

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39902 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“For the reasons stated in the accompanying Writ Affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ, Order, Direction in the nature of Mandamus by declaring the action of the Respondent No.2 in not Transferring / Mutating the name of the Petitioner No.2 in respect of remaining half portion of the First Floor i.e., H. No. 6-1-344/13/2 in pursuance of the Regd. WILL & TESTAMENT executed by their father Late Thota Sanjeevaiah situated at Padmarao Nagar, Secunderabad as arbitrary, illegal, colourable exercise of power and violative of Fundamental Rights guaranteed under Article 14 of the Constitution of India and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Aleti Srinivas*, learned counsel appearing for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Chatla Madhu*, learned Standing Counsel appearing for the 2nd respondent. I have perused the material record.

3. Learned counsel for the petitioners submits that inspite of several representations, the request of the petitioners for mutation of the subject property in their names as per the Will of their father is not being considered by the 2nd respondent Municipal Corporation. Learned counsel for the petitioners would further submit that three representations, dated 25.01.2012, 03.09.2016 and 03.12.2016, and one more recent representation were submitted and if the same are

considered and disposed of by the 2nd respondent, in accordance with procedure established by law, the ends of justice would be met.

4. Learned Standing Counsel endorses the said submission.

5. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representations, dated 25.01.2012, 03.09.2016 and 03.12.2016, and the latest representation, said to have been submitted by the petitioners within a period of four (04) weeks from the date of receipt of a copy of this order and take a considered decision in the matter, in strict accordance with procedure established by law, and communicate the decision taken thereon to the petitioners within a week thereafter. Since it is represented that the copies of the representations of the petitioners are not with the concerned authority, the petitioners are directed to submit copies of the afore-stated representations once again to the 2nd respondent within a week after receipt of a copy of this order to enable the 2nd respondent to complete the afore-stated exercise.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 5th December, 2017

Note: Issue in two (02) days.

(B/o.)
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