

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17801 OF 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for the 1st respondent, learned Standing Counsel for the 2nd respondent and learned Government Pleader for Revenue for the 3rd respondent.

2. According to the petitioner, she owned land to an extent of 96.5 sq.yds., with a building comprising of Ground + First floor bearing Municipal No.4-98/3/3 (new H.No.13-18), situated at Sadguru Colony, Devanpally Village, Kamareddy Mandal & District.

3. Petitioner alleges that the 4th respondent created a document i.e. Agreement of Sale-cum-General Power of Attorney and a Mortgage Deed. By using the said Agreement of Sale-cum-GPA, the 4th respondent created a transaction in favour of his wife, 5th respondent, and registered the deed of conveyance in a fraud manner. All this has happened without the consent of the petitioner, behind her back and by playing fraud. Therefore, the petitioner filed O.S. No.48 of 2019 in the court of the Senior Civil Judge, Kamareddy, for cancellation of the agreement of sale cum GPA and Mortgage Deed. Thus, apprehending that based on the sale transaction entered into between the 4th and 5th respondents, the

5th respondent is requesting the Municipality to enter her name in the Municipal records in the above property, petitioner filed objections on entertaining such application. Alleging that no steps are taken to consider the objections made by her and as active steps are being taken to mutate the name of the 5th respondent on the property belonging to her, the petitioner filed this writ petition.

4. Two aspects require notice. Firstly, there is an Agreement of Sale-cum-General Power of Attorney and Mortgage Deed, as claimed by 4th respondent as executed by the petitioner, and the same is subject matter of O.S. No.48 of 2019. As long as said document is subsisting, *prima facie*, it cannot be said that the sale transaction in favour of the 5th respondent is invalid. Therefore, the 5th respondent can apply to reflect her name in the Municipal records based on the sale deed executed in her favour. Secondly, as informed by the learned Standing Counsel, already proceedings are concluded by entering the name of the 5th respondent by the Municipality. Even otherwise the Court cannot restrain the Municipality from entertaining the application of the 5th respondent and entering her name in the Municipal records as long as the sale deed executed in her favour stands.

5. Thus, leaving it open to the petitioner to work out her remedies against the decision of the Municipality in entering the name of the 5th respondent in the Municipal records against the house number mentioned above, the writ petition is disposed of.

It is also open to the petitioner to make an application to the Municipality to furnish a copy of the proceedings by which the name of the 5th respondent is entered in the Municipal records and on such application being filed, the copy of the proceedings shall be furnished within a week.

Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

August 20, 2019

KTL

