

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.18793 of 2018

ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Panchayat Raj appearing for respondent Nos.1 and 2, Sri G.Seshadri, learned counsel for 3rd respondent and Smt. N.Kiranmayi, learned counsel for 4th respondent.

2. Petitioner has assailed order dt.23-04-2018 mutating the name of the 4th respondent in the records of the Mylavaram Village Panchayat by deleting the name of the petitioner.

3. Petitioner contends that the subject property is house property of which he is in possession but 4th respondent has claimed title thereto on the basis of a registered sale deed dt.04-11-2004 executed in her favour by the father of the petitioner which is not valid.

4. It is not in dispute that the petitioner and 4th respondent are sisters and the property originally belongs to their father. Once a registered sale deed is executed by the father in favour of 4th respondent, *prima facie*, title to the property would vest in the 4th respondent. However, it is open to the petitioner to file a suit and obtain a declaration of her title to the property from a competent Civil Court and till then the petitioner cannot question the decision of 3rd

respondent in mutating the name of 4th respondent on the basis of the subject sale deed.

5. Accordingly, the Writ Petition is dismissed at the admission stage granting liberty to the petitioner to approach the competent Civil Court for adjudication of her title to the subject property. It is made clear that this Court has not expressed any opinion on the validity of the sale deed set up by 4th respondent. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 11-06-2018
kvr

