

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.8350 of 2015

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Between:

Shaik Moulali

PETITIONER

AND

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

RESPONDENTS

ORDER:

The petitioner and his brother jointly purchased dry land in an extent of Ac.3.35 cents in Sy.No.338-1B of Sattenapalli Town, Guntur District from Gottimukkla Issac under a registered sale deed vide document No.4967/1966. Out of the said land the petitioner and his brother have gifted 224 sq. yards on 17.02.2007 to the Mandal Development Officer, Sattenapalli for construction of Mandal Parishad School, Ac.0.80 cents was alienated for their family needs and they have been

cultivating the remaining extent of Ac.2.55 cents land. It is stated that the brother of the petitioner died on 6.10.2008 and thereafter, the petitioner and the legal heirs of his brother have made a representation to the 4th respondent for issuance of pattadar pass books and title deeds, but no action has been taken so far on the said representation. Hence the petitioner filed the present writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (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 petitioner 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 should be taken by the recording authority, the 4th respondent herein under Section 5 of the Act.

Be that as it may, considering the fact that the petitioner filed necessary application in the prescribed format, I deem it appropriate to direct the 4th respondent to consider the application of the petitioner 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 is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

30th March, 2015

Js.