

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.1255 of 2016

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Date: 19.01.2016

Between:

A.Sarath Babu

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Admn. & Urban Development Dept.,
Hyderabad and 5 others

.. Respondents

Counsel for the petitioner : Mr.P.Anil Mukherji

**Counsel for respondent No.1: AGP for Municipal
Administration(TS)**

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The Court made the following:

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Order:

This Writ Petition is filed assailing the action of respondent No.3 in mutating the name of respondent No.6 in the property register in respect of house bearing No.1-5-1120/5, S.N.Reddy Enclave, Alwal, Secunderabad.

The averments made in the affidavit, filed in support of this Writ Petition, reveal that there is a civil dispute between the petitioner on one side and respondent No.6 on the other. The petitioner has filed OS.No.824 of 2014 on the file of the Court of the learned XVI Additional District & Sessions Judge, Malkajgiri, for cancellation of the gift deed executed by his mother in favour of respondent No.6 and secured an order of *status quo* on 01-08-2014. On coming to know that after the *status quo* order was passed, respondent No.3 has mutated the subject property in favour of respondent No.6, the petitioner has filed objections on 30-10-2014 before respondent No.3. Respondent No.3 has issued a notice on 03-01-2015 to respondent No.6 calling upon her to show cause why mutation effected in her favour shall not be cancelled. Thereafter, based on the legal opinion, respondent

No.3 has issued proceeding, dated 23-09-2015, wherein he has advised the petitioner to settle the issue in the Court of law wherein OS.No.824 of 2014 filed by him is pending.

Mr.P.Anil Mukherji, learned Counsel for the petitioner, submitted that respondent No.3 has mutated the name of respondent No.6 in the property register after the competent civil Court has granted an order of *status quo*. He has, however, fairly conceded that neither the Greater Hyderabad Municipal Corporation nor any of its functionaries including respondent No.3 was a party to the said suit.

It is trite law that mutation of name in the property register does not confer any title on the person in whose favour such mutation has been made and that the purpose of mutation is only for collection of property tax and nothing more. Inasmuch as the suit filed by the petitioner for cancellation of the gift deed executed by his mother in favour of respondent No.6 is pending, respondent No.3 has correctly advised the petitioner to get the issue adjudicated in the

pending suit. Therefore, I do not find any illegality in proceeding, dated 23-09-2015, issued by respondent No.3. It is needless to observe that if the petitioner succeeds in the civil suit, he is entitled to approach respondent No.3 for mutation of his name in the property register.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.1599 and 1600 of 2016, filed by the petitioner for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 19th January, 2016
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