

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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Writ Appeal No.249 of 2016

Date:06.04.2016

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Between:
Rajoju Veera Venkataiah,
Warangal District.

.....Appellant

And

The State of Telangana,
Represented by its
Principal Secretary,
Municipal Administraton Department,
Hyderabad and others.
Hyderabad.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
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Writ Appeal No.249 of 2016

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ appeal is directed against the order dated 7.1.2016 passed in Writ Petition No. 761 of 2016. By this writ petition, the appellant-writ petitioner challenged entries in the assessment register maintained by the Municipal Corporation. The names of respondent Nos. 6 to 9 were entered in the record as far back as in 1990. In other words, the name of the petitioner had been struck off from the assessment register and since then, the name of his brother and then his legal representatives was entered in the register. Keeping this in view, learned Single Judge dismissed the writ petition with the following observations in the impugned order:

“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.”

We do not find any reason to interfere with the order of the learned Single Judge. The writ appeal is dismissed.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

6th April, 2016

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