

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 28701 of 2019

Date : 27.12.2019

Between:

Alishetti Eeshwaraiah S/o Nagaih Age 73 Years
Occ Retired Employee R/o H No 1-5-3
Aravind Nagar Jagtial Town and District

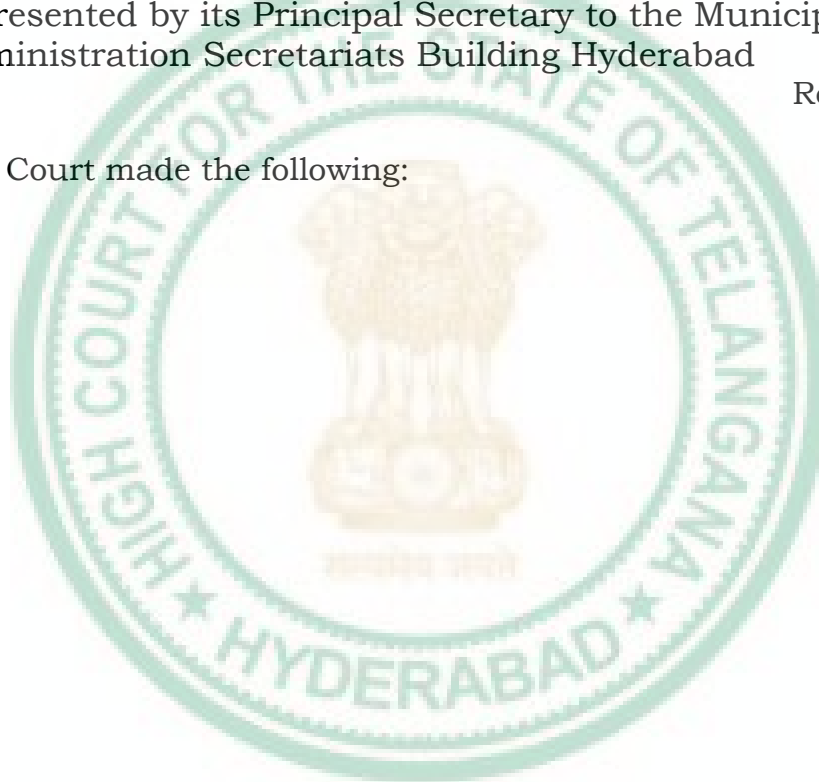
Petitioner

And

The State of Telangana And Another
represented by its Principal Secretary to the Municipal
Administration Secretariats Building Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue.

2. On 27.10.2018 notice was issued by 2nd respondent Municipality addressed to one Kokkula Ramesh informing him that by way of document dated 7.1.2011, he claimed to have purchased the property but no documents were enclosed, therefore, he was directed to produce registered documents, link documents and any other documents. Petitioner claims that very same property was purchased by him by way of registered sale deed dated 21.11.2017. Petitioner earlier filed WP No. 44644 of 2018 challenging the notice dated 8.10.2018. Said writ petition was disposed of granting liberty to the petitioner to submit explanation to notice dated 8.10.2018. Accordingly, petitioner submitted explanation enclosing copy of the registered sale deed dated 21.11.2017 and copy of the order in WP No. 44644 of 2018, which was acknowledged by respondents. On 10.6.2019 orders were passed by 2nd respondent municipality informing the petitioner that in spite of the directions issued to submit documents, documents are not submitted.

3. Learned counsel for petitioner sought to contend that in the explanation, petitioner has stated clearly as to how he purchased the property and enclosed the copy of sale deed, therefore, stand of the respondent municipality that documents not enclosed is not correct. He would further submit that by the time notices were issued in 2018,

petitioner has already purchased the land, therefore notice ought to have been given to him.

