

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9086 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings of the 1st respondent dated 9.4.2007 as illegal, arbitrary and violative of Article 14 of the Constitution of India.
2. Heard Sri Alladi Ravinder, learned Counsel for the petitioner and the learned Government Pleader for Panchayatraj.
3. It has been contended by the learned Counsel for the petitioner that the house bearing No.6-25 situated within the Grampanchayat limits of Eligaid village and Mandal of Karimnagar District originally belonged to her father-in law and it is his self-acquired property and during his life time, he gifted the said property to the petitioner on 15.7.1995 and based upon the said gift deed, the Grampanchayat was pleased to mutate the name of the petitioner in its records, however, the 4th respondent claiming title over the said property by virtue of a will, sought his name to be mutated in the place of the petitioner, and that the 1st respondent-District Panchayat Officer vide order dated 27.10.1996 ordered for mutation of the name of the 4th respondent in the place of the petitioner in the records, without giving any opportunity to the petitioner, and in those set of circumstances, the petitioner filed W.P.No.3862 of 1997 before this Court and this Court while admitting W.P.No.3862 of 1997 granted interim suspension of the order of the 1st respondent dated 27.10.1996 and subsequently, the said writ petition was dismissed against the 5th respondent therein for not paying the batta, but the official respondents have treated the said dismissal of the writ petition against the 5th respondent as dismissal of the entire writ

petition and passed orders impugned herein dated 9.4.2007 to the effect that the name of the 4th respondent be mutated in the place of the petitioner in the records and challenging the same, the present writ petition has been filed.

4. During the course of arguments, it has been brought to the notice of this Court that W.P.No.3862 of 1997 was allowed by this Court vide order dated 5.8.2010 and the order of the 1st respondent dated 27.10.1996 impugned therein was set aside, and therefore, the consequential proceedings issued by the 1st respondent on 9.4.2007 would also fail, and the same are liable to be set aside..

5. When there is a dispute with regard to title of the property among the family members, the Grampanchayat cannot adjudicate such issues and that the persons who are claiming the said property, will have to approach a competent civil Court for redressal of their grievances, as rightly pointed out by this Court in W.P.No.3862 of 1997. It is not for the District Pancyhayat Officer to adjudicate such issues. Since the order of the 1st respondent dated 27.10.1996 was set aside by this Court vide order dated 5.8.2010 in W.P.No.3862 of 1997, the consequential proceedings of the 1st respondent dated 9.4.2007 are set aside.

6. Accordingly, the Writ Petition is allowed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

6th April, 2018
Nn

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9086 OF 2007



6.4.2018

Nn