

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3075 OF 2018

ORDER:

The petitioner claims to be the legal wedded wife of one B.Madan Mohan Reddy, having married him on 13.02.2005. Her husband is the absolute owner of property bearing No.20-2-678/A2 situated at Korlagunta/Maruthinagar, Tirupathi, having purchased the same under registered sale deed dated 23.09.1988. He constructed a house and it was assigned building No.20-2-678/A2 and the building is having ground plus three floors. It was assessed to the municipal taxes and electricity connection was also given for each floor separately. He executed a registered settlement deed in favour of his younger brother, B.Giribabu Reddy, but unfortunately he died on 07.06.2010 in a motor vehicle accident. During his lifetime, he executed a Will on 09.05.2010 in favour of his mother in respect of his movable and immovable properties. After the death of B.Giribabu Reddy, the petitioner's husband cancelled the settlement deed by Revocation Deed on 07.09.2010. The petitioner's husband also died on 14.02.2017 and thus, the petitioner and her two minor daughters succeeded to the property left by her husband. In respect of the property left by the other brothers also, by virtue of various deeds, the petitioner has become the absolute owner of the entire building including the Southern side and Northern side. The fourth respondent is the wife of the deceased Giribabu Reddy. She filed a suit for partition in O.S.No.199 of 2015, on 12.07.2015, on the file of the Court of the X Additional District Judge, Tirupathi, in respect of the said building property and the same is pending. Pending disposal of the said suit, she applied for mutation of her name by deleting the

name of the husband of the petitioner in respect of the building property and she appears to have submitted an Affidavit on 29.07.2017 with false averments. She also paid mutation fee in respect of the said building property. The petitioner along with her mother-in-law filed W.P.No.32149 of 2017 impleading the fourth respondent and Tirupathi Municipality and sought a direction not to entertain any claim from the fourth respondent for mutation of her name in respect of the above property and the said writ petition is pending.

While so, now the petitioner states that the Commissioner, Tirupati Municipal Corporation, issued proceedings on 08.08.2017 transferring the title (mutation) of the said house building bearing No.20-2-678/A2 in favour of the fourth respondent by deleting the name of the husband of the petitioner without issuing any notice to the petitioner. It appears that the fourth respondent filed O.S.No.458 of 2017 seeking permanent injunction against the petitioner in respect of the house building bearing No.20-2-678/A2 based on the proceedings issued by the Commissioner, Tirupati Municipal Corporation, dated 08.08.2017. She states that she filed a written statement. She filed W.P.No.45043 of 2017 for setting aside the proceedings of the Commissioner, Tirupati Municipal Corporation, dated 08.08.2017 and seeking restoration of her name in the municipal records and the said writ petition is also pending. It is the case of the petitioner that the fourth respondent is canvassing that she would alienate the property bearing No.20-2-678/A2 and in those circumstances, she filed the present writ petition seeking a direction to the respondents 2 and 3 not to entertain any document executed by the fourth respondent in favour of any third party in respect of the

house bearing No.20-2-678/A2 situated in Municipal 20th Ward, Korlagunta/Maruthinagar, Tirupati, Chittoor District, on the strength of the proceedings dated 08.08.2017.

It is evident from the above facts that challenging the proceedings of the Commissioner, Tirupati Municipal Corporation, dated 08.08.2017, the petitioner filed W.P.No.45043 of 2017 and the same is pending. The petitioner so far has not filed any suit against the fourth respondent and on the other hand, the fourth respondent filed a suit for partition and permanent injunction in O.S.Nos.199 of 2015 and 458 of 2017 respectively. In view of the pending suits, it is open to the petitioner to take appropriate steps for the relief sought for in the present writ petition. Even otherwise also, there is no provision in the Registration Act for directing the registering authority to execute any document and as such, the relief sought for in the present writ petition cannot be granted in view of the absence of any such provision.

For all the aforesaid reasons, the writ petition is dismissed at the admission stage. Consequently, miscellaneous petitions, pending if any, in the writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

01.02.2018
pln