

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12252 of 2015

ORDER:

The petitioner is aggrieved of the action of the 3rd respondent-Tahsildar, in not acting upon his applications dated 27.12.2013 and 12.11.2014 for mutation of his name in the revenue records.

2. The petitioner's case is that he is the owner and possessor of Ac.1-08 guntas in Survey Nos.310 and 311 of Macherial village and mandal, Adilabad district, by way of purchase from one Gurram Pochamallu in the year 1979; and in the same year, the petitioner, along with other purchasers, filed a suit for declaration in O.S.No.267 of 1979 on the file of Junior Civil Judge, Luxettipet, Adilabad, and the suit was decreed. The petitioner made an application on 27.12.2013 and also on 12.11.2014 seeking mutation of name in the revenue records. But, till date, no action is taken up on his applications.

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

4. At the hearing, the petitioner's counsel fairly concedes that though the petitioner made an application for mutation, the said application is 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 petitioner's 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 recording authority, i.e., the 3rd respondent-Tahsildar. Within five 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.

7. Accordingly, the writ petition is disposed of. No costs. Pending miscellaneous petitions shall stand closed.

CHALLA KODANDA RAM, J

24th April, 2015
ksm