

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11497 OF 2015

ORDER:

This writ petition is filed by the petitioners questioning the action of the respondents in not issuing the pattadar pass books and title deeds in their favour with respect to the lands claimed in Form I-A submitted under Rule 5(1) Clause (B) of A.P Rights in Land and Pattadar Pass Books Act, 1994 (for short, "the Act") situated at Valluru Village, Nellimarla Mandal, Vizianagaram District.

It is the case of the petitioners that their parents were the owners and possessors of the land over a total extent of Ac.46.24 cents situated in Sy.No.853/2/3, Ramanujavaram Village, Manuguru Mandal, Khammam District and they were issued pattadar pass books and title deeds by the revenue authorities and after their demise, the petitioners herein were became the absolute owners as they are the legal heirs of their parents. Thereafter, the petitioners submitted a proforma application on 06.01.2014 to the 3rd respondent-Tahsildar requesting him to record their names in the revenue records and issue necessary pattadar pass books and title deeds in their favour and the 3rd respondent- Tahsildar did not take any steps so far on the said application. Hence, the writ petition.

Heard Sri T.B.B. Krishna Mohan, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (A.P).

Learned counsel for the petitioners submits that even though the petitioners submitted an application on 06.01.2014 to the 3rd respondent-Tahsildar, requesting him to record their names in the revenue records, the 3rd respondent has not taken any steps so far and hence, he prays to allow the writ petition.

As can be seen from the record, it is clear that the petitioners are the legal heirs of their father late Sri Sambamurthy and mother late Smt Shankamma and it is a case of alterations of revenue records and issuance of pattadar pass books and title deeds by changing the names in the revenue records.

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.

Inasmuch as the petitioners' application is not in the prescribed format, I deem it appropriate to dispose of the writ petition by giving liberty to the petitioners to submit their application in Form-VI (A) to the recording authority, i.e., the 3rd respondent-Tahsildar. Within five months of such application by the petitioners, 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.

Accordingly, the writ petition is disposed of. No costs.

Pending miscellaneous petitions shall stand closed.

CHALLA KODANDA RAM,J

Date:21.04.2015.

Gk.

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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