

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.1508 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and learned Standing Counsel for respondent No.2.

2. The petitioner asserted that her husband, by name, Musku Ananda Reddy, had executed registered gift settlement deeds in her favour with respect to the properties bearing H.No.4-2/A in Sy.No.71 admeasuring 122.49 square yards and H.No.4-1/9 in Sy.No.71 admeasuring 517 square yards, situated at Dharoor Village of Jagtial Mandal and since then, she is in possession and enjoyment of the said properties. Due to disputes, her husband had taken away the said deeds behind her back and therefore, she filed suit in O.S.No.71 of 2018 on the file of the Senior Civil Judge, Jagtial, for declaration, perpetual injunction and revocation/cancellation of gift settlement deeds. She further asserted that during pendency of the said suit, when her husband was trying to mutate the name in the Municipal records, she made a representation to the 2nd respondent-Commissioner on 15.12.2018. But the same has not been considered. Hence, the petitioner filed this writ petition through general power of attorney seeking a writ of mandamus to declare the action of the 2nd respondent in not considering the said representation, as illegal and arbitrary.

3. Learned Standing Counsel for the 2nd respondent submits that the 2nd respondent would give notice to the petitioner before taking any action for mutation.

4. Having regard to the averments made in the writ affidavit and the submission of the learned Standing Counsel, it is the duty caste upon the 2nd respondent to give notice to the petitioner before initiating any action either at the instance of her husband or any one claiming right over the subject properties. Further, there is no averment in the writ affidavit that the petitioner's husband had approached the 2nd respondent for mutation and the writ petition is filed on mere apprehension

5. In the above circumstances, the Writ Petition is closed. However, it is made clear that it is the bounden duty of the 2nd respondent to issue notice to the petitioner before taking any action for mutation and to follow the procedure prescribed under law. No order as to costs. Miscellaneous application, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

29th January, 2019

sj