HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23238 OF 2017

ORDER:

Heard the learned counsel for the petitioner and also the learned Govt.Pleader for Panchayat Raj for the 1st respondent and the learned Standing Counsel for the Nagar Panchayat represented by its Commissioner Sri N.Praveen Kumar, offers to file vakalath from instructions, and perused the Writ Petition prayer, supporting affidavit and other material on record. The very prayer of the Writ Petition reads as:-

> *"To issue writ or order more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent in not passing mutation proceedings and transfer of ownership in entering the petitioner name in Nagara Panchayath records, Huzur Nagar, Suryapet District in respect of the petitioner house properties i.e. H.No.11-30, H.No.2-127 and H.No.2-144 situated at Huzur Nagar, Suryapet District erstwhile Nalgonda District by deleting the name of late Kamisetty Laxmi Narayana S/o late Narsaiah in spite of petitioner's written representation dated 13.12.2016 and 20.10.2015 as illegal, arbitrary, unjust and also against the Article 300-A of Constitution of India and consequential directions to the 2nd respondent to issue mutation proceedings and transfer of ownership in favour of the petitioner by deleting earlier owner name in respect of the petitioner house properties i.e. H.No.11-30,H.No.2-127 and H.No.2-144 situated at Huzur Nagar,Suryapet District forthwith and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case."*

The claim of the petitioner is that based upon unregistered Will of late Kamisetty Laxminarayana S/o Narasaiah, the petitioner is a legatee as per the bequeaths for the house properties bearing H.No.11-30,H.No.2-127 and H.No.2-144 situated at Huzur Nagar, Suryapet District and the panchayat. Despite his representation, the respondents are not considering to mutate name of the

petitioner in the concerned records. As it is the submission that the unregistered Will cannot be acted upon, this Court cannot dispose of the writ petition for the lis is of civil nature if at all to be adjudicated by a civil Court.

Having regard to the above, the Writ Petition is disposed of. Needless to say the respondents have to pass appropriate orders on the representation of the petitioner on own merits within four (4) weeks from the date of receipt of the order and if at all aggrieved, the petitioner to approach the civil Court.

As a sequel, miscellaneous petitions if any pending in this Writ Petition shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Dt.19.07.2017
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