

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19912 of 2019

ORDER:

The petitioner alleges that she is the owner of H.No.16-75/15, admeasuring 36 square yards, and that she was allotted the subject property by the Huzurnagar Municipality on account of her parting with her hotel for road widening work in 1996; that her daughter, who is the 3rd respondent, had fraudulently created a document dated 07.07.2006 as if the property belonged to Nagarjuna District Cooperative Marketing Society, Nalgonda, and that she purchased the property from that Society, and illegally got mutated her name in the municipal records. The petitioner, therefore, made a representation dated 14.06.2019 to the 2nd respondent-Municipality, seeking restoration of her name in the municipal records by removing the name of her daughter-3rd respondent from the records.

Heard the learned counsel for the petitioner, and the learned Standing Counsel for respondent No.2.

Having regard to the submissions made, it is a case where the allegation is that the petitioner was allotted the subject land by the Municipality way back in 1996, and that the 3rd respondent had allegedly forged a document dated 07.07.2006 styled as a "Sale Deed" and got mutation in her favour in the municipal records.

In those circumstances, whether the subject land came to be given to the petitioner by the 2nd respondent-Municipality for the purpose of road widening in 1996, in exchange of her land, where she was allegedly running a hotel; or whether the 3rd respondent acquired the subject land through a valid title in 2006; or whether the title deed document produced by the 3rd respondent is a forged document or not; are all matters which are pure questions of fact which cannot be decided by this Court in a writ petition exercising jurisdiction under Article 226 of the Constitution of India. Apart

from that, the dispute is essentially between the petitioner and 3rd respondent with respect to title to the property, and such a dispute cannot be sorted out or settled by the 2nd respondent in the name of considering the representation.

Now, coming to the prayer of consideration of representation made by the petitioner on 14.06.2019 before the 2nd respondent, it is well settled that even for a representation to be directed to be considered, there must be a duty cast upon the respondent-authorities to consider the consideration and there must be a corresponding right in the person to make such a representation. Not every representation of any nature is required to be considered by the respondent authorities. At any rate, in view of questions of fact involved in the representation made by the petitioner, which cannot be decided by the 2nd respondent, no Mandamus as such can be issued in favour of a petitioner.

In those circumstances, I see no merit in the writ petition, and therefore the writ petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

CHALLA KODANDA RAM, J

16th September, 2019

KSM

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