

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6650 of 2015

ORDER:

The writ petitioner is aggrieved of the action of the 3rd respondent-Tahsildar, in not acting upon his application dated 31.01.2014 for mutation of his name in the revenue records.

2. The petitioner's case is that he is the owner and possessor of certain extents of lands in Survey Nos.456/1, 456/2, 475/1 and 475/2 of Nidumolu village, Movva mandal, Krishna district; and he was issued pattadar passbooks and title deeds for the lands. He states that he acquired certain properties after issuance of pattadar passbooks and title deeds, and hence he made an application on 31.01.2014 to the 3rd respondent-Tahsildar, seeking mutation of his name in the revenue records, against the lands that pertain to him. He states that as the 3rd respondent was not initiating any action on his application, he got issued a legal notice on 25.06.2014, but till date no action is taken up on his application.

3. Heard the petitioner's counsel, the learned Government Pleader and perused the record.

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 requisite 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 three 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

17th March, 2015

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