IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.201174 OF 2025 (LB-RES)

BETWEEN:

ACHALA
W/O. ANILCHAND SHAH,
AGE:79 YEARS,
OCC: HOMEMAKER,
R/O: ALAND, TQ: ALAND,
DIST: KALABURAGI – 585 302.

…PETITIONER

(BY SRI. DESHPANDE G.V, ADVOCATE FOR
SRI. ANANTH S. JAHAGIRDAR, ADVOCATE)

AND:

Digitally signed by LUCYGRACE
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRL. SECRETARY,
DEPARTMENT OF MUNICIPAL ADMINISTRATION,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU – 560 001.

2. THE DIRECTOR OF MUNICIPAL ADMINSTRATION,
9TH AND 10TH FLOOR, VISHVESHWARAIAH TOWER,
DR B. R. AMBEDKAR VEEDHI,
BENGALURU – 560 001.

3. THE DEPUTY COMMISSIONER
KALABURAGI,
DIST: KALABURAGI – 585 102.

4. THE CHIEF OFFICER
TOWN MUNICIPAL COUNCIL, ALAND,
TQ.ALAND, DIST: KALABURAGI – 585 302.

…RESPONDENTS

(BY SMT. ARATI PATIL, HCGP FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NO.4 TO CONSIDER THE APPLICATION DATED:21.10.2024 VIDE ANNEXURE-F, WITH A DIRECTIONS TO MUTATE THE NAME OF PETITIONER TO THE HOUSE BEARING TMC NO.3-5-31-OLD, 4-4-70-NEW SITUATED ON MAIN ROAD ALAND, DISTRICT KALABURAGI, AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Deshpande G.V., who represents Sri Ananth S.Jahagirdar, learned counsel for the petitioner.

2. This writ petition is filed seeking the Court to direct respondent No.4 to consider the application of the petitioner and also to direct respondent No.4 to mutate the name of the petitioner in respect of the house bearing

TMC No.3-5-31 which corresponds to New No.4-4-70 which is located at Aland, Kalaburagi District.

3. Learned counsel for the petitioner submits that the husband of the petitioner was the absolute owner of the house bearing TMC No.3-5-31 which is located at Aland of Kalaburagi district. The husband of the petitioner bequeathed the said property in the name of the petitioner and executed a registered Will in her favour. The husband of the petitioner died. Thereafter, the petitioner submitted an application requesting respondent No.4 i.e., the Chief Officer, Town Municipal Council, Aland to mutate her name in respect of the house property. However, respondent No.4 did not respond and therefore the present writ petition is filed.

4. Learned High Court Government Pleader, Mrs.Arati Patil who waives notice for respondent Nos.1 to 3, submits that the application will be considered.

5. As per the material available on record, the application was submitted in the month of October, 2024.

Why the said application is still pending is not clarified. Therefore, having considered the justification in the relief sought for, the writ petition is disposed of with the following direction.

6. Respondent No.4 – the Chief Officer, Town Municipal Council, Aland Taluk, Kalaburagi District is directed to consider the application of the petitioner dated 21.10.2024 and to pass appropriate orders within a period of four weeks from the date of receipt of certified copy of this order.

7. The decision taken be communicated to the petitioner.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

SN
List No.: 1 Sl No.: 38
CT:NI