

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.17323 of 2015**

**Dated : 17.06.2015**

Between:

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A.Shivanna S/o.Yerranna,  
Age 61 yrs, Occu : Retired Attender,  
R/o.H.No.7-7/44/56/20, Vidyanagar,  
Adilabad Proper and District

..

Petitioner

And

The State of Telangana,  
rep., by its Principal Secretary to the  
Municipal Administration,  
Secretariat Buildings, Hyderabad & 2 others

..

Respondents

This Court made the following :

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**ORDER :**

The petitioner claims to be the owner and possessor of residential house bearing No.7-7/44/56/20, Vidyanagar, Adilabad. The petitioner claims to have acquired the said property by succession. The petitioner applied for building permission for the said premises in the year 2006. Alleging that no further action was taken on the building application, the petitioner was constrained to file this Writ Petition.

2. The petitioner avers that the sister of the petitioner filed an application behind his back and got her name mutated in the records by order dated 09.05.1999.

3. Learned counsel for the petitioner contends that the petitioner was not aware of such mutation. He was never informed and therefore no further action was taken by him to rectify the mistake. In fact on an application filed by him on 21.08.1998 proceedings were issued in his favour mutating his name in the municipal records. Learned counsel further submits that the petitioner did not have an opportunity of hearing as no notice was issued to him before changing the name in the municipal records and the said order was passed behind his back.

4. Learned Standing counsel representing the Municipality submits that in exercise of power vested under Section 326 (1) of Andhra Pradesh Municipalities Act, 1965, the "Alteration of ownership of property in Assessment books, Rules 1966" were notified. The Rules prescribe certain procedure for mutation in municipal records. According to Rule 7, the person aggrieved by such mutation should file an appeal and the appeal lies to the Council against any decision of the Commissioner. Thus without exhausting such remedy, the present

writ petition is filed. Learned standing counsel also points out that as seen from the proceedings, the petitioner was already informed to produce appropriate documents for effecting mutation and building permission but the petitioner did not react.

5. Having regard to the statutory mandate that if any person is aggrieved by any mutation, right of appeal is provided to the Municipal Council, without exhausting such right, the petitioner cannot invoke the jurisdiction of this Court. In so far as grant of building permission is concerned, no such permission can be granted by the Municipality unless the relevant records are altered by following the due process reflecting the name of the petitioner. Granting of building permission on the request of the petitioner would amount to granting permission to a person other than the person whose name is recorded in the municipal records.

6. Thus, leaving it open to the petitioner to avail the remedy of appeal as provided by the Rules, the writ petition is dismissed. If the petitioner succeeds against the decision of Commissioner dated 09.05.1999, it is open to the petitioner to pursue his application for grant of building permission. On filing of appeal the Municipal Council shall consider and pass appropriate orders within a period of four (4) weeks from the date of receipt of appeal, as warranted by law.

7. With the above observations, this writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

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**P.NAVEEN RAO,J**

17<sup>th</sup> June, 2015  
Rds

