

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5303 of 2015

ORDER:

The writ petitioner is aggrieved of the action of the 1st respondent-Tahsildar, in not considering his representation dated 07.03.2012 submitted for rectifying certain discrepancies in pattadar passbooks and title deeds issued to him.

2. Briefly stated, the case of the petitioner is that he was assigned lands in an extent of Ac.2-70 cents and Ac.2-03 cents in Survey Nos.158/2 and 169/2 of Gollalapalem village, Sabbavaram mandal, Visakhapatnam district. Consequently, the 1st respondent issued pattadar passbook, but only Ac.2-70 cents in Survey No.158/2 was mentioned in it. The petitioner made a representation to the 1st respondent requesting to mention the details of the land assigned to him in Survey No.158/2 also in the pattadar passbook; but this time, the 1st respondent issued pattadar passbook without mentioning Survey No.158/2. The petitioner states that the adangal Nos.2 and 3 for the years 1992 and 2009-10 show his possession of the lands assigned to him in Survey Nos.158/2 and 169/2. The petitioner states that he made several representations, including the one on 07.03.2012, to the 1st respondent bringing the discrepancy to his notice, but no action is taken yet.

3. Heard the petitioner's counsel and the learned Assistant Government Pleader.

4. At the hearing, the petitioner's counsel fairly concedes that though the petitioner made a representation on 07.03.2012, the said representation does not conform to the procedure prescribed under Section 4 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') and the Rules made thereunder, and the application is not in the requisite format which is Form-VI (A), as

specified under 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/ Tahsildar shall give an acknowledgment of the receipt of such intimation. Thereafter, under Section 5 of the said Act, the Mandal Revenue Officer/ Tahsildar 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 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 1st respondent-Tahsildar, intimating the details of his acquisition of right to the property and the manner in which the said right has been acquired, within a period of two weeks from the date of receipt of a copy of this order. 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. No order as to costs.

7. Accordingly, the writ petition is disposed of. No costs.

Pending miscellaneous petitions shall stand closed.

CHALLA KODANDA RAM, J

04th March, 2015

ksm