

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1047 OF 2015

O R D E R:

The petitioners herein sought for a writ of mandamus declaring the action of the Tahsildar, Podalakuru Mandal, SPSR Nellore District, the 4th respondent herein, in not issuing pattadar pass book and title deeds in respect of the land, in an extent of Ac.13-72 cents in Survey Nos. 605/1, 605/2, 608/1, 608/2, 608/3, 608/4, 609/1 situated at Marupuru Village, Podalakuru Mandal, SPSR Nellore District in their favour, as illegal.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue 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 (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 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.

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

With this, the Writ Petition stands disposed of at the stage of admission. There shall be no order as to costs.

Consequently, the miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J

Dated:28.01.2015.

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