

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8895 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent and Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent.

2. The petitioner asserts that he is the absolute owner of land admeasuring 620 square yards in Sy.Nos.1535 and 1536, situated at Siricilla, Rajanna Siricilla District, and he got constructed a house bearing No.6-1-96 leaving open space to an extent of 310 sq. yards on south side. While so, the 3rd and 4th respondents had occupied the said open space by erecting two small huts and also obtained door numbers as 6-1-97 and 6-1-98. Petitioner further asserts and when he sought information under Right to Information Act, the 2nd respondent vide letter dated 23.08.2018, informed that the said houses have been mutated in the names of the 3rd and 4th respondents. Hence, he filed the writ petition seeking to declare the action of the official respondents in mutating the names of the unofficial respondents by allotting Door Nos.6-1-97 and 6-1-98 in Sy.Nos.1535 and 1536 situated at Sircilla, Rajanna Sircilla District, as illegal and arbitrary.

3. Learned counsel for the petitioner submits that the 3rd and 4th respondents have got their names mutated in the revenue records with respect to the subject property by producing the forged documents.

4. On the other hand, learned Standing Counsel submits that as per the information furnished to the petitioner under Right to Information Act, the mutation was effected on 08.10.2013 and the petitioner is approaching the Municipal Authorities after a long lapse of time. He further submits that the respondents are not in a position to decide the title of the subject property and he prays for dismissal of the writ petition.

5. Having regard to the respective submissions, it is well settled that mere entry of the names of the individuals in the municipal records/pahanies is not a proof positive with respect to the right of the property, as they made only to facilitate the collection of property tax and other taxes from the owner/occupier. In the present case, mutation was done in the year 2013 and that the municipal authorities, with their limited resources and limited scope of consideration, cannot decide the right, title or interest over the subject property. These disputed questions have to be decided by the civil Court.

6. In those circumstances, the Writ Petition is disposed of, giving liberty to the petitioner to approach the civil Court seeking appropriate relief. No order as to costs.

7. Miscellaneous Applications, if any pending in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

25th April, 2019

sj