

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

+WRIT PETITION No.22613 OF 2015

% Dated : 22.07.2015

A. Venugopal, S/o. Narsaiah,
Aged 37 years, Occ: Private Teacher,
R/o.H.No.3-5-120, Nakash Road,
Korutla proper and Mandal,
Karimnagar District.

..... Petitioner

AND

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

..... Respondents

! Counsel for Petitioner : Sri K. Venumadhav
^Counsel for Respondents : Learned Government
Pleader

for Municipal

Administration

for Respondent No.1

Sri N. Praveen Kumar,
learned Standing Counsel

for

Respondent No.2

<GIST :

>HEAD NOTE :

? Cases referred :

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

WRIT PETITION No.22613 of 2015

Between:

A. Venugopal, S/o. Narsaiah,
Aged 37 years, Occ: Private Teacher,
R/o.H.No.3-5-120, Nakash Road,
Korutla proper and Mandal,
Karimnagar District.

.. Petitioner

AND

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes |

3 Whether His Lordship wish to see Yes
the fair copy of the Judgment?

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22613 of 2015

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ORDER:

The petitioner claims to be the owner and possessor of the small residential house bearing Municipal No.3-5-120 (old H.No. 3-5-116/2), consisting of 85 square yards, situated at Nakashiwada, Korutla proper and Mandal, Karimnagar. The name of the petitioner was included in the municipal records. The petitioner claims to have paid property tax. The third respondent herein filed O.S.No.123 of 2010, on the file of the Senior Civil Judge at Jagtial praying to grant perpetual injunction restraining the defendants from interfering with the possession of the plaintiff over the suit schedule property, direct the Defendant No.3 to rectify wrong entries made on Defendant No.1 in municipal records and to declare the registered Sale Deed bearing Document No.960 of 2008, dated 20.05.2008, executed by Defendant No.1 in favour of Defendant No.2 and award, dated 29.06.2008, passed by Defendant Nos.4 to 9 as null and void and not binding on the plaintiff. The suit was decreed on 26.09.2014. In terms of the

decree granted, the Municipality was directed to rectify entries in the municipal records in respect of House Tax Assessment Register by deleting the name of Defendant No.1. The petitioner herein is the Defendant No.1 in the said suit.

2. The information report as requested by the petitioner is furnished on 13.07.2015 *inter alia* informing the petitioner that in terms of the decree passed in O.S.No.123 of 2010, his name in the municipal records is changed and the name of the third respondent is incorporated.

3. The decree passed by the Senior Civil Judge at Jagtial has become final as no appeal is preferred. Until and unless the decree passed in O.S.No.123 of 2010 is reversed, the consequential action taken by the Municipality cannot be faulted.

4. Learned counsel for the petitioner contends that in terms of Rule 4 of the Andhra Pradesh Municipalities (Alteration of Ownership of Property in Assessment Books) Rules, 1966 (for short, 'Rules 1966'), the petitioner is entitled for notice before correcting the municipal records, even if there is a decree passed by the competent Court.

5. To appreciate said contention of petitioner, it is necessary to look into Rule 4 of Rules 1966 provision. Rule 4 of Rules 1966 reads as under:

4. Transfer to decree-holder:- In a case of transfer of title of property in the name of decree-holder with reference to a decree of a civil court or of purchaser in auction-sale held in execution of a court decree, alteration in the assessment books may be made at once on the application of any of the parties to the suit or of the auction purchaser and on the production of an authenticated copy of

the decree or a certificate of sale as the case may be, and a certificate of delivery of possession in pursuant thereof; provided that the transfer is from the owner, whose name appears in the assessment books. Where the transfer is made by an owner whose name does not appear in the assessment books notice shall be given to such owner in the manner provided in Rule 3 before alteration is made in the assessment books. Where, however, a certificate of delivery of possession cannot be produced, as for instance, where on decree passed, possession is ceded without execution proceedings and the decree is apparently final, the entries in the assessment books shall be altered as provided in Rule 3.”

6. On careful consideration of the provision contained in Rule 4 of the Rules 1966, I am of the opinion that in case a person suffers decree by competent Court and a direction is issued for correction of municipal records, there is no requirement to issue further notice to such person and the Municipality is required to carry out the corrections as per the decree passed by the competent Court. The question of issuing of notice would arise only in case where transfer is made by an owner whose name does not appear in the assessment books as provided in Rule 3 of the Rules 1966. In the instant case, that contingency did not arise as the name of the petitioner appeared in the municipal records, which is altered in terms of the decree passed.

7. I, therefore, see no error in the decision of the Municipality as informed to the petitioner in the endorsement, dated 13.07.2015, warranting interference.

8. Hence, the Writ Petition is dismissed. It is needless to observe that as and when the petitioner challenges the decree passed in O.S.No.123 of 2010, on the file of the Senior Civil Judge at Jagtial and any decision is rendered in his favour, he shall apply to the Municipality for rectification of municipal records and

dismissal of this writ petition does not come in the way of seeking such a relief. 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: 22nd July, 2015

Note: L.R. copy to be marked.

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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