

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19547 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the rejection order, dated 25.02.2017, passed by the 3rd respondent to mutate the names of the petitioner and his brothers and sister and the legal heirs in the municipal records in respect of H.No.3-6-369/ A/ 11, situated at street No.1, Himayathnagar, Hyderabad, as illegal and arbitrary and consequently, direct the 3rd respondent to mutate the names of the petitioner and his brothers and sister in the municipal records in respect of the abovementioned property.

Heard and perused the material available on record.

It is the case of the petitioner that himself and his brothers and sister have bequeathed the property i.e. H.No.3-6-369/ A/ 11, street No.1, Himayathnagar, Hyderabad, by virtue of Will, dated 15.09.1997, executed by their father in their favour. The father of the petitioner died in the year 1998. Then, the petitioner and his brothers and sister submitted an application to the 3rd respondent on 16.06.2016 seeking mutation of their names in the municipal records in respect of the said property. But, the 3rd respondent rejected the said application on the ground that no house number is mentioned in the Will. Hence, this writ petition.

This Court perused the impugned letter, dated 25.02.2017. The ground on which the 3rd respondent rejected the request made by the petitioner for mutation of the names, is as follows:

“With reference to the subject vide reference 1st cited above, regarding mutation in respect of Premises bearing No.3-6-369/ a/ 11, 3-6-369/ A/ 11/ 1, situated at Hymayathnagar, Hyderabad,

it is to inform that the Municipal Standing Counsel, GHMC has opined that "it may be noted that the will deed does not disclose the House number and no supporting document is submitted to prove the claim of the application as such the application cannot be entertained."

Hence, in view of the above, as per the legal opinion of the Municipal Standing counsel, GHMC, vide reference 2nd cited, your request for mutation in respect of Premises bearing No.3-6-369, / A/ 11, 3-6-369/ A/ 1, situated at Himayathnagar, Hyderabad cannot be considered."

This Court is of the view that the above objection raised by the authorities concerned is in accordance with law. If the petitioner is aggrieved over the objection raised by the respondent authorities, he is at liberty to file a fresh application informing the correct door number and the property, which is to be mutated in the records.

Considering the circumstances of the case, this Court is inclined to pass the following order:

If the petitioner is aggrieved by the objection raised by the authority concerned for mutation of the names of the petitioner and his brothers and sister in the municipal records in respect of the subject property, he is at liberty to submit a fresh application with correct door number and the property which is to be mutated, before the authority concerned, for mutation of the names in the municipal records, and on such application being filed, the authority concerned shall consider the same and pass appropriate orders.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 23, 2017
KTL