

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE SIXTH DAY OF JULY TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20231 of 2015

Between:

Smt. Chittireddy Navya, W/o. Ch. Narsimha Reddy,
Aged about 32 years, Occ: Housewife,
R/o. H.No.7-142, Market Road,
Parkal Village & Mandal,
Warangal District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Secretary,
Municipal Administration,
Secretariat Buildings,
Hyderabad & 3 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner is aggrieved by orders of the Commissioner, Parkal Nagar Panchayath, Parkal Mandal, Warangal District (3rd respondent), dated 02.04.2015, whereunder the mutation granted in favour of the petitioner was cancelled and the name of his mother Smt. Chittireddy Sammakka was restored.

2. According to the petitioner, the subject property is vested in the husband of the petitioner by his mother and the husband of the petitioner in turn gifted the said property to the petitioner and, therefore, the name of the petitioner was validly mutated in the municipal records. No notice or opportunity was afforded to the petitioner before passing the impugned orders.

3. A reading of the order would show that a notice was caused to Sri Chittireddy Narasimha Reddy, who is the husband of the petitioner, but he refused to receive the said notice. As per the provisions of the Andhra Pradesh Municipalities Act, 1965, the said notice was pasted on the door of the house of Chittireddy Narasimha Reddy.

4. Against the decision of the Commissioner, an appeal

shall lie to the Municipal Council under Section 345(1)(d) of the Andhra Pradesh Municipalities Act, 1965. Since the petitioner has an effective alternative remedy under the statute, the writ petition at the present stage is not maintainable and it is liable to be dismissed on that ground alone. The petitioner is also entitled to raise all the contentions as urged in this writ petition, if so advised including passing of the order impugned in the writ petition without notice and opportunity.

5. Accordingly, the Writ Petition is dismissed. As and when the petitioner files an appeal, the same shall be considered and appropriate orders be passed within a period of three (3) weeks from the date of receipt of such appeal. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 6th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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