HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 25371 OF 2023

Between:

Vikkurthi Purnachander, S/o. Ramulu, Aged 34 yrs, Occ. Advocate, R/o. H.No. 8-32/5, Siricilla main road Siddipet Town and District .

..PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayath Raj Department, Secretariat, Hyderabad.
2. The District Panchayath Officer, Panchayath Raj Department, Siricilla Town, Rajanna Siricilla District.
3. The Panchayath Secretary, Rep. by its Gram Panchayath, Venkatapur Gram Panchayath, Yellareddypet Mandal, Rajanna Siricilla District.
4. Gaddi Devavva, W/o. Dharmaiah, Aged 54 yrs, Occ. House wife, Near Ambedkar Statue, Venkatapur Village, Yellareddypet Mandal, Rajanna Siricilla District - 505301.

R4 is impleaded as per C.O.dt. 12.12.2023 in IA No. 2/2023.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order, writ or direction more particularly one in the nature of writ of mandamus declaring the Proceedings issued by the Respondent No. 3 in Vide Lr.No. GP/24/2023 dated 13-04-2023 as illegal, arbitrary, unconstitutional and violation of Article 14, 21 and 300-A of Indian Constitution and consequently direct the Respondents to effect the Mutation and for Assessment of Property tax in favour of the petitioner for H.No. 2-90, situated at Venkatapur Gram Panchayath, Yellareddypet Mandal, Rajanna Siricilla District.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the Proceedings issued by the Respondent No. 3 in Vide Lr.No. GP/ 24/ 2023 dated 13-04-2023, pending disposal of main writ petition.

Counsel for the Petitioner: SRI JANARDHAN GOUD SUNKARI

Counsel for the Respondent No.1 & 2:AGP FOR PANCHAYAT RAJ-RURAL DEV

Counsel for the Respondent No.3: SRI P.KISHORE RAO,
SC FOR ZILLA PARISHADS

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.25371 OF 2023

ORDER:

This Writ Petition is filed, under Article 226 of Constitution of India, seeking the following relief:

> "...to pass an order, writ or direction more particularly one in the nature of writ of mandamus declaring the Proceedings issued by the Respondent No.3 in Vide Lr.No.GP/24/2023 dated 13.04.2023 as illegal. Arbitrary. unconstitutional and violation of Articles 14, 21 and 300-A of Indian Constitution and consequently direct the Respondents to effect the Mutation and for Assessment of Property tax in favour of the petitioner for H.No.290, situated at Venkatapur Gram Panchayath, Yellareddypet Mandal, Rajanna Siricilla District and pass..."

2. Heard Sri Sunkari Janardhan Goud, learned Counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj and Rural Development appearing for respondent Nos.1 and 2 and Sri P. Kishore Rao, learned Standing Counsel for Zilla Parishads for respondent No.3.

3. Learned counsel appearing for the petitioner would submit that the petitioner was absolute owner and possessor of the property bearing house No.2-90,

admeasuring an extent of 211.75 Sq. Yds., situated at Venkatapur Village, Yallareddypet Mandal, Rajanna Sircilla District, having purchased the same from his mother through registered Sale Deed bearing No.13294 of 2019, dated 06.12.2019, on the file of the Sub-Registrar, Sircilla.

4. The learned counsel for the petitioner submits that after purchasing the said property, the petitioner made an application to the respondent No.3-the Panchayat Secretary, to effect the mutation and for assessment of property tax certificate and the said application was forwarded to Gram Panchayat with reference No.107 successfully and the same was approved as payment completed. Subsequently, on 05.09.2022, the petitioner made a detailed representation to the respondent No.3 to effect the mutation and for assessment of property tax certificate in his favour for the said house No.2-90 of Venkatapur Village. In view of the pendency of the said representation, the petitioner approached this Court by filing Writ Petition No.568 of 2023 and this Court, *vide*

order, dated 06.01.2023, disposed of the said Writ Petition directing the respondents to pass orders on the representation of the petitioner, dated 05.09.2022, within a period of fifteen (15) days from the date of receipt of a copy of the said order and communicate the same to the petitioner.

5. The learned counsel for the petitioner further submits that the respondent No.3 issued notices to the petitioner on 01.04.2023 and 11.04.2023 *vide* letter Nos.19 and 24 of 2023 stating that the application of the petitioner was rejected due to certain objections and also requested to submit his original documents. Thereafter, the respondent No.2-the District Panchayat Officer addressed a letter to the respondent No.3 *vide* Lr.No.R2/336/2023-P, dated 12.04.2023 and directed to resolve the issue and intimate the same. In view of the same, the respondent No.3 issued the present impugned order *vide* Lr.No.GP/24/2023, dated 13.04.2023, stating that basing on the objection raised by one Sri Gaddi Dharmaiah s/o Rajaiah, the said objection was

discussed in the general body meeting of the Gram Panchayat, dated 11.04.2023 and the respondent No.3 decided not to mutate the said H.No.2-90 in favour petitioner.

