

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2998 of 2015

ORDER:

The petitioner seeks a writ of mandamus declaring the action of respondents 3 and 4 in not issuing pattadar pass book and title deed in respect of his agricultural land admeasuring Ac.1-98 cents of Koduru village of Chilamathur mandal, Ananthapuramu district, as illegal and arbitrary, and consequently direct the 4th respondent-Tahsildar to issue passbook and title deed in respect of the said land.

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

3. It is appropriate to notice that in terms of Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short '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.

4. Hence, the petitioner shall submit an Application in Form VI (A) to the recording authority i.e. the 4th respondent herein, indicating the details of his acquisition of property. On such application being filed, the 4th respondent shall deal with the same and pass appropriate orders, within a maximum period of three months from the date of application of the petitioner.

5. With this, the writ petition stands disposed of at the stage of admission. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

12th February, 2015

KSM