

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13209 of 2015

ORDER:

Questioning the inaction of respondent No.4 in issuing pattadar passbooks and title deeds to the petitioners in respect of their land over an extent of Ac.0-35 guntas in Survey No.1340-3 of Lingareddy village H/o Siddipet, Siddipet mandal, Medak district, inspite of submitting applications on 07.05.2014, 20.09.2014 and 26.02.2015, this writ petition is filed.

2. It is the case of petitioners that they are the owners of land over an extent of Ac.0-35 guntas in Survey No.1340-3 of Lingareddy village H/o Siddipet, Siddipet mandal, Medak district, by way of purchase from one T.V. Suresh Vishnu, through registered sale deed dated 06.05.2014. Thereafter, they submitted application to the 4th respondent for mutating their names in revenue records. Inspite of making 07.05.2014, 20.09.2014 and 26.02.2015, no action is taken till date. Hence, the writ petition.

3. Heard learned counsel for the petitioners and the learned Government Pleader.

4. At the hearing, the petitioners counsel fairly concedes that though the petitioners made applications for mutation, the applications are not in the prescribed format which is Form-VI (A), as specified under the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, '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 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.

6. Inasmuch as the applications submitted by the petitioners are not in the prescribed format, I deem it appropriate to dispose of the writ petition by giving liberty to the petitioners to submit their application in Form-VI (A) to the recording authority, i.e., the 4th respondent-Tahsildar. Within four months of such application by the petitioners, 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.

7. Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed, in consequence.

CHALLA KODANDA RAM, J

29th April, 2015

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