

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

WRIT PETITION No.761 of 2016

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07.01.2016

Between:

Rajoju Veera Venkataiah

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.P.Mehar Srinivasa Rao

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent No.6: Mr.Hari Prasad Podila

Counsel for respondent Nos.2 to 5 and 7 to 9: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside order in proceedings No.C.No.2/A3/8705/2015, dated 07.12.2015, of respondent No.4, whereby he has allowed the application of respondent Nos.6 to 9 for mutation of their names, in place of respondent No.5, in the property register.

The petitioner averred that he has purchased open plot admeasuring 465.5 sq.yds. under a registered sale deed, dated 19.04.1971, that when the property was assessed in the year 1990, without his knowledge, his name was struck off and the name of his brother – Rajogu Guruvaiah was entered in the records, that after the death of his brother, respondent No.5, his widow, has got her name mutated in the assessment register in the year 2008 and that when respondent Nos.6 to 9 applied for mutation of their names in the assessment register, the petitioner has filed his objections. However, under the impugned order, without considering the petitioner's objections, respondent No.4 has mutated the names of respondent Nos.6 to 9 in place of respondent No.5.

The facts noted above would show that as far back as 1990, the name of the petitioner has been struck off from the assessment register and since then, the name of his brother and after his death, that of his widow were entered and in substitution of the name of respondent No.5, the names of respondent Nos.6 to 9, her sons, are entered under the impugned order. While mutating the names of respondent Nos.6 to 9, respondent No.4 has clearly mentioned in the impugned order that the mutation is meant only for the purpose of collection of property tax and the same will not confer any ownership/title over the property in question.

In my opinion, the appropriate course for the petitioner is to file a suit for declaration of his title in respect of the property in question and in the event, he secures a decree in the said suit, he is entitled to seek mutation of his name in the assessment register. In this view of the matter, I am not inclined to entertain the writ petition for adjudication on merits.

The Writ Petition is, accordingly, dismissed, without adjudicating on the respective rights of the parties in respect of the property in question, with liberty to the petitioner to file a civil suit for declaration of his title and also seek appropriate interim reliefs in the said suit for protection of his interests.

As a sequel to dismissal of the writ petition, W.P.M.P.No.938 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016
GHN