

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

WRIT PETITION No.24865 of 2015

Between:

K. Kiran, S/o. Muthyalu,
Aged 26 years, R/o. 14-4-518,
Vittal Nagar, Godavarikhani,
Mandal Ramagundam,
Karimnagar District & another

.. Petitioners

AND

The State of Telangana,
Rep. by its Prl. Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

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 | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24865 of 2015

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ORDER:

The petitioners claim to be the owners of house bearing No.2-73/1, situated at Rangampally Village, Peddapally Mandal, Karimnagar District. The petitioners applied for mutation of their names in the Gram Panchayat records. The said application is returned to the petitioners vide proceedings, dated 31.01.2015.

The petitioners were informed that after a notice was published on 15.12.2014, on a request made by the petitioners for mutation of their names in the Gram Panchayat records, the Panchayat Secretary, Rangampally Village, Peddapally Mandal, Karimnagar District (2nd respondent) has received objections and in view of the said objections and in view of the orders passed by the competent Court, the request of the petitioners cannot be granted.

2. Learned counsel for the petitioners points out that before passing such order, the authority has not looked into the nature of the orders passed. The authority has not put the petitioners on prior notice and did not give sufficient opportunity for the petitioners and strangely after the order is passed, the Panchayat Secretary, Rangampally Village, Peddapally Mandal, Karimnagar District (2nd respondent) addressed a letter to the learned Government Pleader on 02.02.2015 asking the learned Government Pleader to issue suitable legal opinion on the issue of mutation in respect of the subject house. It is not known why the Panchayat Secretary has addressed letter to the learned

Government Pleader asking his opinion. However, the fact remains that there is an order of attachment passed by the Senior Civil Judge of Peddapally in I.A.No.970 of 2014 in O.S.No.143 of 2014. The vendor of the petitioners is the defendant in the suit and the subject property was attached. One other suit is also pending. Though the nature of disposal may not be correct, but the fact remains that there is an order of attachment of the subject property and two suits are pending concerning the same subject property.

3. Learned counsel for the petitioners contends that the petitioners were not parties to the said suit and that the injunction order was passed against the vendor of the petitioners after the property was sold. However, these issues could not have been gone into by the Panchayat Secretary. Therefore, the petitioners have to work out their remedies in seeking to vacate the eviction order.

4. Thus, in the facts of this case, it cannot be said that the Panchayat Secretary, Rangampally Village, Peddapally Mandal, Karimnagar District (2nd respondent) has erred in not acceding to the request of the petitioners for mutation of house property. However, it is left open to the petitioners to work out their remedies regarding the injunction order passed by the Senior Civil Judge at Peddapally in the above case. As and when the petitioners obtain appropriate orders, it is open to the petitioners to re-submit the application for mutation in the Gram Panchayat records and as and when such an application is filed, the Panchayat Secretary, Rangampally Village, Peddapally Mandal, Karimnagar District (2nd respondent) shall consider the same objectively and without reference to the notice, dated 31.01.2015.

5. With the above observations, the Writ Petition is disposed of. 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: 7th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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