

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7238 of 2015

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Between:

Vadlakonda Pullaiah

PETITIONER

AND

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

RESPONDENTS

ORDER:

The case of the petitioner is that originally his grand father was given Inam land admeasuring a total extent of Ac.6.10 gts in Sy.Nos.754, 755/A, 755/AA and 770 by the then Nizam Government, situated at Uppaaka Revenue Village, Pinapaka Mandal, Khammam District. He was issued pattadar pass books and title deeds and his name was also entered into the revenue records. Now he is the successor of the said property. It is stated that till the years 2007-2008 his grand father name was reflecting in the Pahanies. Taking advantage of the absence of the petitioner in the village, one Saniganti Saraiah and others by playing fraud got entered their names in the possession column. It is his grievance that though he has submitted representation in Form VI-A dated 23.02.2015 before the 4th respondent and 26.02.2015 before the 3rd respondent, they are not passing any orders on the said representations. Hence he filed the present writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (Telangana) 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 4th respondent herein under Section 5 of the Act. Merely because the 4th respondent happens to be the patta granting authority, *ip so facto*, it cannot be said that there is parallel duty cast on him to undertake mutation as the role of the authority is distinct and different.

Be that as it may, considering the fact that the petitioner filed necessary application in the prescribed format and that the patta has been granted by the then Nizam Government, 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.

20th March, 2015
Js.

CHALLA KODANDA RAM, J.