

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.26655 of 2019

ORDER :

This writ petition is filed seeking *Mandamus* to declare the action of the respondents in not mutating the petitioner's name in the Municipal records in connection with the petitioner's property bearing H.No.2/735/4-1 (old) corresponding to its GWMC H.No.2-6-282 (new) in Plot No.62/1 Part, situated at St.Peter School Road, Travelers Bungalow Road, Hanamkonda, Warangal District Urban, without considering the application dt.14.03.2019 of the petitioner, as illegal, arbitrary, without jurisdiction and also violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently sought a direction to the respondents to mutate the name of the petitioner in the Municipal records.

The case of the petitioner is that he is the owner and possessor of the property bearing H.No.2/735/4-1 (old) corresponding to its GWMC H.No.2-6-282 (new) in Plot No.62/1 Part, situated at St. Peter School Road, Travelers Bungalow Road, Hanamkonda, Warangal District Urban, having purchased the same from one Banothu Dasru vide registered Sale Deed dt.27.02.2019. Subsequently, the petitioner made an application dt.14.03.2019 seeking mutation of his name in respect of the said house property basing on the said registered Sale Deed dt.27.02.2019

executed by the original owner, whose name was recorded in the Municipal records. As no action has been taken by the respondents on the said application dt.14.03.2019, the petitioner has filed the present writ petition.

Heard Sri M. Ajay Kumar, learned counsel for the petitioner, as well as the learned Government Pleader for MA & UD and Ms. Pingali Lakshmi, learned Standing Counsel for respondent Nos.2 and 3.

Ms. Pingali Lakshmi, learned Standing Counsel for respondents submits that one Smt. Shoba Rani has filed objections for mutation of the name of the petitioner in respect of the subject house property.

Learned counsel for the petitioner submits that Smt. Shoba Rani is only a tenant of the subject house property against whom a suit for eviction is filed by Sri Banothu Dasru before the competent Civil Court.

It is to be seen that when an application is filed by the applicant for mutation of his name basing on the registered documents, it is for the competent authority to consider the same and mutate the name of the applicant basing on the said documents, instead of keeping the said application pending. If Smt. Shoba Rani is a tenant of the subject premises, the question of considering her objections does not arise. If the said Smt. Shoba Rani is claiming individual rights

as owner of the subject property, her application has to be considered basing on the relevant documents filed by her in proof of the same.

In view of the same, this writ petition is disposed of directing the competent authority to dispose of the application dt.14.03.2019 made by the petitioner for mutation of his name in respect of the subject house property in terms of the relevant provisions framed under Greater Hyderabad Municipal Corporation Act, 1955, within a period of three (3) weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

03.12.2019.
Msr

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