

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31936 of 2012

ORDER:

It is the case of the petitioner that he is the absolute owner and possessor of the residential house bearing municipal No.2-4-409/1, Pochamma Basthi, Kagaznagar, Adilabad District, in an extent of 108 square yards. The said land was allotted to the petitioner by the Tahsildar, Kaghaznagar, on 30.03.2005. The first respondent has been collecting property tax. When the petitioner did not receive any demand notice on 31.03.2011 for property tax, he got doubt and approached the first respondent and learnt that the first respondent mutated the name of the second respondent in the records. He approached the third respondent and filed an application under Right to Information Act asking him to furnish the details with regard to the pattas granted to the second respondent and the third respondent issued reply stating that no such patta certificates were issued in favour of the second respondent. The petitioner submitted a detailed representation to the first respondent to cancel the mutation and restore his name in the municipal records on 24.09.2012 and when no orders were passed, the present writ petition was filed.

2. The first respondent filed counter affidavit admitting that the house bearing municipal No.2-4-409/1, Pochamma Basthi, Kagaznagar, Adilabad District, stood in the name of the petitioner, but stated that the Tahsildar, Kaghaznagar, issued a patta certificate on 06.10.2010 in the name of the second respondent. The revenue authorities collected an amount of Rs.1,620/- through

challan dated 19.03.2005 and transferred the patta certificate in the name of the second respondent. The land belongs to M/s.Sirpur Paper Mills Limited and was relinquished by the said company in favour of the Government and as such, the revenue authorities have regularised the encroachments under G.O.Ms.No.508 Revenue (Asgn.-I Dept.) dated 20.10.1995. It is also stated that the petitioner transferred his rights by executing an ordinary sale deed dated 24.06.2009 by receiving consideration. The second respondent is in possession of the said property. The mutation was effected after verifying the patta in favour of the second respondent. After receiving representation on 24.09.2012, the first respondent wanted to take steps to pass appropriate orders after due enquiry, but in view of the pendency of the writ petition, the enquiry could not be taken up and no orders are passed. The present writ petition is filed challenging the inaction of the first respondent in taking action pursuant to the representation of the petitioner dated 24.09.2012 challenging the inclusion of the name of the second respondent in the place of the petitioner.

3. Since the dispute involves enquiry into facts, this Court is not inclined to go into the merits of the case, but directs the first respondent to conduct enquiry in accordance with law with regard to the mutation effected in favour of the second respondent, pursuant to the representation of the petitioner dated 24.09.2012 and pass appropriate orders after hearing the petitioner and the second respondent within a period of three (03) months from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

A. RAMALINGESWARA RAO, J

01st November, 2016
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