

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 2584 of 2015

DATE: 10.02.2015

Between:

G. Nagesh Babu
and four others

.. Petitioners

And

The State of Andhra Pradesh and four others

.. Respondents

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ORDER:-

This writ petition is filed seeking a mandamus to declare the action of the respondents in not issuing pattadar passbooks and title deeds in respect of the lands in an extent of Ac.0.88 cents in Sy.No.294/4 and Ac.0.94 cents in Sy.No.294/5 situated in Ethuru village, Punganur Mandal, Chittoor District in favour of the petitioners, as illegal and arbitrary.

It is appropriate to notice that in terms of Section 4 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for brevity "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 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 acknowledgement of the receipt of such intimation. Thereafter, under Section 5 of the 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.

Sri T.V.S.Kumar, learned counsel for the petitioners, has submitted that the petitioners may be permitted to file an application in the prescribed form within the time that may be stipulated by this Court and on filing such application, the 4th respondent-Tahsildar may be directed to consider the same and pass appropriate orders.

In view of the submission made by the learned counsel for the petitioners, this Court deems it appropriate to dispose of the writ petition with the following directions:

“The petitioners shall file an application to the 4th respondent-Tahsildar in accordance with the form prescribed under the Act and the Rules made thereunder within two weeks from the date of receipt of a copy of this order. On such application being filed, the 4th respondent shall consider the same and pass appropriate orders thereon in accordance with law, within two months thereafter.”

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

10.02.2015

bcj