HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8419 of 2015

ORDER:

The writ petitioner is aggrieved of the action of the 3rd and 4th respondents, in not acting upon his application dated 23.02.2015 for mutation of his name in the revenue records.

2. The petitioner's case is that originally the schedule land covered in R.S.No.18/1 a extent of Ac.1-62 cents, R.S.No.24/1 an extent of Ac.7-50 cents and R.S.No.24/2 an extent of Ac.0-40 cents situated in Shivagiri village, Polavaram Mandal, W.G.District acquired by his uncle Sri Kotineti Lachireddy and during his lifetime he acquired the said land and later he executed a Will dated 09.09.2006 bequeathing the said land in his favour. Accordingly, the petitioner is in possession and enjoyment of the schedule land from 2006 onwards. He further submits that though he made an application on 23.02.2015, along with all relevant documents, to the 4th respondent-Tahsildar for issuance of Pattadar Passbook and title deeds for the schedule land in his favour and for mutation of his name in the revenue records, till date no action is taken upon his application by the 4th respondent.

3. Heard the petitioner's counsel, the learned Government Pleader and perused the record.

4. At the hearing, the petitioner's counsel fairly concedes that though the petitioner made an application for issuance of pattadar passbook and title deed and for mutation of his name in the revenue records with respect to the schedule land, the said application is not in the requisite format which is Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act').

5. It is appropriate to notice that in terms of Section 4 of the Act, any person acquiring by succession or survivorship or inheritance or by partition or by way of a decree from a Court any right as owner, pattadar, mortgagee, occupant or tenant of a land, shall intimate, in writing, his/her acquisition of such right to the Mandal Revenue Officer within 90 days from the date of such acquisition and then, the Mandal Revenue Officer shall give an acknowledgment of the receipt

of such intimation. Thereafter, under Section 5 of the said Act, the Mandal Revenue Officer shall determine as to whether and, if so, in what manner, the Record of Rights may be amended in consequence of the application made and carry out necessary amendments in the Record of Rights in accordance with such determination. It will also be appropriate to notice that Rules were also framed in 1989 for giving effect to the provisions of the Act; and as per Rule 9, after due completion of enquiry, the recording authority shall pass orders in respect of cases requiring change of registry necessitated by succession, when it is not disputed. Form VI (A) is prescribed as the proper form for intimation of acquisition of rights in terms of Section 4 of the Act, as per sub-rule (2) of Rule 18 of the Rules.

6. Inasmuch as the petitioner's application is not in the prescribed format, I deem it appropriate to dispose of the Writ Petition by giving liberty to the petitioner to submit his application in Form-VI (A) to the recording authority, i.e., the 4th respondent-Tahsildar. Within three months of such application by the petitioner, the Tahsildar, in exercise of his powers under Section 5 of the Act and the Rules made there under, shall pass appropriate orders, in accordance with law.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

30th March, 2015

SSV