

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9165 of 2015

ORDER:

The writ petitioner is aggrieved of the action of the 2nd respondent-Tahsildar, in not acting upon his application dated 17.01.2015 for mutation of his name in the revenue records.

2. It is the case of the petitioner that he is the owner and possessor of land over an extent of Ac.0-20 guntas in Survey No.369/AA of Ponkal village, Jannaram mandal, Adilabad district, by way of purchase from its previous owner Garrepalli Raja Goud in the year 1985, and the Tahsildar issued pattadar passbooks in his favour in the year 1995. On coming to know that his name was not mutated in the revenue records, he made an application on 17.01.2015 to the Tahsildar seeking mutation of his name, but no action is taken till date.

3. Heard the learned counsel for the petitioner counsel and the learned Government Pleader.

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 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. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

02nd April, 2015

ksm