

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No. 18355 OF 2009**

**ORDER:**

It is the case of the petitioners that the house bearing No. 2-1-103 (old) and 2-1-356 (new) situated in the house plot admeasuring Ac. 1.00 cents stood in the name of one Kodati Venkateswara Rao. The said Venkateswara Rao died in the year 1956 but his name continued to appear in the records till 1975-76. The 1<sup>st</sup> petitioner claimed that an extent of 13 ½ guntas of the said land was given to him under deed of gift by the wife of late Venkateswara Rao and he filed O.S.No. 1202 of 1987 on the file of the Court of District Munsif, Suryapet, seeking declaration and perpetual injunction. He further states that the said suit was decreed in his favour on 07-09-1987. In view of the said decree, his name was mutated by proceedings dated 14-11-2006 and house bearing No. 2-1-356/d was given to him. It appears that the paternal uncles of Kodati Venkateswara Rao got their names mutated in respect of house Nos. 2-1-356 and 2-1-356/A to C. The 1<sup>st</sup> petitioner got issued a notice through his counsel on 23-03-2009 calling upon the 2<sup>nd</sup> respondent to restore his name in respect of the portion of the house bearing No. 2-1-356/D, Suryapet Town, by deleting the name of one Kodati Tirumala Rao and a reply was sent to the said notice on 18-05-2009 stating that it is not possible to consider the said request and he was directed to approach the Court of law. It is the case of the petitioners that the mutation was effected on 12-10-2007 without issuing any notice and hence, the said proceedings are illegal.

The 3<sup>rd</sup> respondent, who is the wife of late Kodati Tirumala Rao, refused to receive notice.

No counter affidavit is filed by the 2<sup>nd</sup> respondent till today.

The dispute relating to mutation of names in the property tax register is governed by the Hyderabad Municipal Corporation (Registry of the Transfer of ownership of Properties in the Assessment Book) Rules, 1965, issued under

G.O.Ms.No. 1033, M.A., dated 13-08-1965 and the said provision should have been followed by the 2<sup>nd</sup> respondent while effecting the mutation in favour of the husband of the 3<sup>rd</sup> respondent. Since no counter affidavit is filed either by the 3<sup>rd</sup> respondent or by the 2<sup>nd</sup> respondent, this Court is not in a position to verify whether such procedure was followed by the 2<sup>nd</sup> respondent while effecting the mutation. In the circumstances, the impugned proceedings dated 12-10-2007 are set aside and the matter is remanded to the 2<sup>nd</sup> respondent for passing fresh orders in accordance with law after issuing appropriate notice to the petitioner and the 3<sup>rd</sup> respondent.

The Writ Petition is, accordingly, allowed. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed in consequence. No order as to costs.

Date: 06<sup>th</sup> December, 2016.  
JSK

**A.RAMALINGESWARA RAO, J.**

