

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9063 of 2015

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Between:

Smt. K. Padma

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, A.P. Secretariat, Hyderabad, and another.

RESPONDENTS

ORDER:

The petitioner claims to have purchased an extent of Ac.1.07 cents in Sy.No.1283/1-4 and an extent of Ac.1.85 cents in Sy.No.1283/2-4 situated at Chinna Ananaluru, Kaligir Mandal, SPSR Nellore District from one Smt. K.V.S. Ganga Balathripurasundari through registered sale deed dated 9.08.2011. As there was a mistake in mentioning of survey number, the same was rectified through rectification deed bearing Document No.835/1995. The petitioner made an application on 19.01.2015 to the 2nd respondent in the prescribed format for mutation of her name

in the revenue records and for issuance of patadar passbooks and title deeds in respect of the above said piece of agricultural land by paying requisite fee. As no action has so far been taken by the 2nd respondent, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (A.P) for respondents.

It is appropriate to notice that in terms of Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 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 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 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.

A reading of Section 4 does not leave any manner of doubt that there is a duty cast on the petitioners to approach the recording authority under the Act intimating about the acquisition of right and such intimation is required to be given within 90 days. As and when such intimation is given by following necessary procedure as prescribed under Section 4 of the Act, necessary steps would be taken by the recording authority, the 2nd respondent herein, under Section 5 of the Act.

Considering the fact that the petitioner filed necessary application on 19.01.2015 in the prescribed format, I deem it appropriate to direct the 2nd respondent to consider the application of the petitioner and pass appropriate orders

in accordance with law, as expeditiously as possible, preferably within a period of six months from today.

With the above direction, the Writ Petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

1st April, 2015

Js.