4. With reference to second contention, it cannot be said that 2nd respondent municipality was aware of the sale transaction that took place in the year 2017, wherein Mr Kokkula Ramesh stated to have sold the property to petitioner. Be that as it may, petitioner was aware of the notices issued in the year 2018; on that issue, he filed writ petition before this Court in the year 2018 and same was disposed of granting liberty to petitioner to file explanation; and petitioner filed his explanation. Therefore, it is no more open to petitioner to contend that he was not put on notice.

5. From notice dated 27.10.2018 it is seen that municipality was asking for submission of registration documents, link documents etc. Thus, the documents relating to sale transaction between Kokkula Ramesh and his vendor along with link documents have to be submitted whereas petitioner has submitted only his sale deed of the year 2017. Therefore, it cannot be said that there is compliance of the notice issued by municipality in the year 2018. Petitioner was aware of the contents of the notice and he ought to have explained about the status of earlier documents through which he traced title to the property. Therefore, I see no error in the orders impugned in this writ petition.

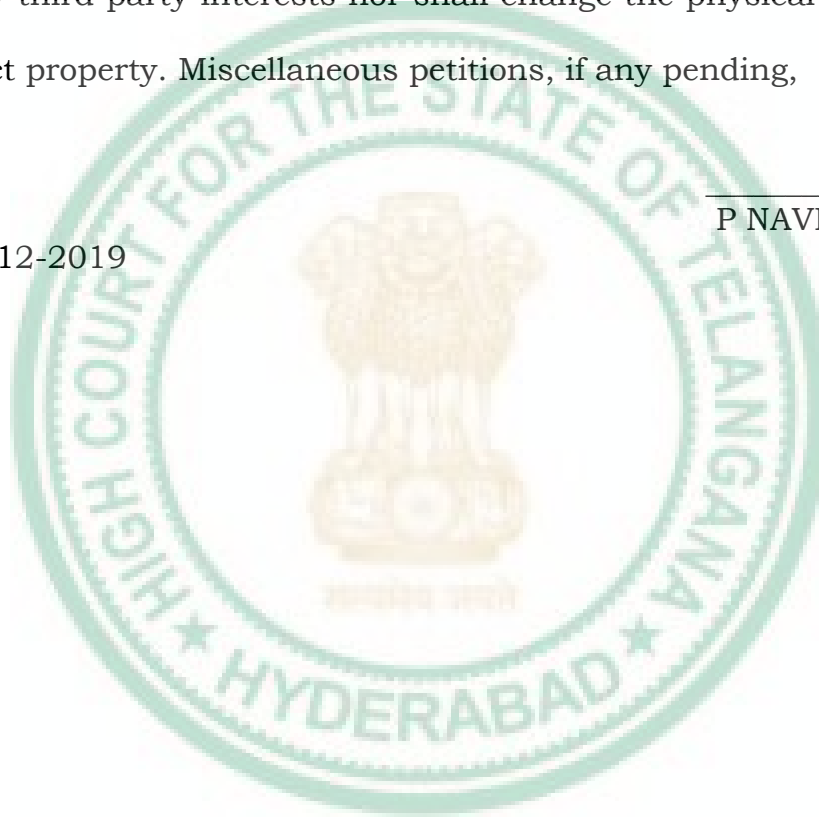
6. At this stage, learned counsel for petitioner offers to submit all the documents to the municipality for consideration of his grievance.

7. Having regard to this submission and to give one more opportunity to the writ petitioner, writ petition is disposed of granting liberty to the petitioner to file documents as sought by the Municipality

in notice dated 27.10.2018 within two weeks from the date of receipt of copy of this order. If petitioner submits fresh explanation along with relevant documents as stated above, within the time stipulated hereinabove, the 2nd respondent Municipality shall consider the same and take appropriate decision as warranted by law and till such a decision is taken, 2nd respondent municipality shall not take any coercive action against petitioner. Further, petitioner also shall not create any third party interests nor shall change the physical features of the subject property. Miscellaneous petitions, if any pending, are closed.

DATE:27-12-2019
TVK

P NAVEEN RAO,J



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