

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5462 of 2019

ORDER:

This is a case where the petitioner complains inaction of the respondent authorities in transferring the property in the name of the petitioner in spite of the fact that necessary fee, as mandated, has already been paid.

2. It is the case of the petitioner that he came to purchase the property vide document No.530/2017 dated 30.01.2017 for valuable consideration and at the time of registration of the property, necessary fee also was collected, as mandated under Sections 207 and 208 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). The petitioner asserts that he submitted a representation on 08.03.2019 seeking his name to be substituted in the place of the original owner viz. Mrs. Pothuraju Susheela David, D/o. Mr. P. David from whom the petitioner purchased the property. Petitioner also asserts that a sum of Rs.2,000/- has already been paid.

3. Having regard to the submissions of the learned counsel for the petitioner as well as the learned standing counsel, the change of name/transfer of property in the municipal record, on an individual acquiring the right over the property, is governed by Sections 207 and 208 of the Act. While Section 207 of the Act requires notice to be issued to the Commissioner within three months bringing to his notice the transfer by enclosing the instrument through which the property came to be acquired by an individual, Section 208 of the Act specifies format of such notice to be issued. The prescribed format, in terms of

Schedule F is Form I and Form II, is required to be processed by the respondent authorities within a reasonable time. The fee that is payable is notified in terms of G.O.Ms.No.151 Municipal Administration and Urban Development (M1) Department dated 30.05.2019, as amended by G.O.Ms.No.192 Municipal Administration and Urban Development (M1) Department dated 22.06.2016, which is at 0.1% of the registered value of the document. Inasmuch as there being no dispute that the petitioner has already submitted a representation on 08.03.2019, however, the same not being in the format, liberty is given to the petitioner to make an application in Form I and Form II of Schedule F of the Act enclosing the receipt of the fee, already paid and also by making good of the additional fee, if any, in terms of G.O.Ms.No.151 dated 30.05.2016, as amended by G.O.Ms.No.192 dated 22.06.2016. As and when such an application is made, the same shall be processed within a period of four (4) weeks from the date of receipt of such application.

Subject to the above, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

April 22, 2019
DSK