

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**  
**AND**  
**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT PETITION No.2646 of 2009**

**07.09.2018**

Between:

Shanigarapu Mallamma

..Petitioner

and

The District Legal Services Authority,  
Karimnagar District and others

..Respondents

Counsel for the petitioner: Mr.K.Govind Reddy  
for Mr.K.Venumadhav

Counsel for respondent No.1: Mr.J.Anil Kumar, standing counsel  
for Legal Services Authority

Counsel for respondent No.2: Assistant Government Pleader  
for Revenue

Counsel for respondent No.3: Mr.N.Praveen Kumar,  
standing counsel for Municipalities

Counsel for respondent No.4: None appeared

The Court made the following:

**ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)**

This writ petition is filed for issue of *mandamus* to declare award, dated 22.11.2007, in Pre-Litigation Case (P.L.C.) No.145 of 2007 on the file of respondent No.1 Lok Adalat at Karimnagar, as arbitrary and illegal.

2. We have heard Mr.K.Govind Reddy, learned counsel representing Mr.K.Venumadhav, learned counsel for the petitioner, Mr.J.Anil Kumar, learned standing counsel for Legal Services Authority appearing for respondent No.1 and Mr.N.Praveen Kumar, learned standing counsel for Municipalities appearing for respondent No.3 Municipality. Mr.P.V.N.V.Sastry, learned counsel, who filed appearance for respondent No.4, is not present at the hearing.

3. Respondent No.4 is the brother of the petitioner's husband. He approached respondent No.1 Lok Adalat with the grievance that though he has half share in the property bearing door No.5-4-11/3, respondent No.3 Municipality has not been mutating his name in the municipal records in respect of his half share. Though specific allegations were made against the petitioner to the effect that she was deliberately misleading the officials and unjustly denying share to

respondent No.4, the latter did not implead the petitioner in the P.L.C. Instead of raising an objection to the maintainability of the P.L.C. without impleadment of the petitioner, the Commissioner of respondent No.3 Municipality has evidently agreed to assign a separate number to the purported half share of respondent No.4 in the house bearing door No.5-4-11/3. Based on the said agreement, respondent No.1 has passed the impugned Lok Adalat award, wherein it has directed respondent No.2 to assign door No.5-4-11/3A and make entries in the municipal records for assessment of house tax in the name of respondent No.4.

4. As rightly submitted by the learned counsel for the petitioner, when the grievance of respondent No.4 was against the petitioner, the P.L.C. filed by him without impleading the petitioner ought not to have been entertained by respondent No.1. Respondent No.3, being the municipal body, cannot compromise with respondent No.4 to the detriment of the petitioner's interests. Thus, while the Commissioner of respondent No.3 Municipality has acted in excess of his authority, respondent No.1 has wrongly entertained the P.L.C. filed by respondent No.4 without impleading the petitioner

whose interests are jeopardised by the impugned Lok Adalat award.

5. For the aforementioned reasons, award, dated 22.11.2007, in Pre-Litigation Case No.145 of 2007 on the file of respondent No.1 is set aside. The Writ Petition is, accordingly, allowed.

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C.V.NAGARJUNA REDDY, J

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GUDISEVA SHYAM PRASAD, J

07<sup>th</sup> September, 2018  
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