

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12329 of 2015

ORDER:

Petitioner is aggrieved by the action of the 1st respondent-Tahsildar, Jammikunta Mandal in not passing any final orders in pursuance of the Notice issued in Proceedings No.B/3815/2013, dated 08.10.2014.

The grievance of the petitioner is that the land over an extent of Ac.9-09 cents situated in Sy.Nos.302, 303, 307 and 308 situated in Ellandakunta (V) of Jammikunta Mandal is his ancestral property, and on account of the demise of his father Katamguri Janardhan Reddy, he along with his family members are in possession and enjoyment of the said land. Petitioner filed an application in Form VI-A as prescribed under Section 4 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') seeking succession to the property. The 1st respondent-Tahsildar had taken the application on file and also served a Notice vide Memo No.B/12917/2013, dated 22.03.2014 to the petitioner, as required. When the enquiry is being conducted one Polusani Sampath Rao, resident of Sayampet Village, objected for mutation of their names stating that he came to purchase the subject property from the father of the petitioner. Considering the objection raised by the said Sampath Rao, the Tahsildar issued notice and fixed up a date of hearing as 10.10.2014 at 11 a.m. However, on 10.10.2014 as the 6th respondent was not present, the case was not taken up and thereafter no progress was made in the enquiry. Hence, the Writ Petition.

Having considered the submission of the learned counsel for the petitioner, the Writ Petition can be disposed of with a direction to the 1st respondent to complete the enquiry in connection with granting of succession rights in favour of the petitioner, with respect to the property over an extent of Ac.9-09 cents situated in Sy.Nos.302, 303, 307 and 308 at Ellanthakunta Village of Jammikunta Mandal, and complete the same within a period of four months. However, a perusal of Notice dated 08.10.2014 reveals that the

Tahsildar had directed 6th respondent to be present on 10.10.2014 at 11.00 a.m., and the said notice came to be issued from Jammikunta, whereas the parties are residents of Sayempet. It is needless to mention that the authority should be conscious of the fact that the service of notice takes time and a reasonable time ought to be given to the party respondents to appear before them, as otherwise there is always a possibility of parties contending that there is no notice to them. The 1st respondent-Tahsildar, Jammikunta Mandal, shall ensure that adequate opportunity is given to all the parties before passing orders.

Writ petition is disposed of at the admission stage. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall also stand dismissed.

CHALLA KODANDA RAM, J

Date: 01.05.2015

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