

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

Writ Petition No.42450 of 2015

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Date: 30.12.2015

Between:

Karri Satyanarayana Reddy

..

Petitioner

and

The State of Andhra Pradesh
Panchayat Raj Department
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.SV.Ramana

**Counsel for respondent No.1: AGP for Panchayat Raj
(AP)**

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The Court made the following:

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Order:

This Writ Petition is filed questioning the inaction of respondent No.2, in considering the petitioner's application, dated 12-09-2015, for mutation of his name in respect of the property pertaining to Sri Satya Gowri Theatre A/c, Anaparthi, situated in Survey No.395 of Anaparthi, East Godavari District, in the property register, as illegal and arbitrary. The petitioner sought for a consequential direction to respondent No.2 to undertake transfer in favour of the petitioner.

At the hearing, Mr.Ravi Cheemalapati, learned Standing Counsel for Panchayat Raj Institutions appearing for respondent No.2, submitted that as per the averments in the Writ Petition, one Rama Krishna Reddy and two others have filed OS.No.16 of 2007 in the Court of the learned

V Additional District and Sessions Judge, East Godavari District at Rajahmundry, against the petitioner for declaration that the settlement is illegal and for permanent injunction; that the said suit was dismissed on 31-05-2014; that feeling

aggrieved by the same, the plaintiffs therein have filed AS.No.500 of 2014 before this Court, which is pending; and that in the said Appeal, this Court has granted an injunction restraining the petitioner from alienating the suit schedule property.

In my opinion, mere pendency of an appeal against the judgment and decree passed in the suit, in which the petitioner had succeeded, would not bar respondent No.2 from considering the petitioner's application for mutation of his name in the property register and what respondent No.2 needs to be satisfied with is the *prima facie* title of the petitioner. Inasmuch as the title of the petitioner based on a registered settlement deed appears to have been affirmed by the civil Court in the above mentioned suit, it cannot be said that he has not made out a *prima facie* case. In the absence of any injunction restraining respondent No.2 from mutating the petitioner's name in the property register, respondent No.2 is not precluded from exercising its power under the Andhra Pradesh Panchayat Raj Act, 1994, and the Rules made thereunder.

In the light of the above facts and observations, respondent No.2 is directed to consider the petitioner's application for mutation regardless of pendency of the appeal filed by third party in accordance with law and communicate its decision to him within one month from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.54749 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 30th December, 2015
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