

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.3347 of 2015

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Between:

1. Gontu Nagamma and others

PETITIONERS

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Development Department, Secretariat, Hyderabad, and
others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue an order or order or direction, more in the nature writ of mandamus declaring the action of the respondents in not issuing the pattadar pass books and title deeds in respect of the lands assigned and possessed by the petitioners in survey numbers 2198/4, 2198/3, 2198/5, 2198/8, 2199/3, 2199/4, 2199/1, 2199/2, 2197/4, 2198/2, 2198/6, 2196/2 and 2198/7 respectively of Peddavarampadu, Obulavaripalli Mandal, Y S R District as wholly arbitrary, illegal unjust and unconstitutional and consequently direct the respondents to issue pattadar pass books and title deeds in respect of the lands forthwith...”

The case of the petitioners is that they are all beneficiaries of assignment of small extents of agricultural land situated at Chinnampalli Village, via Peddavarampadu, Obulavaripalli Mandal, YSR Kadapa District. As the bank official insisting for pattadar pass books and title deeds to get agricultural loans, the petitioners approached the Revenue authorities by filing an application in Form VI-A on 01.12.2014. The petitioners state that even on earlier occasion also they filed representations for issuance of pattadar pass books and title deeds, but in vain. Hence they filed the present writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (A.P.) and learned Government Pleader for Assignment (A.P.) for respondents.

It is appropriate to notice that in terms of Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 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 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 the necessary amendment 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. 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 indicating intimation of acquisition of rights in terms of Section 4 of the Act, as per sub-rule (2) of Rule 18 of the Rules.

A reading of Section 4 does not leave any manner of doubt that there is a duty cast on the petitioners to approach the recording authority under the Act intimating about the acquisition of right and such intimation is required to be given within 90 days. As and when such intimation is given by following necessary procedure as prescribed under Section 4 of the Act, necessary steps would be taken by the recording authority, the 3rd respondent herein under Section 5 of the Act. Merely because the 3rd respondent happens to be the patta granting authority, *ip so facto*, it cannot be said that there is parallel duty cast on the 3rd respondent to undertake mutation as the role of the authority is distinct and different.

Be that as it may, considering the fact that the petitioners had filed necessary application in the prescribed format and that the pattas came to be granted in the year 1988, I deem it appropriate to direct the

3rd respondent to consider the application of the petitioners and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of six months from today.

With the above direction, the Writ Petition stands disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

18th March, 2015
Js.