6. The learned counsel for the petitioner further submits that the impugned order is totally contrary to law as the same is passed in a biased manner unilaterally in collusion with the Villagers by creating fabricated documents, without issuing the copy of alleged objections and without giving an opportunity of hearing to the petitioner by ignoring the fact that the petitioner holding a registered Sale Deed as a *bonafide* purchaser and paid the taxes for Gram Panchayat mutation fee payment and the same was accepted by the respondent No.3 and the same was approved as payment completed on 16.01.2021. Therefore, he requests to allow the Writ Petition by setting aside the impugned proceedings, dated 13.04.2023, issued by the respondent No.3.

7. On the other hand, learned Standing Counsel appearing for the respondent No.3, basing on counter, submits that in pursuance of the objections raised by one Smt. Gaddi Devavva, the mutation sought by the petitioner was rejected by conducting enquiry with the neighbourhood and informed that father of the petitioner namely Sri Vikkurthy Ramulu during his life time has sold away the old house to Smt. Gaddi Devavva by executing a Sale Deed on Non-Judicial Stamp Paper worth Rs.20/- on 20.11.2000 and since the date of purchase, the said Smt. Gaddi Devavva and her family are residing therein till today. This fact has been confirmed by neighbours and elders in the village. The petitioner is not resident of Venkatapur Village and he has come up with false claim as an afterthought. On proper verification and enquiry only, the respondent No.3 rejected the claim of the petitioner for mutation of house as there are rival claims and the alleged Sale Deed executed in the year 2019 i.e., after two (02) decades of purchase by the said Smt. Gaddi Devavva. The petitioner ought to have move

civil Court for his title on the house or at least he should have approach the District Collector by way of Appeal against the orders of rejection of mutation as per the Telangana Panchayat Raj Act, 2018 and without availing the same, the present Writ Petition is filed and prayed this Court to dismiss the Writ Petition as not maintainable.

8. After hearing learned counsel on both the sides and perusing the records, this Court is of the considered view that the petitioner purchased the subject property through the registered Sale Deed *vide* document No.13294 of 2019 on the file of the Sub-Registrar, Sircilla, on 06.12.2019 and the petitioner submitted an application for the mutation of records, along with the relevant documents, moreover, the name of the mother of the petitioner was shown as the owner of the house as per the house tax assessment details issued by the respondent-Gram Panchayat, dated 01.04.2012 and the payment receipt was also filed by the petitioner showing that the respondent-Gram Panchayat received the amounts on the name of the mother of the petitioner on

15.09.2023 as per assessment No.245. The petitioner also submitted his explanation to the notices issued by the respondent-Gram Panchayat.

9. The respondent authorities without conducting any enquiry in the presence of the petitioner have issued the impugned proceedings for rejecting the mutation of records stating that on enquiry, one Sri Gaddi Dharmaiah purchased the property from the father of the petitioner on 15.04.2006, but, in the counter affidavit, the respondent No.3 stated that one Smt. Gaddi Devavva purchased the house property from the father of the petitioner on 20.11.2000 and both are contradicting to each other and at no point of time, the respondent No.3 conducted enquiry in the presence of the petitioner.

10. In view of the same, the impugned order is liable to be set aside as the same was against the principles of natural justice and the respondent-Gram Panchayat has taken one or two contradictory stands with regard to the

ownership of the property and the same are contrary to the records. Therefore, the same is liable to be set aside.

11. In view of the above findings, this Writ Petition is disposed of by setting aside the impugned order *vide* Lr.No.GP/24/2023, dated 13.04.2023, issued by the respondent No.3 and the respondents are directed to effect the mutation in favour of the petitioner for H.No.2-90 situated at Venkatapur Gram Panchayat. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

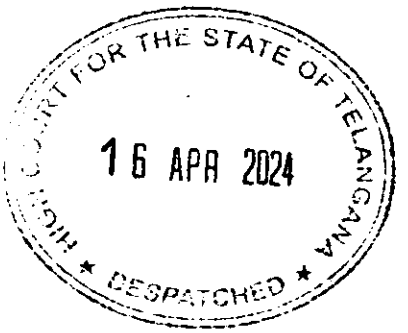
1. The Principal Secretary, Panchayath Raj Department, Secretariat, Hyderabad, State of Telangana.
2. The District Panchayath Officer, Panchayath Raj Department, Siricilla Town, Rajanna Siricilla District.
3. The Panchayath Secretary, Gram Panchayath, Venkatapur Gram Panchayath, Yellareddypet Mandal, Rajanna Siricilla District.
4. One CC to SRI JANARDHAN GOUD SUNKARI, Advocate [OPUC]
5. One CC to SRI P.KISHORE RAO, SC FOR ZILLA PARISHADS [OPUC]
6. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

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KKS

HIGH COURT

DATED: 21/02/2024



ORDER

WP.No.25371 of 2023

DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

(10) Copies

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4/4/24