

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CONTEMPT CASE No.657 of 2015

ORDER:

This contempt case is initiated on the footing that the order passed by this Court in W.P.No.36009 of 2014 on 26.11.2014 has been purposefully and deliberately violated by the respondent-Mandal Revenue Officer, Dubbaka.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

While deciding W.P.No.36009 of 2014, it was pointed out that as per Section 4 of Andhra Pradesh Record of Rights Act 1971, any person acquiring any interest by succession or survivorship shall deliver the necessary intimation to the Recording Authority in Form-VI-A and thereafter, the Recording Authority shall deal with such an application as expeditiously as possible.

What the learned Assistant Government Pleader has pointed out was that as per the directions of this Court dated 26.11.2014, the MRO, Dubbaka has considered the matter and he passed an order on 23.02.2015 and during the course of the said order, he has noted that the father of the writ petitioner has donated the land of extent of 2 acres for establishing a ZP school. Accordingly, ZP school was established and it is functioning in the said land. So far as the remaining land is concerned, it is observed by the MRO that the mother of the writ petitioner by name Smt. Y.Rajamani has sold out the same through two ordinary sale deeds dated 18.08.1999 and 20.10.1999 to Sri K.Bangaraiah, Sumathi and Ravikanth.

In that view of the matter, the MRO rejected the petition for grant of succession or mutation to the land in question as no land remains for grant of any such certificate.

Learned counsel for the petitioner would submit that these

findings of the MRO are totally incorrect and it is not based upon true and correct facts. I am afraid that I cannot appreciate the contention by the learned counsel for the petitioner for, the petitioner has to necessarily establish that there is still land available for him to solicit mutation after the 2 acres donated by his father for establishing the ZP school and the balance land having already been sold away by his mother during her lifetime in the year 1999 itself. Therefore, leaving it open to the petitioner to challenge the correctness and sustainability of the order passed by the MRO, Dubbaka rejecting the application of the petitioner for grant of succession, I dismiss this case.

Accordingly, this contempt case is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

28.08.2015
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