

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.7501 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Municipal Administration for respondent No.1 and Sri V.Satyam Reddy, learned Standing Counsel, offers to appear from oral instructions on behalf of respondent No.2, before ordering notice to the unofficial respondent Nos.3 to 6 and perused the prayer in the writ petition with supporting affidavit and plaint copy in O.S.No.140 of 2012 pending on the file of the Senior Civil Judge, Karimnagar.

2. The prayer in the writ petition reads as follows:

“.....to issue Writ, or Direction especially one in the nature of Writ of Mandamus declaring the action of the respondents in not considering petitioner representation, dated 22.02.2018 in not to mutate the House bearing No.3-3-94, Savaran Street, Karimnagar as unfair, illegal and arbitrary and Article 14 of Constitution of India and consequently direct the 2nd respondent not to mutate in respect of the House Property bearing No.3-3-94, Saravan Street, Karimnagar in favour of said Mujahid or any third party and pass such other or further orders as this Honorable Court may deem fit and proper in the circumstances of the case.”

3. Undisputedly, the GPA of June 2016 said to have been executed in faovur of the petitioner not for consideration, only to act on behalf of the said principals, by names, Ch.David Albert, Ch.Devid Wilkinson and Ch.Deepika Loren. Ch.Deepika Loren was the sole

plaintiff and Ch.David Albert and Devid Wilkinson are defendant Nos.3 and 4 in the said suit supra, which was for partition and separate possession of her 1/4th share maintained by her against Ch.Sonia Rani, Ch. Sindrilla Haraet, minor represented by Ch.Sonia Rani, Ch.David Albert, Ch.David Wilkinson, K.Basavaiah and Ch.Sriivas.

4. It is the contention that respondent No.3 to 9 are trying to mutate their names pursuant to the so-called alienations *inter se* created pending disposal of the suit and respondent No.2-Municipality is going to consider behind back of the persons, whom the petitioner is representing as GPA referred supra. The petitioner claims that he filed I.A.No.331 of 2016 in the said suit to implead him as 2nd plaintiff and the same is pending before the Senior Civil Judge, Karimnagar. It is now not necessary including to reproduce any contention of the learned Standing Counsel for the Municipality of very locus of the petitioner to implead as co plaintiff pursuant to non consideration GPA, but for to represent the principal if at all by seeking recognition under Rule 32 of the Civil Rules of Practice, any further discussion may prejudice the rights of the any party in the pending petition in I.A.No.331 of 2016 besides not necessary for disposal of the writ petition, thereby not taken up any further discussion thereon.

5. Coming to the relief regarding the apprehension of change of mutation, for one month from today, the 2nd respondent not to undertake any mutation and in the mean time, the plaintiff in

O.S.No.140 of 2012 supra shall file for trial Court therefrom to implead the Commissioner, Municipal Corporation, Karimnagar, as co-defendant to the suit and file petition for any relief of not to mutate the property pending disposal of the suit, to decide on own merits meantime.

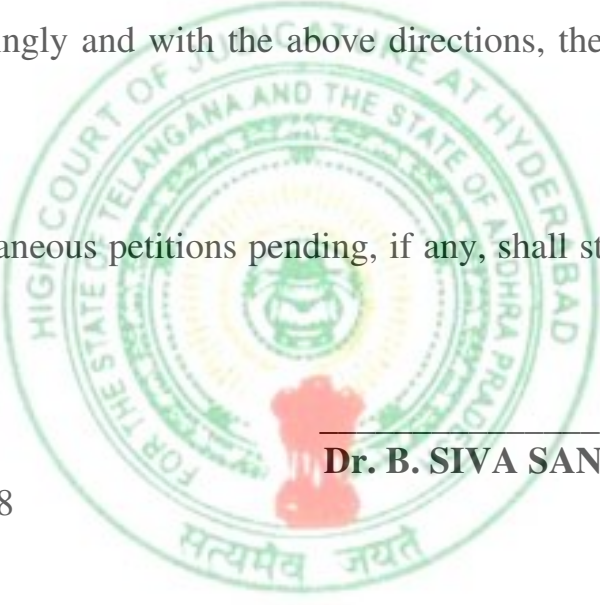
6. Accordingly and with the above direction, the writ petition is disposed of for nothing to keep pending much less to multiply the litigation.

7. Accordingly and with the above directions, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

8th March 2018

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Dr. B. SIVA SANKARA RAO, J