

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.3243 of 2016

Dated 08th February, 2016

Between:

Ediga Saraswathamma and another

...Petitioners

And

The State of Telangana, rep.by its Principal Secretary, Panchayat
Department, Secretariat Buildings, Hyderabad and others

...Respondents

Counsel for the petitioners: Sri K.Rathangapani Reddy

Counsel for respondent Nos.1 to 3: AGP for Panchayat Raj

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside Certificate, dated 26.10.2015, issued by respondent No.4, certifying that respondent Nos.5 to 8 are the legal heirs of late Ediga Malthakantaiah Goud and they have succeeded to his property bearing H.Nos.1-8-124 & 81-8-125 of Vaddepally Village & Mandal, Mahabubnagar District.

On 04.02.2016, this Court has passed the following order:

“This Court *prima facie* feels that respondent No.4 has no jurisdiction or authority to issue the impugned certificate to respondent Nos.5 to 8 pertaining to the proprietary rights over the private properties.

Learned Government Pleader for Panchayat Raj (Telangana State), appearing for respondent Nos.1 to 3, has fairly submitted that the Gram Panchayat has no power or authority to issue such certificate.

Mr.G.Narender Reddy, learned Standing Counsel for Panchayat Raj Institutions (Telangana State), appearing for respondent No.4 is unable to state as to under what provision of

law respondent No.4 has issued the impugned certificate.

Therefore, respondent No.4 is directed to appear and apprise this Court of the legal provisions under which he is empowered to issue the impugned certificate.”

In obedience to the above direction, respondent No.4 is personally present. When questioned as to under what provision of law he has issued the impugned certificate, he has stated that the same was issued on the directions of the District Panchayat Officer. Sri G.Narender Reddy, learned Standing Counsel for Panchayat Raj Institutions (TS), is unable to place before the Court any statutory provision or executive instructions which empower respondent No.4 to issue the impugned certificate. Indeed, respondent No.4 has himself informed the Court that the name of petitioner No.2 was also mutated along with the names of the persons, who are shown in the impugned certificate.

Indubitably, the jurisdiction of the Gram Panchayats with respect to private properties is confined only to mutation of their names in the property register for the purpose of collecting tax and they are in no way concerned with the ownership of the private properties. Therefore, in the absence of any provision of law conferred on the Gram Panchayats or their executive officers, they have no jurisdiction to issue ownership certificates. Realising this position in law, respondent No.4 has agreed to re-consider the ownership certificate and withdraw the same after notice to the petitioners as well as respondent Nos.5 to 9.

In view of the same, the writ petition is disposed of with the direction to respondent No.4 to forthwith issue notices to both the parties and consider withdrawal of the impugned certificate within one month from the date of receipt of a copy of this order.

As a sequel to disposal of the writ petition, WP.M.P.No.4120 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

08th February, 2016

VGB