

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14697 of 2017

ORDER:-

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner being aggrieved of the inaction of the 2nd respondent in responding to the letter, dated 28.01.2017, of the 3rd respondent seeking clarification as to whether or not mutation fee has to be collected for affecting mutation of the properties of the petitioner, pursuant to a deed of partition bearing Document No.2788 of 2015, dated 20.04.2015.

2. I have heard the submissions of the learned counsel for the petitioner. I have perused the material record.

2.1 Learned Assistant Government Pleader for Municipal Administration and Urban Development (Telangana) takes notice for the respondents 1 & 2. Learned Standing Counsel for Nirmal Municipality takes notice for respondent no.3.

3. Learned counsel for the petitioner would submit that the petitioner made several representations, copies of which are filed with the material papers of the writ petition, stating that she has got her share of properties by virtue of partition *vide* partition deed aforesaid and requesting for mutation of the subject properties in her name; but, mutation of the properties was not done; and, that on the other hand, the 3rd respondent, ignoring the provision of Section 120 of the A.P. Municipality Act, 1965, sought clarification from the 2nd respondent-Commissioner and Director, Municipal Administration, Hyderabad, by letter, dated 28.01.2017, as regards collection or

otherwise of mutation fee; and, that till date, the 2nd respondent did not give any clarification to the 3rd respondent; and, that the matter is kept pending since long. He would further submit that as the properties devolved by virtue of a deed of partition, no mutation fee is collectable in the matter, in view of the ratio in the decision of this Court in *Shyamsundar Agarwal and others Vs. State of Telangana and another*¹ and that the ratio in the decision was also brought to the notice of the respondents.

4. Learned AGP and the learned standing counsel representing the respondents would submit that the writ petition may be disposed of directing the 2nd respondent to consider the letter of the 3rd respondent.

5. Learned counsel for the petitioner also submits that the said course meets the ends of justice.

6. In view of the consent of the learned counsel for both the sides and the facts of the case, this Court is of the view that the writ petition can be disposed of at the stage of admission with appropriate directions.

7. In the result, the Writ Petition is disposed of directing the 2nd respondent to consider the letter of the 3rd respondent, dated 28.01.2017, and give necessary clarification to the 3rd respondent to facilitate the 3rd respondent to take further action in the matter, as expeditiously as possible and preferably within a period of three (3) weeks from the date of receipt of a copy of this order.

¹ 2016 (4) ALD 102

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M. Seetharama Murthi, J

Date: 24th April, 2017

Note: Issue C.C. in three (3) days.

(B/o.)
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