated 03.02.2015 as illegal, arbitrary and against Section 93 of the Municipalities Act and Rule 7 of Taxation Rules part I of Schedule II framed under Section 130 of the Municipalities Act and consequently to set aside the same by directing the 2nd respondent to mutate his name in the Municipal records.

2. The case of the petitioner is that he is owner and possessor of a shop bearing Municipal No.3-1-16 admeasuring to an extent of 31.6 Sq.Yards, situated at Saraswathamma Compound Vinayaka Chowk, Tandur town, Ranga Reddy District, which was purchased from its owner, B.Savitri through registered sale deed dated 25.11.2010. Thereafter, he made an application dated 24.10.2014 to the 2nd respondent to mutate his name in the Municipal records, basing on the said registered sale deed. But the impugned endorsement dated 03.02.2015 is issued to the petitioner stating that mutation file is closed as per legal opinion. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner, Government Pleader for Municipal Administration, appearing for respondent No.1 and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2.

4. A perusal of the impugned order shows that no reasons are assigned for closing the mutation file except stating that as per legal opinion it was closed. The Commissioner of Municipality, Tandur, has to consider the application along with sale deed filed by the petitioner and assign reasons. But, without doing so, the application of the petitioner was rejected without assigning proper reasons.

5. In view of the same, the Writ Petition is allowed setting side the impugned

order dated 03.02.2015 passed by the 2nd respondent and the 2nd respondent is directed to consider the application of the petitioner in accordance with law after considering the objections filed, if any, and take appropriate action, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 20-04-2015

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