

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37146 OF 2018

Date:28.11.2018

Between:

Goluguri Umamaheswari, W/o. Late Yesu Reddy, aged about 46 years, Housewife, R/o. D.No.4-36, Garuvugunta Khandrika, Eletipadu Village, Iragavaram Mandal, West Godavari District and another

.. Petitioners

And

The State of Andhra Pradesh, rep., by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Panchayat Raj appearing for respondents 1 to 3 and Sri K. K. Durga Prasad, learned Standing Counsel for Gram Panchayat appearing for respondent No.4.

2. Petitioners claim that they are the owners and in possession of A.C.C. Sheet Shed to an extent of 896 sq. yards on the northern side of full extent of Ac.0.37 cents in R.S.No.1-4 bearing D.No.4-35 of Garuvugunta Khandrika, Eletipadu Village, Iragavaram Mandal, West Godavari District. According to petitioners, the said property belongs to 2nd petitioner's grandmother, by name, G. Nagaratnam, and her name was reflected in the Gram Panchayat records. Their grandmother executed registered Will dated 29.09.1999 in favour of their grandfather, but later cancelled the said Will and executed another Will on 09.10.2017 bequeathing the said property in the name of the petitioners. By placing reliance on the Will executed in favour of petitioners, they applied for mutation of their names in the Gram Panchayat records on 13.04.2018. On 02.05.2018, the Panchayat Secretary issued a letter addressed to the 2nd petitioner directing him to produce the relevant documents, particularly the Will Deed for verification and taking necessary further course. It appears, Smt. Kovvuri Kasi Ratnam is opposing the claim of the petitioners. On 02.10.2018, a legal notice was issued on behalf of the petitioners alleging illegal action by the Gram Panchayat in not mutating the names of the petitioners. Alleging that no decision is

taken on the application for mutation in spite of legal notice issued, this Writ Petition is filed.

3. When the matter is taken up, learned Standing Counsel for respondent No.4 placed before this Court the reply notice, dated 23.10.2018, issued by the advocate on behalf of the Gram Panchayat explaining in detail the rival claim to the claim of the petitioners.

4. Learned counsel for the petitioners points out that the very same advocate is actually appearing on behalf of Smt. Naga Ratnam/Kasi Ratnam.

5. Be that as it may, so far no decision is made by the Gram Panchayat on the application submitted by the petitioners for mutation of their names and even a reading of the legal notice placed before this Court does not show that a decision was made by the Gram Panchayat and the advocate was communicating the decision on behalf of the Gram Panchayat. Reply legal notice was issued in response to the contentions urged on the legal notice issued by the advocate of the petitioners. Thus, apparently so far no decision is taken by the Gram Panchayat.

6. Having regard to the same, the Writ Petition is disposed of, without expressing any opinion on the respective claims, directing the Gram Panchayat, the 4th respondent, to consider the application submitted by the petitioners for mutation of their names in the Gram Panchayat records. Since there is a rival claim, the Panchayat Secretary shall hold a personal hearing by ensuring the presence of both parties on a date fixed in advance,

consider their respective claims and documents filed in support of their claim. If there is no dispute with regard to the claim of the petitioners, the request of the petitioners may be considered. If, for any reason, the Panchayat Secretary is not agreeing to accept the request for mutation of the names of the petitioners in the Gram Panchayat records, he shall pass orders by assigning due reasons in support of the decision and communicate the same to the petitioners within a period of six weeks from the date of receipt of a copy of the order after affording due opportunity to both sides. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:28.11.2018

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P. NAVEEN RAO, J

